

Amendments to *The Saskatchewan Employment Act*

Ensuring fair and balanced employment laws

Introduction

The Government of Saskatchewan has introduced amendments to *The Saskatchewan Employment Act* that would reduce the administrative burden for employers while protecting the rights of employees in today's modern workplaces. If passed the amendments would come into force on proclamation.

Definition of a day

Section 2-1: Amending this section would allow employers to define a day for the purposes of overtime and hours of work as a calendar day or continue to use the existing definition of 24 consecutive hours. This change provides flexibility and aligns Saskatchewan with its neighbouring provinces of Manitoba and Alberta.

Regulating tips

Section 2-36.1: Creating a new provision that prevents employers from deducting or withholding tips from employees. This amendment would help protect the earnings of employees. Saskatchewan would be one of seven provinces to regulate tips.

Group termination notice threshold

Section 2-62: The amendment would change the notice employers are required to give employees, minister and the union if terminating 25 or more employees, an increase from the current minimum of 10 employees. This would reduce the administrative burden for employers. Saskatchewan and two other jurisdictions having the lowest group termination notice limit in Canada.

Authority of the director of employment standards

The director will have the authority to reinstate an employee or provide compensation for lost wages where an employer has taken discriminatory action against an employee. Currently only the courts can order a reinstatement or compensation for lost wages in these circumstances, which can be a lengthy process. The director's decisions will be subject to an appeal process to ensure fairness. This amendment would put Saskatchewan in line with nine other jurisdictions in Canada.

Employment leaves

- Section 2-40: Restricting employers from asking for a sick note unless the employee has been absent for more than five consecutive working days or has been absent twice for two or more days in the preceding 12 months. This will reduce administrative burden for employers and the health care system.
- Section 2-40: Extending the duration of long-term sick leave from 12 to 27 weeks, which will align with federal employment insurance benefits and provide job protection to employees receiving benefits.
- Section 2-49: Extending maternity leave to employees who experience a loss of pregnancy up to 20 weeks before the estimated due date, instead of the current 13 weeks.
- Section 2-56.1: Creating a new 16 week unpaid interpersonal violence leave in addition to the existing 10 day leave, of which five are paid and five are unpaid.
- Section 2-55: Expanding bereavement leave provisions to allow access to the leave within six months of a death rather than a week before or after the funeral, permitting leave for the death of a person the employee considers to be “like” family and for the loss of a pregnancy of an employee or an employee’s immediate family. These amendments take into consideration the changing nature of the workplace and allows employees to be able to follow their own customs and traditions when it comes to a death.

Housekeeping

Amendments that focus on improving clarity and consistency of language include:

- Section 9-13: Would change the requirement for reviews of each part of the Act from a five-year interval to a 10 year one.
- Section 2-18: Allowing part-time employees to participate in modified work arrangements where overtime is paid after a specified number of hours as opposed to the existing eight hours.
- Sections 2-11 and 2-14: Allowing employers with non-unionized employees to apply for a variance from the meal break and notice of work schedule change provisions, with the written consent of the employees. Additionally, allow unions to negotiate a variance from these provisions without approval from the director of employment standards.
- Section 2-13: Removing the requirement of providing two consecutive days off every week to employees in the retail sector; instead, they will be in line with other sectors which must provide one day off.
- Section 2-49: Changing the terminology used in the maternity leave provision for a loss of pregnancy from “miscarriage or stillbirth” to “loss of pregnancy”.
- Section 2-35: Clarifying that employees can be paid their wages in cash.
- Section 2-36: Allowing employers to deduct for salary advances, voluntary training and housing allowances if the deductions are agreed to by the employee.
- 2-61: Clarifying that an employer does not have to provide vacation pay on the period for which pay-in-lieu of notice is being provided.
- 2-75: Allowing appellants to withdraw an appeal at any point in time.