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THE SASKATCHEWAN EMPLOYMENT ACT

ASSOCIATED REGULATIONS



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OVERVIEW

- Bill 85, *The Saskatchewan Employment Act*, received Royal Assent on May 15, 2013.
- A consultation paper on *The Saskatchewan Employment Act* associated regulations was released on July 23, 2013.
- The focus of the consultation was on the new regulatory requirements to give effect to the Act. Stakeholders were invited to make comments on any existing regulations if they wished.
- Consultations concluded on September 27, 2013 and resulted in 364 submissions:
 - 50 organizations
 - 2 individuals
 - 312 form letters
- The feedback received, alongside input received from the Minister's Advisory Committee, was carefully considered in determining the scope of the recommended regulatory changes.



EMPLOYMENT STANDARDS REGULATIONS

Minimum Wage

- Indexation formula included in regulations which is the equal weighting of the percentage changes in the Consumer Price Index and Average Hourly Wage for previous year.
- Any increase is subject to Cabinet approval.
- A change in the minimum wage is to be announced on or before June 30th of each year.
- A change in the minimum wage takes effect on October 1st of the same year.

Consumer Price Index 2013 1.5% Average Hourly Wage 2013 2.5%

$$[(1+0.025)/2 + 1(1+0.015)/2] \times 10 = \$10.20$$

Minimum Callout Pay

- Minimum callout pay changed to 3 times the employee's hourly wage rather than 3 times minimum wage.
- Provide minimum callout pay of 1 hour's pay for school students, noon-hour supervisors and school bus drivers if works less than 1 hour. Previously not entitled to callout pay. Janitor; caretaker; building cleaner – removed exemption.



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EMPLOYMENT STANDARDS REGULATIONS continued

Exemptions from Act

- Clarify that “interns” are employees and have all the rights and obligations under Part II of the Act.
- Clarify that “student learners” are not employees for the purposes of Part II of the Act
 - “Student learners” are people in an educational program that requires a work placement or practicum in order to complete their program.
- Clarify that athletes are not employees for the purposes of Part II of the Act.
- Continue the exemptions for managers and teachers that existed in the previous Act.

Firefighters Hours of Work

- Continued the hours of work provisions from *The Fire Departments Platoon Act*.



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EMPLOYMENT STANDARDS REGULATIONS continued

Modified Work Arrangements

- Allow the employer and employees to agree to average hours of work over 1, 2, 3 or 4 weeks.
- The average hours of work are:
 - 40 hours over 1 week
 - 80 hours over 2 weeks
 - 120 hours over 3 weeks
 - 160 hours over 4 weeks
- All agreements are to be in writing and copies are to be maintained by both parties.
- Majority consent of affected employees is required to put an agreement into place.
- Arrangement is to include the daily hours before overtime is to apply.
- Maximum hours that can be agreed to before overtime applies is 12 hours per day.
- An agreement must include the work schedule for daily and weekly hours.
- Maximum length of an arrangement is 2 years but can be renewed.
- An arrangement can be terminated by either party.



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EMPLOYMENT STANDARDS REGULATIONS continued

Part-time Employees

- Part-time employees are not to be included in modified work arrangements.
- They are entitled to overtime after 8 hours are worked in a day.

Time Banks

- Allow the employer and employee to agree create a time bank for overtime hours worked.
- All overtime hours are banked at a rate of 1.5 times the number of hours banked (e.g. 2 hours of overtime banked is equivalent to 3 hours that can be taken off at a later date).
- Overtime hours must be used within 12 months of being banked or they are to be paid out.
- Any hours taken from the bank must be agreed to by the employer and employee.
- Any employee can request a payout from the time bank without closing the bank.
- Either party can give notice to close the bank. In doing so, the time is paid out, or time off can be scheduled off on mutual agreement. If an agreement cannot be reached, the employer can schedule hours to be taken off from work.



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EMPLOYMENT STANDARDS REGULATIONS continued

Retail Sector

- Continue to provide two consecutive days of rest for employees in retail sector, who:
 - Are employed in an establishment with more than 10 employees; and
 - Who work 20 or more hours per week.
- When possible, one of the two days is to be a Saturday or Sunday.

Compliance Audits

- Establish a fee of 10% of the value of the assessed wages owed when an external audit is ordered.

Assignment of Wages

- Continue the assignment of wages provisions from *The Assignment of Wages Act* and regulations.



OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Prime Contractors

- A prime contractor is required if:
 - There are 10 or more self-employed persons or workers under the direction of two or more employers; and
 - Are operating in the following industries:
 - Construction (dwellings that have four units or more).
 - Forestry; and
 - Oil and gas.
- Prime contractor is appointed by project owner or is the owner of the project;
- Prime contractor is responsible for coordinating the activities of workers on the worksite and ensuring that policies, procedures and safe work practices are used on the worksite. This includes: preparing a written plan that coordinates activities, identifies the prime contractors backup and supervisors on the worksite.



OCCUPATIONAL HEALTH AND SAFETY REGULATIONS_{continued}

Occupational Health Committee Minutes

- Remove the requirement for an Occupational Health Committee to submit minutes of meetings to the Ministry.
- Require the employer to maintain these minutes in the workplace for inspection by an Occupational Health Officer or a Committee member.

Asbestos

- Require the employer, contractor or owner to identify and keep a written record of all materials in a building that consist of, or can reasonably be assumed to consist of, asbestos containing materials that the worker may come in contact with.
- Add a requirement for the written record to provide an assessment of the condition of the material by a competent person.
- Require the written record to include the location, characteristics and accessibility of all asbestos-containing material.
- Require the written record be updated every time asbestos-containing material is added or removed from a building.



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LABOUR RELATIONS REGULATIONS

Forms and Procedures

- The Labour Relations Board has the authority to make procedural regulations, including developing forms.
- These Board regulations have been prepared.
- The existing Lieutenant Governor regulations, *Regulations and forms, Labour Relations Board*, are outdated and will be repealed.



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Questions?



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