

IN THE MATTER OF:

AN APPEAL OF DECISION PURSUANT TO SECTION 3-53 OF *THE SASKATCHEWAN EMPLOYMENT ACT*, S.S. 2013, c. S-15.1, AS AMENDED, (THE “SEA”) AND A HEARING PURSUANT TO SECTION 3-54 OF THE SEA

BETWEEN:

Jeremiah Carrier,

APPELLANT,

- and -

Saskatchewan Indian Gaming Authority,

RESPONDENT.

APPEARANCES:

Appellant, Jeremiah Carrier:

Self-Represented

For the Respondent,

Saskatchewan Indian Gaming Authority Inc.:

Shane Buchanan

BEFORE:

T. F. (Ted) Koskie, B.Sc., J.D., Adjudicator

DECISION DATE:

September 9, 2024

DECISION

I. INTRODUCTION

[1] Jeremiah Carrier ("Carrier" or the “Appellant”) lodged a complaint pursuant to section 3-36 of the *SEA* alleging that Saskatchewan Indian Gaming Authority Inc. ("SIGA" or the “Respondent”) had taken discriminatory action against him for a reason mentioned in section 3-35 of the *SEA*.

[2] An OHS officer, determined that Carrier’s termination was not an unlawful discriminatory action contrary to section 3-35 of the *SEA* (the “Decision”) and served the Decision on Carrier on

July 6, 2023.

[3] On July 12, 2023, Carrier appealed the Decision (the "Appeal").

[4] The Saskatchewan Labour Relations Board appointed me as the adjudicator to hear and determine the Appeal.

[5] I scheduled the hearing of the Appeal for May 27 to 28, 2024.

[6] On the afternoon of the first day of the hearing, the Appellant abruptly requested to leave without providing a reason. He said that he wished to continue the hearing on the following day. SIGA challenged him to provide a reason for the same and expressed a desire to continue the hearing as scheduled.

[7] The Appellant advised that he needed to attend to a "family emergency," and on further prompting for particulars, explained that he needed to leave to pick up his father. He maintains that requesting a reason for the adjournment was a violation of his privacy interests.

[8] I ordered that the hearing continue. The Appellant later requested that I permit him to make written submissions owing to his difficulty in proceeding with the hearing.

[9] I granted the Appellant's request and received his written submissions on June 19, 2024.

[10] I further granted leave to SIGA to file a written reply to those submissions, which I received on July 30, 2024.

II. THE APPELLANT'S WRITTEN SUBMISSIONS

[11] Before proceeding to the merits of the appeal, I must address the written submissions provided to me by the Appellant. These submissions total ninety-one pages in length and make many allegations against SIGA. These submissions raise a wide variety of issues, many of which are outside

the appropriate scope of this appeal.

[12] The Respondent provided argument in their reply submissions as follows:

- a) the proper scope of the appeal is limited to whether SIGA took discriminatory action against Carrier when it terminated him after he raised concerns about workplace harassment;
- b) Carrier's allegations regarding general discrimination based on family status, race, health status and other grounds are not relevant to this appeal;
- c) in Carrier's written submissions, he introduces a significant body of new evidence including information about his personality type, additional complaints about his supervisor, copies of text messages between the Appellant and his former colleagues and claims that further witnesses should be subpoenaed to provide testimony—this information should be disregarded given the stage of these of these proceedings;
- d) notwithstanding their questionable relevance, SIGA specifically denies the entirety of the substance of Carrier's allegations;
- e) SIGA also specifically denied that Jessica Romans and Jason Smith are individual respondents to this matter, or that they acted inappropriately in the manner alleged by the Respondent;
- f) SIGA further denied that it engaged in discriminatory hiring with regard to the Respondent;
- g) SIGA further denied that it employed bias in selecting witnesses for this hearing;
- h) SIGA notes that Carrier's submissions include speculation and assertions of facts that are not substantiated by any evidence;
- i) SIGA argues that it took appropriate steps to address the concerns raised by Carrier and that these efforts were well-documented and provided as evidence at the hearing;

- j) SIGA denies that Carrier was the subject of a "hate crime" as he alleged;¹ and
- k) SIGA denies that it fabricated the grounds for the termination of Carrie—and repeated its claim that he was terminated for absenteeism, tardiness and his rude and abrasive behaviour toward his co-workers.

