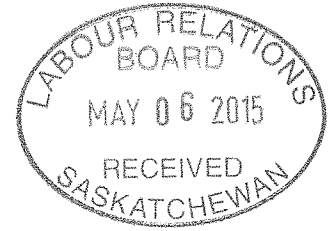


LRB FILE No. 273-14

IN THE MATTER OF AN APPEAL TO AN ADJUDICATOR  
UNDER PART III OF THE SASKATCHEWAN EMPLOYMENT ACT



BETWEEN

**Samantha Koslowski**

APPELLANT

AND

**College Pro Painters**

RESPONDENT

BEFORE

DAVID MILLER, Adjudicator

For the Appellant:  
Samantha Koslowski

For the Respondent:

April 2, 2015  
Regina, Saskatchewan

**Name of the Appellant**

Samantha Koslowski

**Name of the Respondent**

Atifa Osmon

**Appearances:**

**On behalf of the Appellant:**

1. Samantha Koslowski  
Painter

**On behalf of the Respondent:**

There was no representation on behalf of the respondent as they could not be contacted after many unsuccessful attempts to contact them which included; registered mail to the last known address, email to the last known email address on file, telephone via the last known telephone number on file.

**The Issue:**

1. On September 5th, 2012, in accordance with Section 50 of the Occupational Health and Safety Act, 1993, Samantha Koslowski, appealed the August 15, 2012 decision of the Occupational Health and Safety Officer who issued **Occupational Health Officer Report OR-KGO-0145** . The Director referred the matter pursuant to section 51 of the Occupational Health and Safety Act, 1993 directly to an adjudicator. The said notice contained two main areas of contraventions; relating to discriminatory actions, section 2(g) of the Act , section 27.and section 28. The focus of the appeal, being that the appellant refuted the respondents good and sufficient other reasons for termination and that she continually raised Occupational Health and Safety concerns and the respondent failed to provide the necessary safety equipment.
2. The core of the issue is centred on the interpretation of Section 27 and 28 of the Occupational Health and Safety Act, 1993.
3. The issues to be answered are:
  - (1)Was the worker discriminated against?
  - (2)Prior to discriminatory action did the worker engage in any activities identified in Section 27

of the Occupational Health and Safety Act, 1993?

(3) Did the employer have good and sufficient other reason ?

### **Preliminary Matters**

This file was referred to my attention December 19, 2014 under reference LRB-273-14 and has been outstanding from September 5, 2012. There was no documentation attached to the file which indicated when the file was originally referred to an adjudicator by the Director. As a result of the delay, my attempts to contact the Appellant and Respondent to proceed to hearing was difficult. On February 6, 2015, Registered letters were sent to the last known mailing address' of the parties and both letters were returned as "undeliverable". A detailed review of the file was made and last known telephone numbers were discovered and subsequent phone calls made. The telephone number for Ms. Osman was not in service and a message manager service was discovered on Ms. Koslowski number. On March 8, 2015 a message was left. On March 11, 2015, electronic mails were then sent to the parties last known email address' and Ms. Osman's was returned as "undeliverable" and there was no immediate response from Ms. Koslowski. On March 16, 2015 Ms. Koslowski responded via email providing a revised mailing address and telephone number. On March 21, 2015 I spoke to Ms. Koslowski regarding tentative dates for the hearing and it was agreed that April 2, 2015 at 1:00 pm was acceptable. On March 24, 2015 an email was sent to the Ministry of Labour Relations and Workplace Safety advising of the date of hearing. The Ministry responded advising that they would not be participating in this matter and would not participate in the conference call.

A thorough review of the documentation was conducted and it was found that several documents were not included in the package received as the file was assigned:

- a) Officers Report OR-KKL-0032
- b) Director's letter referring this matter to an adjudicator
- c) Notice of Appeal from College Pro Painters re: NC-SWE-0053 to the Director
- d) Letter to officers directing them to conduct an additional investigation.
- e) A copy of the initial anonymous complaint regarding health and safety concerns which was received at the OH&S Division on or about May 15, 2012, OR-NAR-0217

It is my opinion that the long delay in having this matter before an adjudicator has had a negative impact on the process. The file is not complete and several issues have been identified which may have had an impact on the decision to over-rule the Notice of Contravention. It should also be noted that during the delay, the Respondent could not be located and is no longer the franchise.

