

**IN THE MATTER OF AN APPEAL OF WAGE ASSESSMENT
NUMBER 7527 PURSUANT TO SECTION 2-75 OF THE
SASKATCHEWAN EMPLOYMENT ACT, S.S. 2013, c.
S-15.1, AS AMENDED, (THE "SEA");**

**AND IN THE MATTER OF A HEARING PURSUANT TO
SECTION 4-2 OF THE SEA**

BETWEEN:

101130168 SASKATCHEWAN LTD., % Mac's
Convenience Store, and MUHAMMAD ANWAR;

APPELLANTS,

AND:

JOCELYN JIMENEZ,

RESPONDENT
(COMPLAINANT),

AND:

DIRECTOR OF EMPLOYMENT STANDARDS,
Ministry of Labour Relations and Workplace
Safety,

RESPONDENT,

AND:

MAC'S CONVENIENCE STORES INC.,

INTERESTED PARTY.

ADJUDICATOR'S PRELIMINARY DECISION
April 26, 2016

T. F. (TED) KOSKIE, B.Sc., J.D.

Representatives: Jeffrey P. Reimer, for the Appellants, 101130168 Saskatchewan Ltd.
and Muhammad Anwar

Anna Singer for the Complainant (Respondent), Jocelyn Jimenez

Randy Armitage, Employment Standards Officer, for the Respondent,
Director of Employment Standards

Kyla Stott-Jess, for the Interested Party, Mac's Convenience Stores
Inc.

[1] 101130168 Saskatchewan Ltd., ^{o/a} Mac's Convenience Store ("101130168"), and Muhammad Anwar ("Anwar") appealed (the "Appeal") Wage Assessment No. 7657¹ (the "Assessment") issued pursuant to section 2-74 of *The Saskatchewan Employment Act*, S.S. 2013, c. S-15.1 (as amended) (the "SEA") by the Director of Employment Standards (the "Director") on January 15, 2016.

[2] The Assessment directed 101130168 and Anwar to pay thirty-one thousand one hundred and ninety-seven dollars and forty cents (\$31,197.40) to Jocelyn Jimenez ("Jimenez").

[3] By Order dated March 8, 2016, the Labour Relations Board ("LRB") selected me to hear and determine the Appeal. At the time of making its Order, the LRB added Mac's Convenience Store - Corporate ("Mac's") as an Interested Party.

[4] I scheduled for and convened a telephone conference call on April 4, 2016. Messrs. Reimer and Armitage and Ms. Stott-Jess attended.

[5] Ms. Stott-Jess applied to remove Mac's as an Interested Party. In essence, she argued:

- a) the Assessment is directed at 101130168 and Anwar, not Mac's;
- b) Mac's has an Independent Dealer Contract, a copy of which was filed with me, that provides:
 - i) 101130168 operates its convenience store (the "Store") as an independent contractor, with Anwar as a guarantor;

¹Exhibit E-1, Wage Assessment No. 7527 dated November 4, 2015

- ii) 101130168 will, at its own expense, staff the Store with its own employees;
- iii) 101130168 is solely responsible for its employees; and
- iv) Store employees have no relationship with Mac's.

[6] The Director raised no objection to Mac's application.

[7] I am of the view the LRB added Mac's as an Interested Party, out of an abundance of caution, to ensure it had an opportunity to call evidence and present argument concerning matters arising in this appeal that it concluded would or could affect it. Mac's argues there are and will be no such matters. The Director agrees.

[8] Under the circumstances, I am prepared to grant Mac's application. I therefore order that Mac's be removed as an Interested Party in this Appeal.

Dated at Saskatoon, Saskatchewan, on April 26, 2016.



T. F. (TED) KOSKIE, B.Sc., LL.B.,
ADJUDICATOR