[13] I agree with the Respondent that Carrier's written submissions contain a significant volume of material that is not relevant to this appeal. I accept its argument that I should limit my inquiry to the question of whether SIGA acted in a discriminatory fashion when it terminated the Appellant after he raised concerns about workplace harassment. I also agree that the additional evidence introduced by Carrier, and his argument that subpoenas for additional testimony should be issued, is inappropriate at this stage of the appeal. I will not consider or rely upon the remainder of the Appellant's claims.

[14] Having determined that the Appellant's other arguments are not relevant to this appeal, it is not necessary to address the substance of those allegations. I will address SIGA's other submissions regarding the credibility of the Appellant's relevant testimony and the relief he is seeking later in this appeal.

II. FACTS

[15] Carrier began employment as a part-time Surveillance Operator with SIGA on February 6, 2023. The terms and condition of Appellant's employment were set out in an offer letter dated January 23, 2023, that he signed.²

[16] The Appellant was subject to a probationary period of 520 hours or six months, whichever came first.

¹This statement appears to be used in a colloquial, rather than a legal sense.

²Exhibit E-1

[17] Shortly after his hiring, several of SIGA's employees made it aware of a number of concerns regarding the Appellant's behaviour and work performance. SIGA believes that these claims were accurate, whereas Carrier argues that, although he was struggling with various aspects of the job, the statements made about him by his co-workers lacked merit.

[18] In particular, the Appellant's supervisor, Jason Smith ("Smith"), received an email from Terri Yungwirth, a Surveillance Analyst, in which she described him as creating a hostile work environment and expressed a desire not to work alone with him as she felt unsafe. She claimed that he was abrasive, made unwarranted accusations that others were bullying him and that he took breaks in excess of what workplace policies permitted. Smith informed Jessica Romans ("Romans"), Manager of Human Resources Business Partners, of these concerns when they arose.

[19] On March 6, 2023, Smith met with the Appellant to discuss these issues and invited another employee, James Thunder, Integrity Analyst, to act as a witness to their discussion.

[20] On March 18, 2023, Smith received a further complaint about the Appellant from Kevin Merasty ("Merasty"), Acting Surveillance Supervisor. Merasty alleged that Carrier had spoken to him in an abrasive manner and left work early. Smith once again informed Romans of the complaint.

[21] Simultaneous to these events, on March 2, 2023, the Appellant reached out to Romans to express his concerns about a number of workplace issues. He says that, in these communications and the meeting that followed, he expressed that he was experiencing harassment in the workplace. The Respondent disagrees, arguing that nothing alleged by Carrier can be construed as harassment.

[22] Romans met with the Appellant to discuss his concerns and provided strategies to him for managing the issues he raised. She also told him that he should bring any further issues to her attention. The Appellant did not have any further discussions with Romans about his concerns.

[23] SIGA alleges that the Appellant displayed a pattern of absenteeism and lateness throughout his probationary period and documented those incidents on which it relies. The Appellant does not respond to each instance identified by SIGA, but does not deny that he was absent occasionally, but

and argues that this was not the reason for his termination.

[24] SIGA terminated the Appellant on March 28, 2023. At this time, the Appellant had been employed with SIGA for fifty days and was still on probation.

[25] The Appellant subsequently filed the OHS complaint that is the subject of this appeal.

III. ISSUE

[26] The issue herein is whether SIGA took discriminatory action against Carrier for a reason mentioned in section 3-35 of the *SEA*.

IV. DECISION

[27] I find SIGA did not take discriminatory action against Carrier for a reason mentioned in section 3-35 of the *SEA*.

