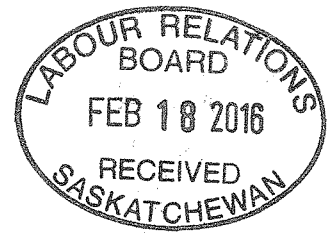


095-15



IN THE MATTER OF an appeal pursuant to subsection 3-53(1) and 3-54(1) with respect to the decision of an Occupational Health and Safety Officer pursuant to *The Saskatchewan Employment Act*.

TM

APPLICANT

-and-

Prince Albert Parkland Health Region

RESPONDENT

-and-

Director of Occupational Health and Safety  
Ministry of Labour Relations and Workplace Safety

RESPONDENT

For the Applicant: Self-represented with advocate

For the Respondent, Prince Albert Parkland Health Region: Robert Frost-Hinz, Macpherson, Leslie & Tyerman, LLP

### **Introduction and Background**

1. TM has appealed a decision of the Occupational Health Officer dated April 20, 2015 in relation to a harassment complaint made against her manager, ES.
2. TM was employed by the Prince Albert Parkland Health Region ("PAPHR" or the "Employer") as a stores person. The incident that gave rise to the within complaint occurred on September 9, 2014.
3. TM contends the actions and comments made by ES during a lunch meeting between TM on ES on September 9, 2014 constituted harassment. TM filed a formal harassment complaint against ES. The harassment complaint was investigated by PAPHR and no harassment was found. TM thereafter filed a complaint with OH& S. A decision of OH& S was issued on April 20, 2015 in which it was determined the employer was meeting its duties under The Saskatchewan Employment act and the Occupational Health and Safety Regulations. TM has appealed this decision.

4. The hearing was held on December 17, 2015. TM was accompanied by her husband as an advocate and support person.

### **The Evidence**

5. The full record from Occupational Health and Safety ("OH & S) was provided to both parties in advance of the hearing. It was agreed that the contents of the OH & S file would form part of the record for the purposes of this appeal.
6. At the time of the incident TM was on medical leave. TM attended at the workplace on September 9, 2014 to meet with her immediate supervisor ES. ES and TM left the workplace to go for lunch. TM testified that during this lunch ES said that "we might as well get down to business". According to TM, ES advised her that she was harassing other employees, and not only was she harassing other employees, she was sexually harassing employees. TM told her that she was no longer welcome in the department, and that while she was off on sick leave she should take the opportunity to find another job. In addition, ES advised TM that her behavior was inappropriate at one of the local stores in town and that one of the managers at the store there stated she was no longer welcome to ever "step into that place."
7. TM further stated that at this lunch meeting, her manager, ES told her she was hugging people at work and that this was inappropriate. According to TM, not only did ES state that she was inappropriately hugging people but that she was harassing them by making them cry on the phone. TM asked why these incidences were not dealt with at the time and ES advised TM that there was nothing on her file. TM stated she did not know this was going to be a disciplinary luncheon and was not afforded any opportunity to have her union representative present.
8. TM stated that she worked for ES as her personal secretary for two years and did not have any complaints. According to TM when she was leaving the restaurant ES sent her a text asking her to bring in certification in regards to an office education course that she was taking. The next day TM attended at her office to hand in a copy of her certificate. At this time a lot of what happened at the restaurant the previous day was reiterated. According to TM this conversation was taped.

9. TM proceeded to file a harassment complaint through her union against ES in regards to the September 9, 2014 lunch meeting incident (Exhibit F). CUPE advised TM that it would go to the harassment committee (the "Committee"). The Committee was made up of three persons.
10. The Committee proceeded with an investigation. TM stated that she attended a meeting with the Committee on November 4<sup>th</sup>, 2014. At that time TM stated she was presented with the harassment policy. TM was asked to explain what had happened which she did. TM had a union representative with her as a support person. A statement was prepared for TM to sign off on in regards to what she reported to the Committee.
11. After this meeting TM testified she had followed up with the contact heading up the Committee, PH, to see whether a decision had been made. TM was told they were still working on it.
12. On or about December 29, 2014 TM received a letter from PH on behalf of the harassment review committee advising of the results of the investigation. This letter reads in part as follows:

...

