

Rights and Responsibilities

A Guide to Employment Standards in Saskatchewan Part II of *The Saskatchewan Employment Act*

2014



Note: This publication is not a legal document. The original legislation should be consulted for all purposes of interpretation and application of the law.

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Introduction

This document provides basic information about Saskatchewan’s employment standards set out in Part II of *The Saskatchewan Employment Act*. It will help employees and employers understand their rights and responsibilities under the legislation.

The Saskatchewan Employment Act came into effect April 29, 2014. Prior to April 29, 2014, *The Labour Standards Act* was the governing legislation for employment standards.

Definitions

Contractor: an individual who has hired a company or self-employed person on contract and directs their activities, or who does not give any direction beyond the product to be provided.

Employee: a person whom an employer permits, directly or indirectly, to perform work or services and receives or is entitled to wages. An employee can also be a person who is being trained by an employer.

Employer: a person/business who operates a place of employment and employs the services of one or more workers.

Self-employed person: has an occupation, but works for him/herself and does not employ other workers.

Who Part II of *The Saskatchewan Employment Act* Covers

Part II of *The Saskatchewan Employment Act* applies to most employees and employers in the province. There are some groups who are not covered. These include, but are not limited to, the following:

- federally-regulated businesses and industries;
- family businesses;
- self-employed individuals;
- sitters;
- student learners; and
- athletes, when participating in their athletic endeavour.

Please note:
If you work in another province, the rules in that province apply.

Family businesses are defined as businesses that employ only the employer’s immediate family members. The term “employer’s immediate family” is defined as:

- i. a spouse of the employer or a person with whom the employer cohabits and has cohabited as a spouse in a relationship of some permanence;
- ii. a parent, grandparent, child, grandchild, brother or sister of the employer; or
- iii. a parent, grandparent, child, grandchild, brother or sister of the spouse of the employer or of a person mentioned in subclause (i) with whom the employer cohabits.

Minimum Wage and Minimum Call-out Pay

Date	Minimum Wage	Minimum Call-out Pay
October 1, 2014	\$10.20	Pay for at least three hours of work at the employee's regular hourly wage rate.*
April 29, 2014 – September 30, 2014	\$10.00	Pay for at least three hours of work at the employee's regular hourly wage rate.*
December 1, 2012 - April 28, 2014	\$10.00	\$30.00 or hours of work at employee's regular hourly wage rate, whichever is greater
*Note: Minimum call-out pay does not apply to students in primary or secondary school during a school term, school bus drivers, and noon hour supervisors employed by a school board. If these employees work, they are only paid for the time worked with a minimum of one hour. Employees called in to work overtime do not get minimum call-out pay. They must be paid their overtime pay rate for each hour worked.		

1. What is minimum wage and to whom does it apply?

Minimum wage is the minimum amount an employer needs to pay an employee for each hour worked. The current minimum wage in Saskatchewan is \$10.20 per hour.

On an annual basis, Cabinet reviews a recommendation to change the minimum wage based on the percentage change in the Consumer Price Index and the Average Hourly Wage for the previous year. Changes to the minimum wage are announced on or before June 30 of each year and take effect on October 1.

Minimum wage is not required for some individuals – including: farm labourers, some care providers, babysitters (only those that are of a very temporary or sporadic nature), athletes while engaged in their athletic endeavor, volunteers for non-profit organizations, and individuals that have a physical or mental impairment that are in educational, therapeutic or rehabilitative activities through a non-profit organization.

Due to the very limited application of a minimum wage exemption, readers are encouraged to check the legislation and/or contact the Employment Standards Division for more information.

2. What is “minimum call-out” pay?

Most employees receive a minimum payment (“minimum call-out” pay) every time their employer requires them to report for work (other than for overtime) once they have reported for duty as scheduled. Employees must receive minimum call-out pay even if it turns out there is no work for them that day.

Under employment standards, employees are to be paid a minimum of three hours at their hourly wage. If an employee does work, but less than three hours, the employer is still required to pay the employee for a minimum of three hours of work at the employee’s hourly wage.

For example, an employee who earns \$12 an hour is called in to work for two hours. The employee must be paid at least \$36. If the employee works for four hours, he or she must be paid \$48.

Employees called in to work overtime do not receive minimum call-out pay. These employees receive their overtime pay rate for each hour worked. See [Overtime](#) for more information.

Minimum call-out pay rules do not apply to:


- students in primary or secondary school during a school term;
- school bus drivers; and
- noon hour supervisors employed by a school board.

If these employees work, they are only paid for the time worked with a minimum of one hour. For example, a student earning \$12 an hour who is called in to work for 30 minutes on a school day must be paid at least \$12. If the student works for two hours, he or she must be paid \$24.

3. How is minimum wage calculated?

The minimum wage in Saskatchewan is indexed. This means that the minimum wage rate will be calculated using changes in the Consumer Price Index (CPI) and the Average Hourly Wage in Saskatchewan for the previous year.

Upon Cabinet approval, changes to the minimum wage must be announced on or before June 30 of each year and will take effect October 1 of the same year to give business owners the ability to plan for the change.



The Consumer Price Index (CPI) is a collection of goods and services typically purchased by households.