[28] I dismiss the Appeal.

V. REASONS

A. LEGISLATION

[29] The relevant provisions of the *SEA* are as follows:

PART III
Occupational Health and Safety

DIVISION 1
Preliminary Matters for Part

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

...

- (i) "discriminatory action" 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 termination, 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 other penalty, but does not include:
 - (i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or
 - (ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:
 - (A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;
 - (B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or
 - (C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);
- (j) "employer" means, subject to section 3-29, a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of the person, firm, association or body;
- ...
- (m) "notice of contravention" means a notice of contravention served pursuant to section 3-38;
- ...
- (gg) "worker" means, subject to subsection (6):
 - (i) an individual, including a supervisor, who is engaged in the service of an employer;
 - (ii) a member of a prescribed category of individuals;

but does not include an inmate, as defined in *The Correctional Services Act, 2012*, of a correctional facility as defined in that Act who is participating in a work project or rehabilitation program within the correctional facility;

DIVISION 5
Right to Refuse Dangerous Work; Discriminatory Action

...

Discriminatory action prohibited

3-35 No employer shall take discriminatory action against a worker because the worker:

- (a) acts or has acted in compliance with:

- (i) this Part or the regulations made pursuant to this Part;
 - (ii) Part V or the regulations made pursuant to that Part;
 - (iii) a code of practice issued pursuant to section 3-84; or
 - (iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;
- (b) seeks or has sought the enforcement of:
- (i) this Part or the regulations made pursuant to this Part; or
 - (ii) Part V or the regulations made pursuant to that Part;
- (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 perform an act or series of acts pursuant to section 3-31;
- (g) is about to testify or has testified in any proceeding or inquiry pursuant to:
- (i) this Part or the regulations made pursuant to this Part; or
 - (ii) Part V or the regulations made pursuant to that Part;
- (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 Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;
- (i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;
- (j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or
- (k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.

Referral to occupational health officer

3-36(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 3-35 may refer the matter to an occupational health officer.

(2) If an occupational health officer decides that an employer has taken discriminatory action against a worker for a reason mentioned in section 3-35, the occupational health officer shall serve

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) subject to subsection (5), 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) If an occupational health officer decides that no discriminatory action has been taken against a worker for any of the reasons set out in section 3-35, the occupational health officer shall advise the worker of the reasons for that decision in writing.

...

DIVISION 8 Appeals

3-52(1) In this Division:

- (a) "adjudicator" means an adjudicator appointed pursuant to Part IV;
 - (b) "decision" includes:
 - (i) a decision to grant an exemption;
 - (ii) a decision to issue, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and
 - (iii) any other determination or action of an occupational health officer that is authorized by this Part.
- (2) In this Division and in Part IV, "person who is directly affected by a decision" means any of the following persons to whom a decision of an occupational health officer is directed and who is directly affected by that decision:
- (a) a worker;
 - (b) an employer;
 - (c) a self-employed person;
 - (d) a contractor;
 - (e) a prime contractor;
 - (f) an owner;
 - (g) a supplier;
 - (h) any other prescribed person or member of a category of prescribed persons; but does not

include any prescribed person or category of prescribed persons.

Appeal of occupational health officer decision

3-53(1) A person who is directly affected by a decision of an occupational health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

(3) The written notice of appeal must:

- (a) set out the names of all persons who are directly affected by the decision that is being appealed;
- (b) identify and state the decision being appealed;
- (c) set out the grounds of the appeal; and
- (d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

...

(10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:

- (a) the notice of appeal;
- (b) all information in the director's possession that is related to the appeal; and
- (c) a list of all persons who are directly affected by the decision.

...

Appeals re harassment or discriminatory action

3-54(1) An appeal mentioned in subsection 3-53(1) with respect to any matter involving harassment or discriminatory action is to be heard by an adjudicator in accordance with Part IV.

(2) The director of occupational health and safety shall provide notice of the appeal mentioned in subsection (1) to persons who are directly affected by the decision.