It is the committee's determination that based on the Region's policy, provincial legislation and CUPE collective agreement the situations you described do not fall under the definition of harassment as outlined under the Occupational health and safety legislation and the definition of harassment as outlined in the CUPE Collective Agreement.

If you do not agree with the committee's decision, you have alternate redress through your Union, Human Rights and Saskatchewan Occupational Health and Safety or any other legal avenues available to you.

...
13. TM stated that because of the incident she fell into a depression. She was taking anti-depressants, anxiety pills, and sleeping pills. She was very anxious about going back to the workplace fearful that she might run into ES. On December 27, 2014 TM's medical leave changed to a stress leave. There was a Physician's report (Exhibit I) dated December 31, 2014 stating TM was unable to return to work due to an illness described as a "Mood and Anxiety Order". The additional comments state "Interpersonal issues at work causing huge stress and anxiety. Not being dealt w...".

14. Currently TM is on an education leave. TM states she does not want to lose her position at the hospital and needs to do upgrading or something to allow her to transfer to a different department. TM does not want to lose her seniority or pension that she has been paying into.
15. After TM received the December 29, 2014 letter from the Committee she contacted OH & S to make a formal complaint respecting PAPHR's handling of her harassment complaint and completed the Harassment Confidential Questionnaire (Exhibit B) reiterating the substance of her complaint against ES. Included in the materials filed with OH & S were the statements filed by TM in the harassment complaint made to PAPHR along with the December 29, 2014 letter from the Committee to TM advising of the results of the investigation.
16. Two date stamps are on the documentation filed by TM with OH & S: "Feb 25 2015" and "March 03 2015".
17. TM called OH & S on or about April 1, 2015 to follow up and was told they needed to review her file. According to TM the occupational health and safety officers spoke with TM for approximately 10 minutes. TM stated the OH & S officers told her that there was probably nothing they could do for her. A decision letter dated April 20, 2015 (Exhibit A) was issued by OH & S and was sent to TM. It reads in part as follows:

...

On March 5, 2015 Occupational Health Officers Shawn Tallmadge and Tammy Duncan called [TM] to discuss the questionnaire submitted, however there was not [sic] answer at this time. On April 1, 2015 these officers were able to speak to [TM] to discuss her formal complaint. During this phone call [TM] clarified that at the time of the incident (September 9, 2014) [TM] was on leave and was being paid by SGI. The lunch with [ES] and [TM] was not at the workplace nor was it during working hours.

The information provided to Occupational Health and Safety included [TM's] formal complaint to her employer dated September 16, 2014. The employer did investigate the complaint and no harassment was found.

After a review of the information provided by both you and your employer, we believe that the concerns you have raised are being looking into and any further concerns you may have will also be addressed by your employer.

As long as the employer is meeting the legislative standards of workplace health and safety as defined in the Act and Regulations, which require employers to take reasonable action to address the concerns raised it is not our role to supersede their efforts to manage and utilize their policies and procedures.

It is our determination that the employer is meeting its duties under The Saskatchewan Employment Act and the Occupational Health and Safety Regulations. Therefore, there is no reason for further involvement of Occupational Health and Safety in the investigative or complaint process.

18. By a letter dated May 6, 2015 TM filed a notice of appeal with the Director of OH&S. The appeal reads as follows:

I am appealing the decision that Tammy Duncan and Shawn Tallmadge have made on my Harrasment (sic) complaint against my manager. At the time of the incident and as of now I am still an employee of Prince Albert Parkland Health Region. I believe that my complaint was not reviewed fulling [sic] and things have been overlooked. I would like to have a face to face interview about this appeal and look at what the next steps would need to be to be taken to get me back in the work place. I would also like to request a copy of all the information that I sent to Tammy Duncan and Shawn Tallmadge.