Work Schedules, Permits, and Modified Work Arrangements

Work Schedules

1. Are employers required to notify employees of their hours of work?

Employers must give employees notice of when their work begins and ends over a period of at least one week. Schedules must be provided at least one week before the schedule starts. Notice can be given to the employee personally, posted in the workplace, posted online on a secure website to which the employee has access, or provided in any other manner that informs the employee of the schedule. An employer may provide notice of less than one week of a variation to an employee's schedule if unexpected, unusual or emergency circumstances arise.

Employers may apply for an authorization from the Director of Employment Standards to vary the requirement to post a work schedule or a change to the work schedule (see [Permits and Variances](#) for information on how to apply for a permit).

In unionized workplaces the Director of Employment Standards may permit a variation from the requirements of this section if the employer has obtained the written consent to the variation from the union that is the bargaining agent for the employees.

2. What are the rules for rest periods between shifts?

Employees are entitled to a period of eight consecutive hours of rest in any period of 24 hours. Employees must receive this break unless there is an emergency.

An "emergency" is a situation where there is an imminent risk or danger to a person, property or an employer's business that could not have been foreseen by the employer.

A "week" in Saskatchewan can run from Saturday midnight to the following Saturday midnight or can be any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee.

3. Are employees entitled to "days of rest"?

Employees who usually work 20 hours or more per week receive 24 consecutive hours away from work every seven days (except when fighting forest or prairie fires). Employees in the retail trade get two consecutive days off every seven days, with one day off being a Saturday or Sunday whenever possible.

In the retail trade, the two consecutive days off do not apply to:

- a) businesses with less than 10 employees;
- b) employees who work less than 20 hours per week;
- c) businesses subject to a municipal bylaw requiring closing on a day other than Saturday, Sunday, or Monday; or

d) businesses subject to modified work arrangements or averaging of hours permits.

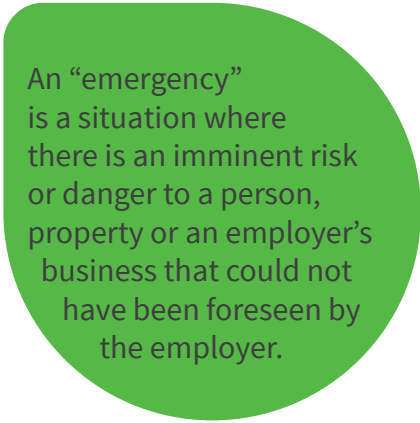
Employers can apply for a permit or variance to change this requirement (see [Permits and Variances](#) for more information on how to apply for a permit).

4. Is there a limit to the number of hours an employee can be required to work per week?

Yes. Unless there is an unexpected, unusual or emergency circumstance, employees do not have to work or be at their employer's disposal for more than 44 hours per week. An employee may agree to work more hours, but cannot be disciplined for refusing. Overtime rules apply to eligible employees after 40 hours per week.

If a public holiday occurs during the week, employees do not have to work or be at the employer's disposal for more than 36 hours per week. Overtime rules apply to eligible employees after 32 hours per week. An employer cannot discipline an employee who does not consent to work extra hours. See the chapter on [Overtime](#) for more information.

Employers may also get employee consent to work or be at the employer's disposal for more than 44 hours per week by setting up a modified work arrangement, or applying for an Averaging of Hours Permit. Please see [Permits and Variances](#) or [Modified Work Arrangements](#) for more information.



An “emergency” is a situation where there is an imminent risk or danger to a person, property or an employer’s business that could not have been foreseen by the employer.

5. Does an employee have to be paid for all hours worked?

An employee must be paid for each hour or part of an hour worked. As well, if an employee is required to be at the disposal of the employer, the employee must be paid for that time.

“At the disposal of the employer” means that the employee is under the direction and control of the employer.

6. What does “permit an employee to work” mean?

Employees who are “permitted to work” must be paid for the time. An employer has permitted an employee to work if the employer:

- a) knows or ought reasonably to know that the employee is working; and
- b) does not cause the employee to stop working.

For example, employees scheduled hours of work are from 8:00 a.m. to 5:00 p.m. each day with a one hour unpaid lunch break (eight hours). The employer knows that some of them come to work at 7:30 a.m. and start working, but does not say anything about it and allows this practice to continue. In this situation, the employer has “permitted these employees to work”. The employees must be paid for the extra time.

Breaks

1. Are employees entitled to “meal breaks”?

Yes. Most employees are entitled to an unpaid meal break of at least 30 minutes within every five hours of work.

An employer must provide an employee with an unpaid meal break at a time or times necessary for medical reasons. The employee is expected to work with the employer to set up a satisfactory accommodation.

2. Must employees be paid for meal breaks?

No, but if an employee is directed to work or be at an employer’s disposal during a meal break, the employee must be paid for the time. For example, an employee who has been directed to stay in the office over lunch to answer phone calls is at the disposal of the employer and must be paid for the time, even if no one calls.

3. Do employees have to be paid for coffee breaks?

Yes, employees must be paid for coffee breaks. However, it is up to the employer to decide if employees will get coffee breaks.

Modified Work Arrangements (MWA)

1. What are modified work arrangements?

Modified work arrangements are new and replace some averaging of hours permits. As with permits, modified work arrangements do not allow employers to avoid paying overtime rates; instead, they increase workplace flexibility by allowing employers and employees to compress work time in return for more time off.