Providing appeal material to adjudicator

3-55 In the case of an appeal mentioned in subsection 3-53(10) or section 3-54 that is to be heard by an adjudicator, the director of occupational health and safety shall forward to the adjudicator:

- (a) the notice of appeal mentioned in subsection 3-53(2);
- (b) all information in the director's possession that is related to the appeal; and (c) a list of all persons who have been provided notice of the appeal pursuant to clause 3-53(5)(a) or subsection 3-54(2).

Appeal of director's decision to adjudicator

3-56(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 3-53(8) may appeal the decision to an adjudicator in accordance

with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

- (a) sets out the names of all persons who are directly affected by the decision being appealed;
- (b) identifies and states the decision being appealed;
- (c) sets out the grounds of the appeal; and
- (d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

...

PART IV Appeals and Hearings re Parts II, III and V

...

Adjudicator's duties

4-2 An adjudicator shall:

- (a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;
- (b) hear and decide appeals pursuant to Division 8 of Part III;
- (c) hear and decide any appeals pursuant to Division 6 of Part V; and
- (d) carry out any other prescribed duties.

Selection of adjudicator

4-3(1) In this section and sections 4-4 and 4-7, "registrar" means an employee of the ministry who is designated as the registrar by the chairperson of the board.

(2) The director of employment standards and the director of occupational health and safety shall inform the board of an appeal or hearing to be heard by an adjudicator.

(3) On being informed of an appeal or hearing pursuant to subsection (2) and in accordance with any regulations made pursuant to this Part, the registrar shall select an adjudicator.

Procedures on appeals

4-4(1) After selecting an adjudicator pursuant to section 4-3 and in accordance with any regulations made pursuant to this Part, the registrar shall:

- (a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and
- (b) give written notice of the time, day and place for the appeal or the hearing to:
 - (i) in the case of an appeal or hearing pursuant to Part II:
 - (A) the director of employment standards;

- (B) the employer;
 - (C) each employee listed in the wage assessment or hearing notice; and
 - (D) if a claim is made against any corporate directors, those corporate directors;
- (ii) in the case of an appeal or hearing pursuant to Part III:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed; and
 - (iii) in the case of an appeal or hearing pursuant to Part V:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed.
- (2) Subject to the regulations, an adjudicator may determine the procedures by which the appeal or 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 adjudicator's jurisdiction.
- (5) A technical irregularity does not invalidate a proceeding before or by an adjudicator.
- (6) Notwithstanding that a person who is directly affected by an appeal or a hearing is neither present nor represented, if notice of the appeal or hearing has been given to the person pursuant to subsection (1), the adjudicator may proceed with the appeal or the hearing and make any decision as if that person were present.
- (7) *The Arbitration Act, 1992* does not apply to adjudications conducted pursuant to this Part.

Powers of adjudicator

4-5(1) In conducting an appeal or a hearing pursuant to this Part, an adjudicator has the following powers:

- (a) to require any party to provide particulars before or during an appeal or a hearing;
- (b) to require any party to produce documents or things that may be relevant to a matter before the adjudicator and to do so before or during an appeal or a hearing;
- (c) to do all or any of the following to the same extent as those powers are vested in the Court of King's Bench for the trial of civil actions:
 - (i) to summon and enforce the attendance of witnesses;
 - (ii) to compel witnesses to give evidence on oath or otherwise;
 - (iii) to compel witnesses to produce documents or things;

- (d) to administer oaths and affirmations;
 - (e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the adjudicator considers appropriate, whether admissible in a court of law or not;
 - (f) to conduct any appeal or hearing using a means of telecommunications that permits the parties and the adjudicator to communicate with each other simultaneously;
 - (g) to adjourn or postpone the appeal or hearing.
- (2) With respect to an appeal pursuant to section 3-54 respecting a matter involving harassment or a discriminatory action, the adjudicator:
- (a) shall make every effort that the adjudicator considers reasonable to meet with the parties affected by the decision of the occupational health officer that is being appealed with a view to encouraging a settlement of the matter that is the subject of the occupational health officer's decision; and
 - (b) with the agreement of the parties, may use mediation or other procedures to encourage a settlement of the matter mentioned in clause (a) at any time before or during a hearing pursuant to this section.