The hearing via telephone was conducted April 2, 2015 commencing 1:00 pm.

### **Facts**

5. Samantha Koslowski was employed by Atifa Osmon a franchise holder of College Pro Painters from May 7, 2012 to June 6, 2012. Ms. Koslowski's contract was from May 7, 2012 until August 31, 2012.
6. Ms. Koslowski was hired as a painter and was assigned the responsibility of paint carrier which

required her to pick up the paint and supplies for job sites.

7. On May 18, 2012 **Occupational Health Officer Report OR-KKL-0032** was issued outlining issues identified as training of workers section 19, protection against falling , section 116 and ladder safety, section 253, and first aid personell and supplies available.

8. On June 12, 2015 **OR-SWE-0173** was issued.

9. On June 29, 2012 a letter was sent to the Respondent advising a complaint had been recieved from the Appellant on June 22, 2012. advising she had been terminated on June 6, 2012.. The letter requested “good and sufficient other reasons” for termination.

10. On July 31, 2012 **Notice of Contravention NC-SWE-0053** was issued.

11. The notice of contravention orders the employer to provide a remedy to the contravention by August 7, 2015. It was noted that the employer refused to sign the Notice of Contravention and a progress report was left with them.

12 .A copy of the two page Notice of Contravention dated July 31,, 2012, documenting the background details the following notes with respect to the termination:

*“Discriminatory Action.*

*Act 27*

*Based on my investigation, and information provided to this officer, I am of the opinion that the employer has taken discriminatory action against Samantha Koslowski by firing her because the worker brought forth several Occupational Health and Safety concerns on different occasions.*

*On June 29, 2012 I asked the employer to provide goode and sufficient other reason for the termination of Ms. Koslowski.*

*Pursuant to section 28(4) of the Act, the onus is on the employer to establish that the discriminatory act was tqken againt the worker for good and sufficient other reaseon. The emloyer failed to establish good and sufficient other reasons for the discriminatory action, for the following reasons:*

*-insufficient information regarding the reason for the termination of the employment of Ms.Kosloswsi  
-An initial anonymous complaint regarding health and safety concerns was recieved at the OH&S Division on or about May 15, 2012, see OR-NAR-0217. In addition two further complaints were recieved by Occupational Health and Safety on May 18, 2012 and June 7, 2012 which resulted in OR-KKL-0032 and OR-SWE-0173. On each of these inspections, work was not being performed but specific Occupational Health and Safety concerns were discussed with either the Franchise owner (Atifa Osmon) or the supervisor and workers at the worksites. The common concerns identified in the reports were training of the workers, fall protection and ladders. These concerns are consitent with some of those raised by Ms. Koslowski prior to her termination.*

*This contravenes Section 27, of The Occupational Health and Safety Act, 1993.*

*The employer shall comply by:*

- a) *ceasing the discriminatory action*
- b) *reinstating the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;*
- c) *paying to the worker any wages that the worker would have earned if the worker had not been wrongfully discriminated against; and*
- d) *removing any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.*

13. On August 15 2012, **Occupational Health Officer Report OR-KGO-0145** is issued, outlining an additional investigation has been conducted regarding **Notice of Contravention NC-SWE-0053** advising that the employer has provided “good and sufficient other reasons” and there is no violation of Section 27 (Discriminatory Action prohibited in certain circumstances).

14. On September 5, 2012 Samantha Koslowski appeals the decision to the Director.

15. On December 19, 2014, the matter is referred to an adjudicator under reference LRB 273-14.

16. On February 6, , 2015 the parties are informed of the appointment of an Adjudicator in accordance with the provisions of the Act.