Employers no longer have to apply to the Director of Employment Standards for authorization to average hours of work in specific circumstances. Instead, the rules used by the Director to issue permits have been written directly into *The Employment Standards Regulations*.

A modified work arrangement (MWA) is an agreement between the employer and an employee or a group of employees. The agreement allows an employee or a group of employees to compress work time in one, two, three or four-week cycles. In return, employees get longer periods of time off from work.

Work arrangements can include averaging:

- 40 hours over one week;
- 80 hours over two weeks;
- 120 hours over three weeks; and
- 160 hours over four weeks.

All agreements must:

- be in writing;
- be signed by the employer and employee, or a majority of the employees affected;
- specify the number of weeks over which the hours will be averaged;
- specify the daily hours of work after which an employee becomes entitled to overtime (this must match the affected employee's daily schedule);
- specify the work schedule that reflects the daily and weekly hours agreed to by the parties;
- provide a start date and an expiry date for the modified work agreement; and
- be in place at least one week before any work schedule changes.

In addition, agreements:

- cannot be longer than two years;
- cannot require employees to work more than 12 hours in a day without overtime pay; and
- must be given to all employees covered by the agreement, and/or posted in the workplace.

Employees working on average less than 30 hours per week cannot agree to a MWA. Non-unionized employees working less than 30 hours per week are entitled to overtime after working more than eight hours per day or 40 hours per week (32 hours in a week with a public holiday). Unionized employees receive overtime based on their collective bargaining agreement.

The regular overtime rules apply if the conditions set out in the modified work arrangement are not met or maintained.

A permit from the Director of Employment Standards would still be required by an employer who wishes to arrange a longer averaging period than allowed by a MWA; or wishes to vary the rules for days off per week.

2. What could a modified work arrangement look like?

To view a sample Modified Work Arrangement template, please visit [saskatchewan.ca/work](https://www.saskatchewan.ca/work).

Permits and Variances

Part II of *The Saskatchewan Employment Act* and its regulations set out the minimum employment standards in the workplace. Since the rules cannot be made to fit every circumstance, variations from the rules are allowed, provided the appropriate permission is obtained.

Employers must apply to the Director of Employment Standards for permission to deviate from the rules, or obtain the written agreement of the trade union representing the affected employees.

The following permits are available:

- **Averaging of Hours Permit** - This permit allows an employer to average the hours of work of an employee or group of employees work over a period greater than four weeks. Where a shift cycle requires a longer day or a longer period of averaging, an employer, with the support of a majority of the employees, can apply for an averaging permit from the Director of Employment Standards.

Most averaging of hours permits can be replaced with a modified work arrangement (MWA). An Averaging of Hours Permit from the Director of Employment Standards would still be required by an employer who wishes to arrange a longer averaging period than allowed by a MWA (greater than four weeks).

This permit does not eliminate the requirement to pay overtime. Overtime must be paid if the hours worked by the affected employees exceed the hours stated in the permit.

Non-unionized employers must obtain a permit from the Director of Employment Standards. However, these permits do not apply to unionized workplaces (employers in such workplaces must negotiate the arrangements with their union).

Application forms and additional information are available from the nearest Employment Standards Division office or by calling 1-800-667-1783 (toll-free), 306-787-2438 in Regina, or from saskatchewan.ca/work.

- **One Day's Rest in Seven Permit Application** - Authorization to vary the rule that employees who work more than 20 hours per week get one day off per week.
- **Two Day's Rest in Seven Permit Application** - Authorization to vary the rule that employees working more than 20 hours in a retail business with 10 or more employees get two consecutive days off per week.
- **Scheduling Variation Permit Application** - Authorization to vary the requirement to post a work schedule or a change to the work schedule.
- **Move a Public Holiday Permit Application** - Authorization to move a public holiday to another day.
- **Youth Employment Permit Application** - Authorization to vary youth employment rules (section 9.5 of *The Conditions of Employment Regulations*).
- **Authorization to permit the payment of wages during a strike on a day other than the day on which they would usually be paid.** Application for this authorization is by a letter of request to the Director of Employment Standards.
- **Authorization to waive the requirement to provide notice of group termination.** Application for this authorization is by a letter of request to the Director of Employment Standards.

1. How can an employer obtain one of the listed permits or authorizations?

An employer can request an application form from the Employment Standards Division or visit saskatchewan.ca/work. The form should be completed and returned to the Employment Standards Division, 300 - 1870 Albert Street, Regina, SK, S4P 4W1, for approval. If approved, the authorization will be returned to the employer.

The permit must be posted in a location that is accessible to the affected employees. Newly hired employees should be informed of the permit if it will apply to them.

2. Does the Director of Employment Standards need proof of employee support before authorizing a permit?

Before an authorization is granted, permits require approval of the majority of employees affected. The employees must show their approval by signing the application form. In certain instances, a secret ballot can be arranged. Once a majority of employees agree to the permit, the permit may be issued and will only apply to those employees in the classifications affected.

3. Can a permit be revoked?

Yes, the Director of Employment Standards has the authority to revoke a permit. The Director of Employment Standards must provide employers with due process before cancelling an authorization. Due process includes giving the employer notice and providing an opportunity to make written representations. The Director will provide the decision to the employer in writing.