Decision of adjudicator

4-6(1) Subject to subsections (4) and (5), the adjudicator shall:

- (a) do one of the following:
 - (i) dismiss the appeal;
 - (ii) allow the appeal;
 - (iii) vary the decision being appealed; and
- (b) provide written reasons for the decision to the board, the director of employment standards or the director of occupational health and safety, as the case may be, and any other party to the appeal.

...

B. WHETHER THE RESPONDENT VIOLATED SECTION 3-35 OF THE *SEA* BY DISMISSING THE APPELLANT

[30] Section 3-35 of the *SEA* protects employees against retaliatory measures and ensures that employers are unable to avoid addressing legitimate occupational health and safety concerns by removing employees who raise these issues.

[31] To succeed on a claim pursuant to section 3-35, an employee must show that he or she was

terminated because he or she took action to exercise his or her rights under the *SEA*. However, section 3-36 (4)(a) provides that, where an employee has made out a *prima facie* case that the employer took discriminatory action against him or her, and the employee engaged in a protected action under section 3-35, it will be presumed that the action was taken in response to the employee's activities.

[32] Where that presumption has been triggered, the burden then shifts to the employer to show that the action was taken against the employee for a good and sufficient other reason, and not because of the protected conduct.

[33] SIGA, referencing the Decision, disputes the finding that the Appellant engaged in an activity "described in section 3-35 that on its face could be the reason, even in part, of the discriminatory action." SIGA maintains that the concerns that Carrier expressed to Romans in his meeting with her on March 2, 2023, did not constitute harassment.

[34] Relying on *Racic v Moose Jaw Family Services Inc.*,³ SIGA argues that simply alleging that harassment has occurred is insufficient to establish a *prima facie* case under the *SEA*:

In ground 2 of her appeal, the Appellant argues essentially the same point as ground 1, above. The Adjudicator found, as a fact, that the Appellant had mentioned the words "harassment" and "belittlement" at the May 22, 2014 meeting. She concluded that absent any other evidence of harassment having been provided[10], that this mere mention was insufficient to raise a *prima facie* case of harassment and provide the protections of the *SEA* to the Appellant. As noted above, that determination was reasonable in the context of the evidence, the parties' submissions and the process established by the legislation.⁴

[35] I note that this appeal of the Decision is conducted on a *de novo* basis. SIGA argues that the evidence presented in this proceeding clearly establishes that no harassment took place. They are of the view that the majority of concerns raised by the Appellant were unrelated to any claim of harassment and that his claim that he was being bullied in the workplace lacked merit and was not substantiated with any real evidence.

³2015 CanLII 60882 (*Racic*)

⁴*Ibid* at para. 32

[36] Carrier disputes this conclusion, arguing that he raised valid concerns about being bullied in the workplace with Romans. He attributes his termination to a wide-variety of grievances with SIGA and its employees, but among them is that he was terminated to sweep the issues he raised “under the rug.”⁵

[37] I agree with the Respondent’s position on this issue. I have carefully reviewed the materials provided to me in connection with the Appellant’s meeting with Romans where he alleges he raised the issue of workplace discrimination. Although Carrier undeniably used the words “isolation” and “bullying” when he reached out to Romans,⁶ none of what he alleged was substantially related to harassment. Instead, the Appellant claimed that other employees were discussing matters in the workplace that offended his personal sensibilities—like commenting on drug use by members of the public or that the elevator smelled like smoke.⁷

[38] Carrier also complained about a number of other concerns, including that:

- a) his training was disorganized and insufficient;
- b) he was overwhelmed by his work responsibilities;
- c) a variety of changes should be made to workplace procedures including the policy around taking breaks;
- d) efficiency scores should not be publicly accessible to other operators; and
- e) he felt judged when other employees learned of his vaccination status.