#### **Employer's Handling of the Harassment Complaint**

19. PH was called as a witness by PAPHR and testified as to the procedure followed in this case in respect of investigating the harassment complaint made by TM. PH is a Senior Consultant with Labour Relations and Scheduling with PAPHR. PH has been with the PAPHR for 10 years and for the last 6 years has been in Labour Relations. In this position PH deals with the collective agreement, grievances, and arbitrations. PH also sits on the harassment review committee. PH has her Bachelor of Commerce degree plus has taken other training over the years including a course on how to conduct interviews for harassment investigations. Copies of the PAPHR's Harassment Prevention Policies were tendered into evidence (Exhibits D1 and E1).
20. PH testified that when a formal complaint is received it is reviewed by the Committee. The Committee meets as a group then a meeting is set up with the Complainant. A statement is prepared and the Complainant is asked to sign off on it. The Committee then determines witnesses to be interviewed. A report is then written and a letter goes out advising of the results of the investigation.
21. According to PH an Investigation Mandate form (Exhibit J) is completed. In this case PH testified the following procedure was followed:
- (a) TM was interviewed on November 4<sup>th</sup>. A statement was prepared that TM signed off on (Exhibit G).

- (b) ES was interviewed on November 24<sup>th</sup>. ES was provided with a copy of the complaint and TM's statement from her interview. ES was asked questions about TM's statement and a statement was prepared for ES to sign off on (Exhibit A1).
- (c) During the course of ES' interview, ES provided the Committee with a typewritten statement purported to be signed by five employees (Exhibit B1). The statement raises general allegations of inappropriate sexual comments, gestures and behaviour by TM. In addition, the statement alleges condescending behaviour by TM towards the employees that signed the statement.
- (d) The Committee chose to interview one other witness, being one of the employees that purportedly signed the statement referenced in the subparagraph (c) above (Witness A). A written statement was prepared and signed by Witness A after he was interviewed (Exhibit C1).
- (e) After Witness A was interviewed the Committee reviewed the allegations and based upon the investigation that was conducted concluded that they did not have to do anything further. An Investigation Report was prepared and it was tendered into evidence (Exhibit K).
- (f) The conclusions on the last page of the Investigation Report are reproduced as follows:

1. The Complainant has alleged that [ES] threatened her job by telling her to look for other work. [ES] has stated she only took [TM] to lunch to discuss the concerns and offer her a way out. Witness A, although not at the lunch meeting, confirms from his discussion with [ES] that she had said she was going to lunch with [TM] to discuss the concerns.

According to the evidence it was agreed both parties were at lunch, however we are unable to corroborate what was said.

**It is the Committee's opinion under the definition of the Occupational Health and Safety Legislation, PAPHR Harassment Policy or as defined under the CUPE Collective Agreement that there is not sufficient evidence to support the Claimants claim.**

2. The Complainant has alleged the Respondent has made her feel uncomfortable, humiliated and intimidated because she was told that people hate her and don't want [TM] in the department.

According to the evidence [ES] confronted [TM] about behavior that was reported to her by other co-workers. Although the information being presented

may have upset [TM], [ES] was bringing the information forward to her and give her a chance to respond.

**It is the Committee's opinion under the definition of the Occupational Health and Safety Legislation, PAPHR Harassment Policy or as defined under the CUPE Collective Agreement that no harassment has occurred in this instance. The Committee did agree that discussions with employees should be done in a manner where Union and other representatives were involved, especially where the conduct of the employee is in question.**

3. The Complainant has alleged the Respondent has made up the claims of sexual harassment against her.

According to the evidence there were concerns brought forward, which were sexually related, to [ES] about [TM's] behaviour in the workplace.

**It is the Committee's opinion under the definition of the Occupational Health and Safety Legislation, PAPHR Harassment Policy or as defined under the CUPE Collective Agreement that no harassment has occurred in this instance. The Committee agrees discussions with Employees should be done in a manner where Union and other representatives are involved, especially where the conduct of the employee is in question.**

(g) The December 29, 2014 letter was written to ES advising of the results of the investigation (Exhibit H).