4. Can employees request that a permit be withdrawn?

Employees may request that the permit be withdrawn or cancelled. This request must be in writing and should outline the reason for the request. An investigation will be conducted to determine if the permit should be revoked. If the permit is to be revoked, the employer will be notified and given due process.

5. How long are permits in effect?

The time limits will be stated on the permit.

Vacations and Holidays

Annual Vacation

All eligible full-time, part-time, casual, temporary and seasonal employees (including those who have not worked a full year) receive vacation pay.

1. How much vacation time do employees get?

Employees receive a minimum of three weeks of vacation after each year of employment. Employees who complete 10 years of work with the same employer receive a minimum of four weeks of annual vacation.

2. When can annual vacation be taken?

The employer must allow the employee to take vacation within 12 months after the date on which the employee becomes entitled to it. Employees and employers should decide together when annual vacation will be taken. If no agreement is reached, the employer can schedule the employee's vacation by giving the employee a notice at least four weeks before the employee's vacation is scheduled to begin. An employee is entitled to take all of his or her annual vacation in one continuous period, unless he or she requests shorter periods. Employees must receive approval in advance from the employer for each vacation period.

3. When do employees receive vacation pay?

Employees receive vacation pay:

- at the employee's request before taking vacation; or
- on a regular pay day;
- if vacation is not taken, within 11 months after earning their annual vacation; or
- within 14 days of termination.

4. How do you calculate vacation pay?

Vacation pay is calculated on an employee's wages for a given 12-month period. Wages includes all salary, overtime, vacation pay, public holiday pay, commission, earned bonuses and any other payment for work, services, or being at the employer's disposal. The calculation is:

- during the first nine years of employment, multiply the wages for the given 12-month period by $\frac{3}{52}$ (5.77 per cent); and
- during year 10 and the following years of employment, multiply the wages for the given 12-month period by $\frac{4}{52}$ (7.69 per cent).

Example:

An employee has worked for less than 10 years. If the given 12-month period is May 1 to April 30, and the employee takes a three-week vacation in August following the April 30 year-end, the calculation is:

Salary (May to April)	= \$12,000.00
Commission	= \$3,000.00
Total Wages	= \$15,000.00
Vacation pay: $\$15,000.00 \times 3/52$	= \$865.38

Vacation pay of \$865.38 would be payable for the August vacation.

Employees are entitled to four weeks of annual vacation after the completion of 10 years of employment with the same employer. Their vacation pay would be 4/52 of the total wages they earned in the previous year.

To help calculate the amount of vacation pay owed to an employee, please see the [Vacation Pay Calculator](#) at saskatchewan.ca.

5. Can an employee use vacation pay when they are away due to illness?

Vacation pay can be used when an employee is away due to illness only by mutual agreement between the employer and employee. The payment should be identified as vacation pay on the pay stub.

6. Do employees get their salary and vacation pay while on annual vacation?

No. This would be a double payment.

7. What happens if an employee does not ask for annual vacation?

Employers can require employees to take an annual vacation if the employer gives the employee four weeks written notice in advance. If no vacation is taken, the employee must get vacation pay no later than 11 months following the date when the annual vacation was earned.

8. How do public holidays affect annual vacation?

If there is a public holiday during an employee's annual vacation, the vacation is extended by one day. Most employees should get a normal day's pay for the public holiday. For more detailed information on public holidays, please refer to [Public Holidays](#).

9. What happens if the employer cancels an employee's annual vacation?

An employer who cancels an employee's annual vacation after approving it must pay all non-refundable deposits, penalties, and other pre-paid expenses by the employee that are related to the vacation. The employee must provide receipts for all such expenses.

Public Holidays (Statutory Holidays)

There are 10 public holidays per year: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day.

The Director of Employment Standards may authorize that a public holiday be observed on a specified working day other than the public holiday. (See [Permits and Variances](#) for more information.)

1. How are employees paid in a week when a public holiday occurs?

There are three payments:

a) Payment for work on a public holiday (premium pay):

Employees working on a public holiday are paid 1.5 times their hourly wage rate for all hours worked. This includes salaried employees and managers. The 1.5 rate is in addition to the normal day's pay calculated below in (c).

b) Overtime payable during the week of a public holiday:

During a week with a public holiday, employees receive overtime after working 32 hours per week. The 32 hours does not include any hours worked on the public holiday.

Daily overtime depends on the employees' schedule. Employees scheduled to work eight hours per day receive overtime after eight hours. Employees scheduled to work 10 hours per day receive overtime after 10 hours.

Note: Where a workplace has established a modified work arrangement, or has an Averaging of Hours Permit from the Director of Employment Standards, overtime is payable eight hours earlier for each public holiday falling within the averaging period. For example, if a public holiday falls within a period where 160 hours are averaged over four weeks, overtime rates become payable after 152 hours.

c) Public holiday pay:

Most employees receive five per cent of their regular wages in the four weeks before a public holiday as public holiday pay, no matter what their days of work. The calculation includes all wages and vacation pay that has been paid in the four weeks before the public holiday for holidays taken, but not overtime. A new employee is entitled to public holiday pay even if he or she has been employed for less than four weeks before the public holiday. The amount of public holiday pay would be five per cent of the regular wages earned by the new employee before the public holiday.