[39] Although it is clear that Carrier was struggling in his employment, none of these issues are

⁵Appellant’s written submission at pg. 84

⁶Exhibit E-4

⁷*Ibid*

connected to a credible claim of workplace harassment.

[40] I find that the Appellant did not allege an incident of actual harassment that would give rise to a *prima facie* case that he was terminated for raising concerns about the same. An employee is not required to prove that harassment actually occurred to advance their case that retaliatory action was taken. However, as in *Racic*, I conclude that there must be more than a bare allegation—even one that uses the word harassment—in order to engage the protections of the *SEA*.

[41] Having determined that the Appellant did not allege that harassment occurred, the appeal must fail. However, I will nonetheless address whether the employer had a good and sufficient other reason to terminate the Appellant.

[42] SIGA argues that, even if the Appellant did make out a *prima facie* case that he engaged in protected action, he was not terminated for that reason. Instead, it claims that he was dismissed because of workplace attendance issues and inappropriate workplace behaviour.

[43] The Appellant takes the contrary view. In his written submissions, he alleges that:

- a) SIGA employees had a personal vendetta against him;
- b) that it fabricated the complaints and evidence against him; and
- c) that reasons for his termination were pre-textual.

[44] I have no hesitation in concluding that the Respondent's version of events is the correct one. SIGA provided ample evidence documenting the internal discussions about the Appellant's workplace conduct. This included:

- a) emails and team messages about issues with other staff;⁸
- b) communications about and reports of his absenteeism;⁹

⁸Exhibit E-14, E-15, E-17 & E-18

⁹Exhibit E-6, E-7, E-19 and E-20

- c) notes from meetings with the Appellant;¹⁰ and
- d) communications regarding the termination of the Appellant.¹¹

These documents confirm that SIGA employees attempted to address Carrier's concerns in a reasonable and timely manner and that the decision to fail his probationary period had no connection to his meeting with Romans or any claim of workplace harassment.

[45] In contrast, the Appellant's submissions are speculative and contain no substantiation of his claim that he was fired for any reason other than the one identified by SIGA, let alone that he was fired specifically because he raised a concern about workplace harassment.

[46] SIGA refers me to *Northern Village of Buffalo Narrows v Kevin Hanson*¹² for the proposition that, where there is no indication of any causal connection between the protected activities and the discriminatory action, "it may require little from the employer to establish good and sufficient other reason."

[47] SIGA argues that this case is similar to *Holiday Inn Express & Suites Yorkton v Barry Strocen*.¹³ There, a probationary employee was terminated several weeks after he raised concerns about fire hazards at the employer's property. The adjudicator determined that the termination was unrelated to those concerns, but were instead related to the employee's absenteeism and failure to complete assigned tasks.

[48] I agree with the foregoing statements. If the Appellant had shown he was terminated because he took action to exercise his rights under the *SEA*, the Respondent would bear the burden of establishing that it had a good and sufficient other reason for taking action against Carrier. I find that they have easily done so here. The record before me is dispositive that Carrier was, in fact, terminated

¹⁰Exhibit E-16

¹¹Exhibit E-21, E-22 and E-23

¹²2022 (SK LRB No. 152-21)

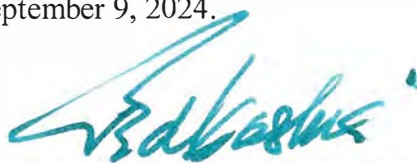
¹³2022 (SK LRB No. 015-22)

for absenteeism and because of the Appellant's abrasive behaviour.

[49] Having determined that the Appeal must be dismissed, it is not necessary to address the Respondent's arguments as to the appropriate remedy or my jurisdiction to issue the relief requested.

[50] Because of the above, I dismiss the Appeal.

Dated at Saskatoon, Saskatchewan, on September 9, 2024.



T. F. (Ted) Koskie, B.Sc., J.D., Adjudicator