17. On March 21, 2015, a hearing for the appeal is set for April 2 2015, via teleconference.

18. The hearing was held in Regina via teleconference on April 2, 2014. The Appellant was present. No preliminary matters were raised by any of the interested parties. No portion of the hearing was closed, and the witness testified under oath.

### **Relevant Statutory Provisions**

19. Occupational Health & Safety Act, 1993

#### **Hearing of appeals by adjudicator**

52 (1)An adjudicator shall, on receipt of a notice of appeal pursuant to section 50 or 51:

(a) set a time, day and place for the hearing of the appeal;

and

(b)give written notice of the time, day and place for the hearing to:

(i)the appellant

(ii)each person mentioned in clause 51(1)(c); and

(iii)any other person that the adjudicator considers should be given notice.

(2)An adjudicator may determine the procedures by which the hearing is to be conducted.

(3)An adjudicator is not bound by the rules of law concerning evidence and may accept any evidence that the adjudicator considers appropriate.

(4)An adjudicator may determine any question of fact that is necessary to the adjudicators jurisdiction.

5)No proceedings before or by an adjudicator shall be invalidated by reason of any irregularity or technical objection.

20. Occupational Health & Safety Act, 1993:

**Decisions of adjudicators**

- 53 (1) After a hearing pursuant to section 52, the adjudicator shall:
- (a) affirm, amend or revoke the decision appealed against; and
  - (b) provide written reasons for the decision to the director and all parties to the appeal.
- (2) A certified copy of a decision by an adjudicator may be filed in the office of the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan, and when so filed becomes a decision of the court and may be enforced as such.

21. Occupational Health & Safety Act, 1993

**Interpretation**

- 2(1) (p) "**occupational health and safety**" means:
- (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;
  - (ii) the prevention among workers of ill health caused by their working conditions;
  - (iii) the protection of workers in their employment from factors adverse to their health;
  - (iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and
  - (v) the promotion and maintenance of a working environment that is free of harassment;

- 2(1)(w) "**place of employment**" means any plant in or on which one or more workers or self-employed person work, usually work or have worked;

22. Occupational Health & Safety Act, 1993

**Discriminatory action Prohibited in certain circumstances**

27. No employer shall take discriminatory action against a worker because the worker:
- (a) acts or has acted in compliance with:
    - (i) this Act or the regulations
      - (i.1) The Radiation Health and Safety Act, 1985 or the regulations made pursuant to that Act;
    - (ii) a code of practice; or
    - (iii) notice of contravention or a requirement or prohibition contained in a notice of contravention;
  - (b) seeks or has sought the enforcement of:
    - (i) this Act or the regulations; or
    - (ii) The Radiation Health and Safety Act, 1985 or the regulations made pursuant to that Act,
  - (c) assists or has assisted with the activities of an occupational health committee

or occupational health and safety representative;

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;

(e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;

(f) refuses or has refused to work pursuant to section 23;

(g) is about to testify or has testified in any proceedings or inquiry pursuant to:  
(i) this Act or the regulations; or  
(ii) The Radiation Health and Safety Act, 1985 or the regulations made pursuant to that Act;

(h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Act or the regulations with respect to the health and safety of workers at a place of employment;

(h.1) gives or has given information to an officer within the meaning of The Radiation Health and Safety Act, 1985 or to any other person responsible for the administration of that Act or the regulations made pursuant to that Act;

(i) is or has been prevented from working because a notice of contravention issued pursuant to section 33 with respect to the worker's work has been served on the employer;

(j) has been prevented from working because an order has been served pursuant to The Radiation Health and Safety Act, 1985 or the regulations made pursuant to that Act on an owner, vendor or operator within the meaning of that Act.

23. Occupational Health and Safety Act, 1993

**Referral to Officer**

(28.1) A worker who, on reasonable grounds, believes that the employer has taken discriminatory action against him or her for a reason mentioned in section 27 may refer the matter to an occupational health officer.