Example:

An employee earns regular wages of \$600.00/week, plus commission. In the four weeks before a public holiday, the employee takes one week of vacation for which the employee receives \$600.00, and also earns \$1,000.00 in commission. The calculation would be as follows:

Regular wages \$600.00 x 3	= \$1,800.00
Annual vacation pay \$600.00	= \$600.00
Commission	= \$1,000.00
Total earnings	= \$3,400.00

The public holiday pay would be: $\$3,400.00 \times .05 = \170.00

In some cases, employees on a fixed salary that have the day off with pay will have received proper payment for the public holiday. If the employee receives the day off with pay, then this amount would be taken off the \$170.00 calculated above. Assuming a five day week, the employee would earn a base wage of $\$600.00 \div 5 = \120.00 . Taking off the \$120.00 would leave a balance of \$50.00 to be paid.

Hourly-paid construction employees

Public holiday pay for hourly-paid construction employees is four per cent of wages (excluding overtime and vacation pay) earned in the calendar year. Public holiday pay must be paid by December 31 of the year in which it was earned, or within 14 days of termination of the employee's employment.

2. Do some industries have special rules for payment for work on a public holiday?

Yes. There are special rules for employees engaged in the operation of a well drilling rig as well as for employees of commercial hog operations and full-time employees employed in hotels, restaurants, educational institutions, hospitals, and nursing homes.

- a) Employees engaged in the operation of a well drilling rig receive public holiday pay if they do not work on the day. If they work on the public holiday, they will receive public holiday pay plus their regular wages for the time worked on the public holiday.
- b) Employees working in commercial hog operations receive public holiday pay plus 1.5 times their hourly wage rate for each hour worked on the public holiday. If the public holiday falls on a regular day of work for the employee and the employee works it, the employee can elect by written request to receive another day off with pay designated by the employer within 12 months of the public holiday. If this occurs the employee would be paid:
 - regular wages for time worked on the public holiday; plus
 - public holiday pay for the designated day. The payment for the designated holiday is payable in the pay period during which the designated day occurs, or within 14 days of termination of the employee's employment, whichever comes first.

- c) Where a public holiday falls on the regular day of work for full-time employees working in a hospital, educational institution, nursing home, hotel or restaurant, the employees would be paid at a rate of:
- 1.5 times their regular wages in addition to their public holiday pay; or
 - 1.5 times their regular wages, and in addition, be granted one working day off at the employee's regular wage within a four-week period during which the public holiday occurs.

3. What if the public holiday falls on a Sunday?

If the employer's establishment is normally open on Sunday, the public holiday pay rules apply to that Sunday. Where businesses are normally closed on Sunday, and New Year's Day, Christmas Day, or Remembrance Day fall on a Sunday, the following Monday is observed as a public holiday.

Canada Day is covered by federal legislation. Currently, federal law says when July 1 falls on a Sunday, the holiday is observed on Monday, July 2.

4. Can a public holiday be observed on a different day?

Yes. Employers can apply for a permit from the Director of Employment Standards allowing the public holiday to be observed on another day. The Director may order that the holiday be observed on another day if a majority of the employees agree. If the employees are represented by a trade union, the trade union and the employer may agree in writing to observe the public holiday on another day. In recognition of the significance of November 11 (Remembrance Day), switching that day to another day will only be granted in exceptional circumstances.

Wages and Pay

Payroll Administration

Under Part II of *The Saskatchewan Employment Act*, employers must pay employees on their regularly scheduled paydays. Employees must be paid monthly, semi-monthly or every 14 days. Employees must be paid within six days of the end of the payroll cut off. Employers are required to maintain and keep all payroll records.

1. What must accompany each payment?

A statement of earnings (pay stub) must be provided each payday as well as when making payments of wage adjustments. The pay stub should list:

- the name of the employer and employee;
- the period for which the payment is made;
- regular, overtime, and public holiday hours worked;
- the rate of pay;
- the amount paid for each of wages, overtime and public holiday pay and work on a public holiday, vacation pay, and pay instead of notice;
- an itemized list of any deductions made from wages;
- total earnings; and
- the actual payment being made.

The pay stub must be separate from the wage cheque. An employer who provides an electronic pay stub must provide a printed pay stub to any employee who cannot print one.

2. What can be deducted from wages?

Only deductions required by law (e.g., Income Tax, Canada Pension Plan [CPP], and Employment Insurance [EI]) may be deducted from wages. Other allowable deductions include:

- employee contributions to pension plans or registered retirement savings plans;
- employee contributions to other benefit plans;
- charitable donations voluntarily made by the employee;
- voluntary contributions by the employee to savings plans or the purchase of bonds;
- initiation fees, dues and assessments to a union that is the bargaining agent for the employee;
- voluntary employee purchases from the employer for any goods, services or merchandise; and
- court-ordered maintenance payments.

Items such as cash shortages and money to replace broken or damaged goods cannot be deducted unless the employer obtains a court judgment.

3. What wage deductions are not allowed?

An employer cannot deduct the following from an employee's wage, unless a court judgment is obtained:

- theft;
- damage;
- breakage;
- poor quality work;
- damage to employer's property including accidents involving the employer's vehicles or equipment; or
- failure to collect payment by a customer, including "dine-and-dashes" and shoplifting.

