

Amendments to *The Saskatchewan Employment Act* Pass

Delivering fair and balanced employment laws

Introduction

The Government of Saskatchewan has passed amendments to *The Saskatchewan Employment Act* that will reduce the administrative burden for employers while protecting the rights of employees in today's modern workplaces. The amendments come into force later this fiscal year.

Definition of a day

Section 2-1: This amendment allows 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 any 24 consecutive hours.

Regulating tips

Section 2-36.1: This provision prohibits employers from deducting or withholding tips from employees.

Group termination notice threshold

Section 2-62: Employers are now required to give employees, the minister and the union notice of terminating 25 or more employees.

Authority of the director of employment standards

The director will now have the authority to reinstate an employee and/or provide compensation for lost wages where an employer has taken discriminatory action against an employee. The director's decisions will be subject to an appeal process to ensure fairness.

Employment leaves

- Section 2-40: Employers will be restricted 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.
- Section 2-40: The duration of long-term sick leave has been extended from 12 to 27 weeks, which will align with federal employment insurance benefits and provide job protection to employees receiving benefits.
- Section 2-49: Maternity leave is extended to employees who experience a loss of pregnancy up to 20 weeks before the estimated due date.

- Section 2-56.1: A new 16 week unpaid interpersonal violence leave is added in addition to the existing 10 day leave, of which five are paid and five are unpaid.
- Section 2-55: Bereavement leave is extended 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.

Modified work arrangements and days off

- Section 2-18: Allowing part-time employees to participate in modified work arrangements where overtime is paid after working the hours established in the work schedule as opposed to the existing eight hours in a day.
- 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.

Additional Amendments

Amendments have been passed that focus on improving clarity and consistency of language including:

- Section 9-13: Changing the requirement for reviews of each part of the Act from a five-year interval to a 10 year one.
- Sections 2-11 and 2-14: Allowing employers with non-unionized employees to apply to the director of employment standards for a variance from the meal break and notice of work schedule change provisions, with the written consent of the employees. Additionally, allowing unions to negotiate a variance from these provisions with the employer without approval from the director of employment standards.
- 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 or moving 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.