

IN THE MATTER OF A WAGE RECOVERY APPEAL UNDER DIVISION
XIV - PART III, SECTION 251.11 OF THE *CANADALABOUR CODE*, R.S.C.
1985, c. L-2

BETWEEN:

JOHN MONTGOMERY,

APPELLANT,

AND:

CANADIAN PACIFIC RAILWAY COMPANY,

RESPONDENT.

REFEREE'S DECISION
July 20, 2015

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

Representatives: Appellant, John Montgomery, Self Represented

Sylvie Lang, for the Respondent, Canadian Pacific Railway Company

[1] John Montgomery (“Montgomery”) lodged a complaint (the “Complaint”) dated March 31, 2014, with Human Resources and Skills Development Canada, Labour Program, alleging that the Canadian Pacific Railway Company (“CPR”) failed to pay him wages or other amounts owing under the *Canada Labour Code*¹ (the “Code”).

[2] A Notice of Unfounded Complaint (the “Notice”) was issued on December 2, 2014.

[3] MacDougall appealed the Notice on December 18, 2014.

[4] The Minister of Labour (Canada) appointed me to hear and determine the Appeal.

[5] The relevant provisions of the *Code* are:

Appeal

251.11(1) A person who is affected by a payment order or a notice of unfounded complaint may appeal the inspector’s decision to the Minister, in writing, within fifteen days after service of the order, the copy of the order, or the notice.

...

Appointment of referee

251.12(1) On receipt of an appeal, the Minister shall appoint any person that the Minister considers appropriate as a referee to hear and adjudicate on the appeal, and shall provide that person with

- (a) the payment order or the notice of unfounded complaint; and
- (b) the document that the appellant has submitted to the Minister under subsection 251.11(1).

...

Referee’s decision

(4) The referee may make any order that is necessary to give effect to the referee’s decision and, without limiting the generality of the foregoing, the referee may, by order,

- (a) confirm, rescind or vary, in whole or in part, the payment order or the notice of

¹R.S.C. 1985, c. L-2

unfounded complaint;

- (b) direct payment to any specified person of any money held in trust by the Receiver General that relates to the appeal; and
- (c) award costs in the proceedings.

...

Order final

- (6) The referee's order is final and shall not be questioned or reviewed in any court.

[6] Prior to scheduling the hearing of the Appeal, the parties notified me that they had negotiated a settlement of the Appeal.

[7] Because of the above, I dismiss Montgomery's Appeal.

[8] Under the circumstances, I do not believe this is an appropriate case to award costs and I decline to do so. I note that neither party asked for costs.

Dated at Saskatoon, Saskatchewan, on July 20, 2015.



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