

LRB File No. 073-21

**In the matter of an appeal to an adjudicator pursuant to ss. 3-53 and 3-54 of
*The Saskatchewan Employment Act***

BETWEEN:

RURAL MUNICIPALITY OF PINTO CREEK NO.75

APPELLANT

-and-

DARREN LINGELBACH



RESPONDENT

Adjudicator: Daryl P Kraus
Counsel for the Appellant: Jean Jordaan
Respondent represented himself
Case Management Conference conducted by telephone conference on December 9, 2021 at
Saskatoon, SK.

DECISION and TERMS OF SETTLEMENT

[1] This matter relates to an appeal pursuant to ss. 3-53(1) and 3-54(1) of *The Saskatchewan Employment Act* (“the Act”) from a decision of an occupational health officer dated May 20, 2021, regarding a complaint of discriminatory action brought by Darren Lingelbach (“the Employee”) against the Rural Municipality of Pinto Creek No. 75. (“Pinto Creek” or “the Employer”). The Employee alleged discriminatory action against the Employer stating that his employment was terminated on April 5, 2021, for raising health and safety concerns.

[2] The occupational health officer’s decision (along with a Notice of Contravention dated May 20, 2021) found the termination of the Employee’s employment constituted an unlawful discriminatory action contrary to s. 3-35 of the Act and ordered the Employer to cease the discriminatory action, reinstate the Employee and pay him any wages he would have earned, but for being discriminated against.

[3] I was selected as adjudicator to hear the appeal brought by Pinto Creek of the occupational health officer’s decision. The parties agreed to participate in a case management conference call and the conference call was held on December 9, 2021. The Employee was present and represented himself. In attendance on behalf of Pinto Creek were Roxanne Empey, Brian Corcoran, Holly Ross, Aaron Smith and Dustin Hawkins. Jean Jordaan, counsel for the Employer, also attended the case management conference call.

[4] The parties confirmed that neither had any objections to my appointment as adjudicator. I raised the possibility of settlement negotiations, as I am required to do pursuant to section 4-5(2) of the Act. Both parties confirmed that they were interested in discussing settlement options. Both parties confirmed that they wished me to be present and participate in settlement discussions with a view to facilitating settlement. All such discussions were held on a without prejudice basis.

[5] The parties were successful in negotiating and agreeing on terms of settlement. This decision incorporates the terms of settlement which was agreed upon.

[6] Pinto Creek and the Employee each confirmed their agreement to the following settlement terms:

(1) On or prior to December 24, 2021, Pinto Creek shall pay to the Employee the sum of \$15,000. This payment shall be made by cheque and sent by registered mail to the Employee at P.O. Box 3031, Melville, SK., S0A 2P0.

(2) Conditional upon receiving the payment of \$15,000 as aforesaid, the Employee agrees to withdraw his complaint of discriminatory action, accept the payment of \$15,000 in full and final satisfaction of all claims which he has against Pinto Creek, and to release Pinto Creek from any and all claims or actions relating to his employment with Pinto Creek.

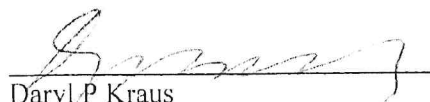
(3) Pinto Creek and the Employee agree that the terms of this settlement are confidential and each agrees not to disclose such terms of settlement to any other party except as may be required by law.

[7] I commend both of the parties, and the Employer's counsel, for their collective efforts and success in settling this matter.

ORDER

[8] This order is issued pursuant to s. 4-6 of the Act. Conditional upon payment being made in accordance with this Decision and Terms of Settlement, the complaint of discriminatory action is withdrawn and the decision of the occupational health officer and the notice of contravention are set aside and quashed.

Dated at Saskatoon, Saskatchewan this 9th day of December, 2021.


Daryl P Kraus
Adjudicator

Right to appeal adjudicator's decision to board

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(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.