22. Legal counsel for PAPHR contends that the provisions of the Act are not applicable in this case as the allegations made against ES consisted of actions of ES outside of the workplace and when TM was not at work or in the service of PAPHR. Further and in the alternative, PAPHR submits: the communications made by ES to TM at the lunch meeting fall within the category of reasonable action taken by a supervisor relating to the direction of TM's work and are thereby excluded from the definition of harassment; and, that PAPHR fulfilled its obligations under the Act in that the matter was investigated by the Committee and the conclusions drawn from the investigation were reasonable.

### Issues

23. Following are the issues that are raised in this appeal:

Issue #1 – Did the incident occur in the workplace?

Issue #2: Did the Employer properly deal with the complaint?

- (i) Was the matter properly reviewed/investigated?
- (ii) Was the finding of the Employer of there not being harassment reasonable?

## Law and Analysis

The relevant provisions of the *The Saskatchewan Employment Act* (the “Act”) are as follows:

3-1(1) In this Part and in Part IV:

...

(l) “harassment” means any inappropriate conduct, comment, display, action or gesture by a person:

(i) that either:

(A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(B) subject to subsections (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and

(ii) that constitutes a threat to the health or safety of the worker;

...

(2) In this Part:

(a) if a provision refers to any matter or thing that an employer is required to do in relation to workers, the provision applies to workers who are in the service of that employer, unless the context requires otherwise; and

(b) if a provision refers to any matter or thing that an employer is required to do in relation to a place of employment, the provision applies to every place of employment of that employer, unless the context requires otherwise.

...

(4) To constitute harassment for the purposes of paragraph (1)(l)(i)(B), either of the following must be established:

(a) repeated conduct, comments, displays, actions or gestures; or

(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.



(5) For the purposes of paragraph (1)(I)(i)(B), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

Section 3-1(1)(o) of the Act states that "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.

Section 3-8 of the Act states in part that:

3-8 Every employer shall:

- (a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;
- (b) consult and co-operate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;
- ...
- (d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;
- (e) co-operate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;
- ...
- (i) comply with this Part and the regulations made pursuant to this Part.

24. Section 36(1) of *The Occupational Health and Safety Regulations, 1996* requires an employer to develop a harassment policy that includes the matters described in subsections (a) to (j) and section 36(2) of the regulations require an employer to implement the policy.

**Issue #1: Did the incident occur in the workplace?**

25. Counsel for PAPHR submits that the Committee concluded TM's allegations of harassment were unfounded due to the fact that the allegations consisted entirely of actions of ES performed outside of any of the PAPHR's workplaces and at a time that neither TM nor ES were at work or in the service of PAPHR.
26. Neither the Investigation Report nor the December 29, 2014 letter refer to the reason for dismissing the complaint as being because the incident did not occur at the workplace. The only place this was referenced was in the decision letter of OH& S dated April 20, 2015. In any event, I am satisfied there was a sufficient connection to the workplace to bring this within the purview of the Act.
27. The incident complained of arose during a lunch meeting between TM and ES. While this occurred while TM was on leave, in my view there was a sufficient connection to the workplace that would bring this within the purview of the Act. The duty of an employer includes, ensuring, "insofar as is reasonably practicable, that the employers workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment." The lunch meeting was between a supervisor, ES, and employee, TM. The matters discussed and at issue were directly relating to TM's employment. In my view, the lunch meeting was directly related to and arose out of TM's employment with PAPHR. TM was still an employee even though she was on a leave at this time. The supervisor's conduct during this meeting is not immune from scrutiny simply because the meeting was held offsite at a restaurant while TM was on leave.

**Issue #2: Did the Employer properly deal with the complaint?**

- (1) Was the matter properly reviewed/investigated?
  - (2) Was the finding by the Employer of there not being harassment reasonable?
28. The Employer had a harassment policy that complies with the Act. It formed a committee to investigate the complaint pursuant to its policy.

29. It was then left for the Committee to determine whether the actions of ES in the meeting of September 9<sup>th</sup> constituted harassment.
30. The Committee interviewed both TM and ES and obtained written statements.
31. The Investigation Report prepared by the Committee summarized the details of TM's complaint and response from ES as follows:
  1. TM stated ES told her that she is not welcome in the department and that she would find another job. Tm stated ES told her she would do her best to make sure TM never gets the other job.