(2) Where an occupational health officer decides that an employer has taken discriminatory action against a worker for a reason mentioned in section 27, the occupational health officer shall issue a notice of contravention requiring the employer to:

(a) cease the discriminatory action;

(b) reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) pay to the worker any wages that the worker would have earned if the worker had not been wrongfully discriminated against ; and

(d) remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) Where an occupational health officer decides that no discriminatory action has been taken against a worker for any of the reasons set out in section 27, the occupational health officer shall advise the worker of the reasons for that decision in writing.

(4) Where discriminatory action has been taken against a worker who has acted or participated in an activity described in section 27, there, in any prosecution or other proceeding taken pursuant to the Act, a presumption in favour of the worker that the discriminatory action was taken against the worker because the worker acted or participated in an activity described in section 27, and the onus is on the employer to establish that the discriminatory action was taken against the worker for good and sufficient other reason.

### **Appellant's Position**

24.. The appellant takes the position that it is appealing the **Occupational Health Officer Report OR-KGO-0145** on the basis that there was not good and sufficient reason for Ms. Koslowski's termination, and asks that the decision to overturn the **Notice of Contravention NC-SWE-0053** be overturned.

25. The Appellant further takes the position that the respondent did not budget sufficient time into each job for safety, which directly contributed to unsafe working conditions and additional time to complete the work.

26. The Appellant further takes the position that she was terminated as a result of her raising safety concerns.

27. The Appellant takes the position that the Respondent was more concerned with meeting the budget and making a profit than ensuring safe work practices and proper Personal Protective Equipment was available.



## **Summary of Submissions and Evidence**

28. The Appellant referenced two exhibits included in the package:

A-1 Go Sheet from the Moola job site.

A-2 Wind Speed tables from Tab 2

29. Through testimony of Ms. Kosloswki, the appellant provided the following positions:

30. Ms. Koslowski testified that there was no formal training regarding proper use of ladders, proper use of tie-offs and anchors or how to stabilize a ladder and were not trained in use of safety harness' and anchors.

31. The appellant testified that the Respondent developed a Go Sheet for each job and assigned time allotted for each individual task and portion of the job and included time for safety. She further testified that safety included setting up and moving ladders, setting up and moving equipment and putting on safety harness' and attaching anchors.

32. The appellant testified that insufficient time was included for safety and that each time they were required to address a safety concern, such as moving a ladder, or attach or move an anchor, the time allotted to paint was adversely affected.

33. The appellant testified that there was no formal training regarding how to tie off a ladder. She further testified that they were never provided with ropes, how to properly anchor a ladder and were advised to nail the ladder to the roof.

34. The appellant testified that as a result of the ladders not being tied-off, there were times that if no one was standing on the ladder, the wind was so strong it would blow the ladders over. She further testified that she raised this issue with the respondent and felt as she was being ignored. She further testified that two workers went to Canadian Tire and purchased electrical wire and nails to tie off the ladders. She further testified that on June 5, 2012 there were wind gusts of 45 to 50 km/h and the employer recommended that she continue working on a ladder.

35. The appellant testified that she raised the issue of budgeting enough safety time and was told that safety costs time and costs money and it interferes with the budget time.

36. The appellant testified that there was no formal training on how to use a safety harness or how to anchor it. She further testified that she asked the employer for additional training and that request was ignored. She further testified that she asked her husband who was a carpenter for information on how to wear the safety harness and the proper use and position of an anchor.

37. The appellant testified the respondent instructed them to go on the roof of a 2 1/2 storey building and hang over the edge of the roof to paint the fascia as they did not have an extension step ladder and were not allowed to use a scaffold.

38. The appellant testified that they were shown how to lift and move a 28 foot aluminum ladder by themselves. She further testified that she raised concerns about this practice and was advised that if one

person does it, it will take less time and cost less.

39. The appellant testified that she participated in a meeting at Starbucks with the respondent and raised issues of ladder safety. She further testified that the respondent advised her that she had scheduled jobs before and knew what she was doing and that she had allotted enough time to be safe.

### Conclusion

40. **After having carefully reviewed the Officer's decision and all of the statements and evidence submitted by the Appellant, and in acknowledging the facts in this matter, I have arrived at the following conclusions:**

41. This case is missing some key written documents which would have provided clarity in a number of areas. Secondly, I was unable to contact the Respondent and therefore the information provided by the Appellant and the historical information in the file will guide me in making the final decision on this matter.