4. Who pays for the uniform if employees are required to wear one?

A uniform is special work clothing which has the name of the business or its logo on it. Clothing, such as black pants or a skirt or a white shirt or blouse, that can be worn off the job is not considered to be a uniform.

Employers must pay for employee uniforms or other special clothing that identifies the employer's business.

Employers in restaurants, hotels, nursing homes, hospitals or educational institutions who require an employee to wear a uniform must provide, launder and repair the uniform at no cost to the employee. Registered nurses are exempt from this provision.

Please contact the Occupational Health and Safety Division at 1-800-667-5023 (Saskatoon area) or 1-800-567-7233 (Regina area) for information about payment for safety gear and equipment.

5. Does the statement of earnings have to show the amount of annual vacation and public holiday pay being paid?

Yes, if vacation or public holiday pay is paid along with the employee's regular wages on each paycheque, then the amounts paid must be identified separately from the regular wages. If this is not done, the law considers that annual vacation and public holiday pay have not been paid, unless the employer can show otherwise.

6. Are employers required to provide sick pay?

No. Employers do not have to pay wages to employees who are away sick; however, employers and employees may agree to paid sick leave. In most cases, an employer cannot fire an employee for missing work because of illness or injury. Employers can dismiss employees for cause despite illness or injury. Just cause can include excessive employee absenteeism, chronic tardiness, and other unscheduled absences from work.

Employers and employees can agree to have the employee take vacation pay as sick pay. However, the employer cannot require the employee to do this.

7. How often do employees have to be paid?

Employees who are not paid a monthly salary must be paid at least twice per month. Employees who get a monthly salary must be paid at least once per month. Payment is due no later than six days after the end of the pay period.

8. What payroll records must an employer keep?

All employers must keep payroll records for each employee, including:

- the particulars of every employment contract;
- the name and address of the employee;
- a brief job description;
- the start and end dates of employment;
- hours at which work begins and ends each day;
- the times for breaks;
- the total number of hours worked each day and each week;
- the regular rate of pay (hourly wage);
- total wages paid;
- dates on which each vacation is taken;
- the amount paid to the employee with respect to each vacation to which the employee is entitled and the date of payment;
- the amount paid to the employee with respect to each public holiday and the date of payment; and
- all deductions from wages and the reason for each deduction.

Employers must also keep records of all shift schedules stating daily start and end times as well as any applicable modified work arrangements and overtime bank agreements.

9. When an employee works out of his or her home, what additional records must be kept?

An employer must keep records showing the address where the work is performed and identifying the portion of the work done at home.

10. How long should payroll records be kept?

For current employees, payroll records must be kept for the most recent five years. After an employee leaves a job, records must be kept for an additional two years. Modified work arrangement agreements must be kept for five years after they end.

All questions about the Record of Employment (separation slip) should be directed to the nearest Service Canada Office at 1-800-206-7218 (employees); or 1-800-367-5693 (employers) or visit www.servicecanada.gc.ca.

All questions about Income Tax, T4 slips, EI and CPP contributions should be directed to the nearest Canada Revenue Agency office. Phone 1-800-959-8281 (individuals); or 1-800-959-5525 (businesses); or visit www.cra.gc.ca.

11. When must an employee be paid after termination?

The employer must pay any outstanding wages (such as vacation pay or pay for banked overtime hours) in full to employees within 14 days after their last day of work. (Employees must be paid for the pay period if a regular payday comes within the 14-day period.)

Note that an employee’s regular pay days must be maintained. If a pay day falls within the 14-day period, then the employer must provide an employee’s normal pay on that day.

Overtime

1. When is overtime payable?

Employers can schedule employees to work 40 hours per week in either five, eight-hour days, or four, 10-hour days. If an employer picks five, eight-hour days, overtime is payable after eight hours per day. If an employer picks four, 10-hour days, overtime is payable after 10 hours per day.

A “day” is any period of 24 consecutive hours.

Employees are entitled to overtime rates for any hours worked in excess of 40 hours per week. For weeks in which a public holiday occurs, employees are entitled to overtime rates after 32 hours of work. Employers who have a modified work arrangement or an Averaging of Hours Permit must pay overtime when the daily or weekly hours in the averaging period are exceeded.

A “week” in Saskatchewan can run from Saturday midnight to the following Saturday midnight or can be any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee.

Non-union employees working on average less than 30 hours per week are entitled to overtime pay after working eight hours in a day. These employees cannot agree to a modified work arrangement or be covered by an Averaging of Hours Permit. However, they can agree to participate in an overtime bank agreement.

See [Public Holidays](#) for more information about the rules for work in a week with a public holiday.

2. What is the overtime rate?

Overtime must be paid at the rate of 1.5 times the employee’s hourly wage rate. To calculate the hourly rate for eligible employees paid on a monthly basis, multiply the monthly wage by 12, divide the result by 52, and then divide by the regular weekly hours (weekly hours cannot be more than 40).

Example:

Monthly wage rate	\$2,500.00
Times 12 (yearly rate)	\$30,000.00
Divided by 52 (weekly rate)	\$576.92
Divided by 40 (hourly rate)	\$14.42
Times 1.5 (overtime rate)	\$21.63

Note: If the regular weekly hours worked were 37.5 hours, the weekly rate (\$576.92) would be divided by 37.5 to give an hourly rate of \$15.38.