ES stated she never made any other references to TM not getting P's job. ES stated she did encourage TM to apply for other jobs that would not need accommodation because of her injury. ES stated her intention for going to lunch with TM was to warn her and give her an opportunity to cleanup her act and give her a way out.
  2. TM stated ES has made her feel uncomfortable, humiliated and intimidated because she was told that people hate her and don't want TM in the department.

ES stated she told Tm that people had been complaining and that as soon as she came back people would put in harassment complaints against her. ES stated to TM it would not be a good thing on her record and she should take this opportunity to move on.
  3. TM stated the claims of sexual harassment are untrue and that ES is making up these negative allegations.

ES stated she received complaints from staff about TMs behaviour. ES provided a copy of the concerns with signature outlining some of the concerns.

Witness A confirmed the document that was provided and that it was his signature on the document. Witness S stated the document described the behaviours of Tm that were a concern to the staff. Witness A stated ES thought highly of TM and often believed TMs version of events over other staff Witness A stated ES had told him she was going to take TM to lunch to discuss the concerns that staff had brought forward, as she didn't want it going on her record.
32. In regards to #1 - On the content of the conversation between ES and TM the Committee stated they were unable to corroborate what was said and concluded "that there is not sufficient evidence to support the Claimants claim".

33. In regards to #2 – The Committee found ES confronted TM about behaviour that as reported to her by other co-workers and while this information may have upset TM, ES “was bringing the information forward to her and give her a chance to respond.”
34. In regards to #3 – The Committee found there was “evidence there were concerns brought forward, which were sexually related, to ES about TM’s behaviour in the workplace.”
35. I do wish to provide some general comments and observations respecting the conduct of the investigation. On behalf of TM it was submitted that TM was never given the opportunity to respond to the statements made by ES in response to the Complaint. The Investigation Mandate (Exhibit I) in this case specifically contemplates the possibility of a re-direct process. To the extent there was a direct contradiction between the evidence given by each of TM and ES the Committee should have returned to TM to specifically address any contradictions in the evidence in respect of what was said at the lunch meeting. It was difficult to assess the degree of specific contradictions given the very broad and general way both statements were written.
36. As well, it would have been helpful for the Committee to spend more time clearly defining what specific statements TM was claiming were harassment as this would assist in setting the scope of the investigation and would have assisted in the assessment and review of the claim. Firstly, did the alleged specific conduct complained of happen or was the alleged comment alleged to be harassment made? Secondly, if so, does it constitute harassment? Generally, I accept TM found ES confronting her in the manner that she did, at the lunch meeting, with the allegations of inappropriate behaviour and conduct to constitute harassment. While I have identified these concerns with respect to the investigation process I do not find any of them fatal.
37. The alleged incident that TM contends constituted harassment were the comments ES made to TM at the lunch meeting of September 9<sup>th</sup>. I accept the evidence of TM that ES brought up concerns raised by other staff members alleging harassment, including sexual harassment on the part of TM. ES did not deny this in her statement. The statement that was prepared and signed by ES dated November 24<sup>th</sup> is over four pages long. It goes on at length addressing other background not specifically relevant to the allegations. The

paragraphs pertaining to what was said at the lunch meeting, which was the incident complained of, are as follows:

The complaints I received about her are noted in a letter which started it all. It is signed by 4 staff members. [a copy of the letter was provided]

[LV] spoke to me about the concerns, she was the spokesperson for the others. The letter came later, after my meeting with [TM] on September 9. They gave lots of examples.

...

I decided to have a meeting with her to discuss the issues. I took the meeting off site, rather than in my office with others around, and I asked her about some of these things. I did not think to bring anyone else and in hind sight I should have.

...

Because she had been injured, she was off and I told her people had been complaining and that as soon as she came back people would put in harassment complaints against her. I suggested this would not be a good thing on her record and she should take this opportunity to move on. She denied ever yelling at people and she said if they were going to put in complaints against her, then she would put complaints against them. I told her that was her choice.

...