42. The history of the case commences with an anonymous complaint being filed on or about May 15, 2012, and resulted in files **OR-NAR-0217**. Two further complaints were received May 18, 2012, resulting in **OR-KKL-0032** and complaint June 7, resulting in **OR-SWE-0173**.

43. **The Occupational Health Officer Report OR- SWE-0173** issued June 11, 2012 outlines that the Respondent provided limited information and provided no supporting documentation regarding the termination of Ms. Koslowski and that the OHSO had concerns regarding the respondents apparent lack of knowledge of health and safety roles, responsibilities and duties and failures to ensure compliance with legislation and that a further investigation take place.

44. On June 29, 2012, the Occupational Health Officer wrote a letter to the respondent advising that the Ministry of Labour Relations and Workplace Safety, Occupational Health and Safety, had received a complaint from the Appellant alleging she was terminated from her place of employment at College Pro Painters because she expressed workplace health and safety concerns to the respondent. The letter requested the respondent provide good and sufficient other reason as to the cause of the Appellants termination by no later than July 16, 2012.

45. **Notice of Contravention NC-SWE-0053** was issued July 31, 2012. The Notice of Contravention outlined that the Respondent failed to establish good and sufficient other reasons for the discriminatory action, and did not provide sufficient information regarding the reasons for the terminations of the employment of Ms. Koslowski. The report went on to outline the complaints raised with the Division and worksite inspections conducted and issues discussed including training of workers, fall protection and ladders, which were consistent with some of those raised by the Appellant prior to her termination.

The **Notice of Contravention NC-SWE-0053** requested the employer “ *provide Ministry of Labour Relations and Workplace Safety Occupational Health and Safety with a Progress Report as to what steps the employer has taken or will take for the following contravention by no later than Thursday August 9, 2012. Please respond to the attention of my Manager, Shelley Chirpilo.* ”

There is a hand written note on the **Notice of Contravention NC-SWE-0053** indicating that the Employer refused to sign the notice and that a progress report was left. The hand written note also indicated that the document was delivered July 31, 2012 at 1500 hours and initialed by the Occupational Health Officer.

46. In reviewing the file, there is no documentation outlining an appeal to the Director from the Respondent regarding the **Notice of Contravention NC-SWE-0053**, however for reasons unexplained a further investigation, which included personal interviews was conducted.

47. The **Occupational Health Officer Report OR-KGO-0145** was issued August 15, 2012, outlining that a further investigation had occurred and that as a result, it was determined that the Respondent had provided good and sufficient other reasons for terminating the Appellant and therefore there was no violation of Section 27 (Discriminatory action prohibited in certain circumstances) occurred.

48. On September 9, 2012, the Appellants sends written notice of appeal to the Director, appealing the decision of the Occupational Health and Safety Officer **OR-KGO-0145**.

49. In answering the question of was the worker discriminated against?

“Discriminatory action” as defined in Part I, Preliminary Matters, Interpretation, 2(g) means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes dismissal, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or penalty, but does not include.....

50. The Appelleant was terminated by the employer and was seeking enforcement of the Act or Regulations and was complying to Regulations, Part II Duties, 4(a) take reasonable care to protect his or her health and safety and health and safety of other workers who may be affected by his or her acts or omissions,

Therefore it is determined that the Respondent contravened Act 27(a) (i).

51. In answering the question, did prior to discrimination did the worker engage in any activities protected by Act 27(a) (i).

The Appellant was involved in discussions with Occupational Health and Safety Officers during two workplace inspections which occurred May 15, 2012 and May 18, 2012 and raised issues regarding fall protection , ladder safety and proper training.. The worker was exercising thier right to participate and in doing so, raised serious safety concerns regarding the ladder safety and fall protection and the lack of training. The appelliant continued to raise concerns about safety standards, lack of training, lack of personal protective equipment and it's proper use, with no success in resolving the issue. It is clear that the worker engaged in acts of safety prior to being terminated.

