

# *The Employers' COVID-19 Emergency Regulations*

## Introduction

The health and safety of employees, and of all citizens is important. As the number of COVID cases and hospitalizations has increased in the province, measures are needed to help reduce the risk of the spread of the COVID-19 virus. Given this, the Government of Saskatchewan is introducing new regulations to provide employers with the ability to choose to require evidence of vaccination or a negative COVID-19 test result from employees before they enter the workplace.

To whom the regulations apply:

- *The Employers' COVID-19 Emergency Regulations* apply to all provincially-regulated employers in the province with the exception of the public sector.
- Public employers include:
  - the Government of Saskatchewan;
  - a Crown corporation;
  - any agency, board or commission of the Government of Saskatchewan, including appointed and elected members and directors;
  - the Provincial Auditor of Saskatchewan;
  - an Officer of the Legislative Assembly; and
  - a constituency office of a member of the Legislative Assembly.
- Employers are not required to follow the regulation, but it is an option available to them.

Requirements of employers:

- On and after October 1, 2021, an employer may implement a policy to require workers to either show evidence of being fully vaccinated or provide evidence of a valid negative COVID-19 test at least every seven days before being allowed in the workplace.
- The employer shall provide reasonable notice of the requirements to every worker by:
  - personally giving it to the worker;
  - posting it in the workplace;
  - posting it online on a secure website to which the worker has access; or
  - providing it in any other manner that informs the worker of the requirements.
- Employers may use a self-declaration process and are not required to collect or retain personal health information. However, employers are required to establish a verification process for reviewing the evidence of vaccination or COVID-19 negative tests provided by their employees, and keep this information confidential.
- *The Saskatchewan Employment Act* provides a legal defense to employers where they are exercising a power in good faith that is provided for in the Act or by regulation. This would apply to businesses who choose to follow *The Employers' COVID-19 Emergency Regulations*.

## Requirements of employees:

- Employees will be required to provide evidence of being fully vaccinated or proof of a negative COVID-19 test to their employer before being allowed in the workplace.
- For employees who choose to show evidence of a negative COVID-19 test, they must take the test during non-work hours and are responsible for any costs associated with testing, unless otherwise agreed to by the employer.

## Vaccination and COVID-19 testing:

- Fully vaccinated individuals are those who have received the required number of doses of a COVID-19 vaccine approved by Health Canada and that 14 days or more have passed since the individual received the recommended dose.
- Partially vaccinated individuals would be required to show evidence of a negative COVID-19 test before entering the workplace.
- Individuals with medical conditions that prohibit them from receiving a COVID-19 vaccine would be required to show evidence of a negative COVID-19 test every seven days.
- A negative COVID test is good for seven days from the date of the test.
- An employee can choose any of the following COVID-19 tests administered at a testing site approved by the minister of Health:
  - a polymerase chain reaction (PCR) test for SARS-CoV-2;
  - a point-of-care antigen test for SARS-CoV-2;
  - any other test for SARS-CoV-2 approved by the minister of Health.

September 27, 2021