3. What are the rules regarding “short-shifting”?

Employees are entitled to a period of 8 consecutive hours of rest in any period of 24-hours. Employees must receive this break unless an emergency arises. An “emergency” is a situation where there is an imminent risk or danger to a person, property or an employer’s business that could not have been foreseen by the employer. For most employers, a “day” is defined as any 24 hour period. The day starts when the employee begins in and ends 24 hours later. All hours worked during this period count towards an employee’s daily total.

Example:

Date	Shift Starts	Shift Ends	Hours Worked
May 3	3 p.m.	11 p.m.	8
May 4	7 a.m.	3 p.m.	8

During the 24-hour period beginning 3 p.m. on May 3 and ending 3 p.m. on May 4, the employee worked 16 hours. This employee must be paid eight hours regular pay and eight hours overtime pay.

4. Do all employees get overtime?

No. Overtime provisions do not apply to:

- managerial or professional employees;
- employees primarily engaged in mineral exploration operations north of Township 62;
- logging industry employees, including employees providing food service and security services, but employees working in an office, saw mill or planing mill get overtime pay;
- certain types of travelling salespersons;
- persons employed by rural municipalities in connection with road construction or maintenance, or servicing of road repair or maintenance equipment that is not done in the shop;
- employees working for outfitters, fishers, or trappers; or
- come-in care providers.

Special overtime rules apply to some types of employees, including live-in care providers, live-in domestics, ambulance attendants or firefighters on a platoon system, oil truck drivers, some hog barn workers, and some city newspaper employees.

Overtime rules are also modified for employers who have negotiated modified work arrangements or time bank agreements with their employees, or who have received an Averaging of Hours Permit from the Director of Employment Standards.

Please call the Employment Standards Division at 1-800-667-1783 for more information about special rules, permits, and overtime exemptions.

5. What are overtime banks?

The Employment Standards Regulations set conditions around overtime bank set up and operation. An overtime bank is an agreement between the employer and employees that allows any overtime hours that an employee works to be banked in exchange for time off with regular pay during regular working hours at some later date.

For every hour of overtime worked, 1.5 hours must be banked. All employees can request an overtime bank, including those working fewer than 30 hours per week. The employer cannot require employees to enter into an overtime bank agreement.

All overtime bank agreements must be:

- in writing;
- agreed to and signed by both employer and employees; and
- retained by the employer, with a copy going to each employee covered by the agreement.

All hours taken from a bank must be taken during an employee's regularly scheduled work hours, and at a time or times agreed to by the parties. Where the parties cannot agree, time off may be scheduled by the employer. Any time off is paid at the employee's current regular hourly wage. All banked time must be taken off within 12 months of the time being banked.

Any banked time not taken within a 12-month period following the pay period in which overtime was banked must be paid out at the employee's current regular wage rate.

The employer and employee cannot end or change the agreement without giving advance notice in writing. The notice must be given at least one pay period in advance. If the employee or employer ends the agreement, the employee can be required to use some or all of the time in the bank during the notice period.

If the employer is laying off or terminating the employee's employment, the employer cannot substitute banked time for the notice period required under the Act, or use overtime bank payouts to replace pay instead of notice. Any remaining banked overtime must be paid out within 14 days of the employee's last day of work.

Pay Discrimination

Employers cannot discriminate against their employees by paying them differently for performing similar work based solely on the employee's sex, or on the basis of any of the prohibited grounds in *The Saskatchewan Human Rights Code*.

“Similar work” means:

- work for the employer that is done in the same workplace;
- under similar working conditions; and
- work that requires similar skill, effort, and responsibility to perform.

1. What are acceptable grounds for paying employees differently?

Employers can pay their employees differently if the difference is based on:

- seniority; or
- a merit system.

Employers often hire both men and women to perform similar work in the same workplace. Employers should ensure that wages paid to employees are based on objective criteria such as an employee's seniority, performance, skill requirements, and responsibility levels.

2. What happens if there is a valid complaint of pay discrimination on the basis of prohibited grounds in *The Saskatchewan Human Rights Code*?

If Employment Standards investigates a complaint of pay discrimination and it is found to be valid, the employer cannot reduce the wages of the higher paid employee(s) to match the impacted lower paid employee(s). Rather, the impacted employee's wages must be increased to match the higher paid employee's wages.

Leaves

There are several different employment leaves available in Saskatchewan, including:

- family (maternity, adoption, parental, bereavement, and crime related child death or disappearance);
- service (reserve force, nomination/election and candidate/public office, and citizenship ceremony); and
- medical (organ donation, critically-ill child care, and compassionate care).

Maternity, Adoption, and Parental (MAP)

Parents of new children can get maternity, adoption or parental leave. Pregnant women can get 18 weeks of unpaid maternity leave and the primary caregiver of an adopted child can get 18 weeks of unpaid adoption leave. The parent taking maternity or adoption leave can also take up to 34 weeks of parental leave. Parental leave and maternity leave must be taken in one continuous period. The parent who does not take maternity or adoption leave can take up to 37 weeks of unpaid parental leave. Parents returning from maternity, adoption or parental leave must be re-employed in the same job or in a comparable job.