I never made any other reference to her not getting [P's] job. I did encourage her to apply for other jobs that would not need accommodation because of her injury. Some of the accommodation she would require would not be possible as a stores person and that is her job.

...

My intention in going for lunch was to warn her and give her an opportunity to clean up her act and give her a way out... If she were to come back to work, I am not sure how I would feel; I know some of the staff would be uncomfortable. These would be the people on that list as well as [J].

38. One issue raised by TM was that TM was never given the opportunity to respond to the allegations of harassment, and in particular the allegations of sexual harassment.
39. The Committee's mandate was not to make a finding on whether the allegations of harassment or other inappropriate behaviour made by other workers in the workplace pertaining to TM were true or not. Rather, the mandate of the Committee was to determine whether the communications by ES in the lunch meeting of September 9<sup>th</sup> constituted harassment i.e. did ES make the statements alleged and secondly did the statements constitute harassment?


40. ES in her statement acknowledged that she told TM that “people had been complaining and that as soon as she came back people would put in harassment complaints against her” and in ES’ statement reference was made to the allegations contained in the statement purportedly signed by the five employees containing broad general allegations of inappropriate gestures and sexual comments. TM’s advocate correctly points out this written statement was obtained by ES after the September 9, 2014 lunch meeting.
41. It was correctly submitted on behalf of TM that a single inappropriate incident can constitute harassment if it is sufficiently serious and it has a lasting harmful effect on the worker.
42. I accept that TM was adversely affected by the incident and the whole process of the investigation itself, which is understandable and would be reasonably expected. I am not persuaded however that the evidence of the communications of ES in the lunch meeting met the threshold required to draw the conclusion that this single incident constituted harassment. The discussion was acknowledged by TM as being characterized as being “off the record” and ES was communicating to TM concerns that had been communicated to her by other workers in the workplace about TM’s behaviour at work, regardless of whether they were true or not. The concerns were raised by ES informally in the lunch meeting. Even though the statement purportedly signed by the other employees was obtained after the September 9, 2014 lunch meeting, I am satisfied there was sufficient evidence for the Committee to conclude concerns had been communicated by other employees to ES in advance of the lunch meeting. The Committee did not make any finding as to whether the concerns were founded or not. The Committee only found that there was evidence of concerns brought forward, which were sexually related, to ES about TM’s behaviour in the workplace. None of these have been investigated or established.
43. I agree with what was contended on behalf of TM, that if any formal complaints of harassment are made against TM, TM must receive full disclosure of the nature of any such complaints and be given the full opportunity to respond. My finding in this case that the Committee’s conclusion that no harassment had been established in regards to the harassment complaint made by TM against ES does not detract from the right of TM, in the event of any formal complaint of harassment made against her, to full disclosure of any

such allegations along with the full opportunity to respond to any such allegations in accordance with PAPHR's policy.

44. I agree with the Committee's observation in their Investigation Report, that discussions with employees should be done in a manner where Union and other representatives are involved, especially where the conduct of the employee is in question. This recommended procedure was not followed in this case. Generally, while I am unable to conclude ES' conduct and comments in the September 9, 2014 meeting met the threshold of harassment, I find the judgment of ES in proceeding in the manner that she did at this lunch meeting and some of the comments that she made were questionable. For example, in my view it was not appropriate for ES to tell TM that she should be looking for other opportunities. This was unwarranted considering that any allegations against TM should have been taken at that point to be just that, unproven allegations.

#### **Conclusions**

45. I find that even though the impugned incident did not occur in the workplace and occurred during a lunch meeting at a restaurant, the facts and circumstances of the incident complained of were sufficiently connected to and arising from matters in the workplace to be a matter or circumstance arising out of TM's employment so as to fall under Part III of *The Saskatchewan Employment Act*.
46. I am satisfied in the result that the Employer responded to the complaint of harassment made by TM and investigated the complaint and that the finding of the Employer that there was no harassment was reasonable.
47. Accordingly, the appeal is dismissed.



Darlene N. Wingerak  
Special Adjudicator  
February 18, 2016

Right to appeal adjudicator's decision to board

4-8(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.