52. Did the Respondent have good and sufficient other reason to dismiss the respondent?

In addressing this question, the Respondent was a Franchise holder of College Pro Painters and was responsible for developing a budget for each job. Included in the budget were several categories which included safety. In defining safety, that would include set up of equipment including ladders, harnesses, safety lines and tie downs and the moving of any of those items during the work day to complete the job. The issue of appropriate safety time being allotted was raised by the Appellant with the employer continuously and resulted in heated discussions and growing tension between them. The respondent responded to those concerns by telling the worker that she was the boss and had done this many times before and that other work crews were able to reach the budget goals. There was no formal training, other than a demonstration of how to stand on a ladder or how to put on a safety harness. There was general disagreement regarding safety lines and anchors and the availability to access the equipment.

In assessing the credibility of the Respondent, I must rely on the documentation provided by the Ministry and the testimony of the Appellant. There was major emphasis placed on achieving the budget or completing the job below budget as it would provide a higher salary for the worker and higher profit for the employer. Health and Safety issues raised on the job were viewed as a critique of the employer's ability to budget and plan a job, and in order to properly address the concerns it would negatively impact the bottom line. The appellant testified that the employer raised the issue of having the Ministry reimburse her for "time spent doing investigations and interviewing workers" as it costed time and money and interfered with the budget time. It was also identified that the tension between the parties culminated at a meeting held at a coffee shop June 4, 2012. The employer was concerned about the inability of the work crew to meet the budget and the appellant addressed the issue identifying safety issues and the impact on the time allotted for safety.

In addressing the issue it is important to determine the definition of occupational health and safety as used in Section 2 of the Act.

(p) "occupational health and safety" means:

- (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;
- (ii) the prevention among workers of ill health caused by their working conditions;
- (iii) the protection of workers in their employment from factors adverse to their health;
- (iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and
- (v) the promotion and maintenance of a working environment that is free of harassment;

and Section 4 of the Act.

Every worker while at work shall:

(a) take reasonable care to protect his or her health and safety and the health and safety of other workers who may be affected by his or her acts or omissions;

I do not find the reasons provided by the Respondent to be sufficient. The history of the case commenced with an anonymous complaint being filed on or about May 15, 2012, and resulted in files **OR-NAR-0217**. Two further complaints were received May 18, 2012, resulting in **OR-KKL-0032** and complaint June 7, resulting in **OR-SWE-0173**. The findings of the worksite inspections revealed serious issues regarding ladder safety, fall protection and lack of training. None of these issues were resolved,

nor were progress reports provided to the officer, detailing how the deficiencies would be eliminated. On the day that Ms. Koslowski was terminated, after the heated discussion in the coffee shop, Ms. Osman continued throughout the day to bring the issue up to continue the discussion. It was identified that Ms. Osman had an apparent lack of knowledge of health and safety roles, responsibilities and duties, and failure to ensure compliance with legislation. It was also noted that the Respondent refused to sign the **Notice of Contravention NC-SWE-0053**.

In consideration of the above where a worker is acting in good faith and motivated by a health safety concern, they are afforded protection from discrimination. It would be contrary to the Act to identify a hazard and ignore it, knowing that it might place your safety and your co-workers safety at risk. There is no definition of reasonable care; however one should consider what a reasonable person would do. A reasonable person would weigh the risk of removing the hazard versus the risk of ignoring it and then take the necessary action.

Accordingly, for all of the above reasons and considerations, I must dismiss the decision of the Officer on **Occupation Health Officer Report OR-KGO-0145**.

Therefore, all orders regarding the **Notice of Contravention NC-SWE-0053** are upheld and shall apply immediately.

#### **Right to appeal adjudicator's decision to board**

48(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.

(2) A person who is directly affected by a decision of an adjudicator on an appeal pursuant to Part III 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 or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III, as the case may be;

(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 considers appropriate.



David M. Miller  
Adjudicator, Occupational Health and Safety

Dated in Regina, Saskatchewan, this 4th Day of May, 2015.