1. Who gets maternity, adoption or parental leave?

Full or part-time employees who are currently employed, and have been employed for more than 13 consecutive weeks before the day the leave is to begin, can get maternity, adoption or parental leave.

Only the primary caregiver of an adopted child can get adoption leave. It is up to the parents to identify the primary caregiver.

2. How much notice must an employee give to an employer before taking maternity, adoption or parental leave?

Maternity Leave: An employee must give her employer written notice four weeks before the day her leave begins. The notice must include the day she plans to begin the leave and a medical certificate stating the estimated date of birth. The estimated date of return to work should be included in the notice.

Adoption Leave: An employee must give the employer written notice four weeks before the day the child comes into his or her care. If the employee is unable to give proper notice, whatever notice is given by Social Services, the adoption agency, or the birth parents, must also be given to the employer. The estimated day of returning to work should also be included in this notice.

Parental Leave: An employee must give the employer written notice four weeks before the leave begins. The notice must include the day he or she plans to begin the leave. If the employee is on maternity or adoption leave and is requesting parental leave, the written application must be submitted at least four weeks before the employee was to return to work. The new estimated date of return to work should be included in this notice.

3. Do employees on maternity, adoption or parental leave get wages?

No, but employees may get Employment Insurance benefits (Contact the nearest Service Canada office for more details). See question #10 for information about sick leave or disability benefits for pregnant employees.

4. Can employees on maternity, adoption or parental leave continue participating in company benefit plans?

Yes. Employees on maternity, adoption or parental leave can continue participating in certain company benefit plans. An employer may require the employee to pay the contributions required to maintain the benefits.

Benefit plans that an employee can continue participating in while on leave include medical, dental, disability or life insurance, accidental death or dismemberment, registered retirement savings plan, and other pension plans.

5. Must the employee give notice to the employer before returning to work at the end of the maternity, adoption or parental leave?

Yes. An employee must notify the employer at least four weeks before the day the employee plans to return to work. An employer is not required to allow an employee to return until this notice is received.

6. Can an employee's pay be cut after maternity, adoption or parental leave?

No. An employee gets at least the same rate of pay with no loss of pension or similar benefits. Seniority continues to increase at the normal rate while an employee is on leave.

7. How does maternity, adoption or parental leave affect annual vacation?

Maternity, adoption or parental leave does not affect annual vacation. After returning from the leave, an employee gets the same vacation the employee would have received if the leave had not been taken. Vacation pay may be lower since it is a percentage of the previous year's earnings.

8. Must a woman be given modified duties if her pregnancy would unreasonably interfere with the performance of her job?

Yes. Where a woman's duties are modified, there can be no cut in wages or benefits. If there is no opportunity to assign modified duties, the woman may be required to commence maternity leave up to 13 weeks before the estimated date of birth.

9. What happens if an employee gets sick because of her pregnancy and has to leave work before her maternity leave is supposed to start?

If a pregnant employee can provide a medical certificate saying she must stop work for medical reasons, she may leave work immediately. She is not required to start her maternity leave at this time and can delay the start of her 18 week maternity leave up to the estimated date of birth. (See question #10 for information about sick leave or disability benefits for pregnant employees.)

10. Do pregnant employees get sick leave or disability benefits?

Yes, if the employer provides these benefits to other employees. Employers who provide sick leave benefits and/or disability benefits to employees must make sure that pregnant employees get these benefits when they are unable to work because of illness or injury, including pregnancy and pregnancy related illness. Employees must also get these benefits for the period of time after the birth of the child during which the employee is unable to work for reasons related to the birth of the child. An employer may ask the employee in writing to provide a medical certificate as evidence of her inability to work. More information can be obtained from the Saskatchewan Human Rights Commission.

Sick benefits may also be available through Employment Insurance (contact the nearest Service Canada Office for more information).

11. When can maternity, adoption or parental leave be taken?

Maternity Leave: Maternity leave can start at any time during the 12 weeks before the estimated date of birth. If the employee did not give the employer four weeks notice before starting her leave, the 18-week maternity leave is reduced to 14 weeks and the 14-week leave can start at any time during the eight weeks before the estimated date of birth.

Adoption Leave: Adoption leave starts on the day the child becomes available for adoption.

Parental Leave: Unless parental leave is being taken with maternity leave, the leave can be taken any time between 12 weeks before the estimated date of birth or the day the child will come into the employee's care and 52 weeks after the date the child was actually born or came into the employee's care.

12. Can maternity leave exceed 18 weeks?

Yes. Maternity leave can be extended six weeks (for a total of 24 weeks) if there is a medical reason for not returning to work. A medical certificate is needed for this extension. Employers and employees can agree to a longer leave. To prevent misunderstanding, such agreements should be in writing.

13. What happens if a birth is delayed?

Women get at least six weeks of leave after the date of birth, even if this causes the total maternity leave taken to be more than 18 weeks.

14. Can an employee be fired because she is pregnant?

No. *The Saskatchewan Employment Act* states that “no employer shall take discriminatory action against an employee because the employee:

- is pregnant; or
- temporarily disabled because of pregnancy.”

Quick Reference Chart: MAP Leave

Contact Service Canada about Employment Insurance eligibility rules at 1-800-206-7218 (employees) or 1-800-367-5693 (employers) or visit www.servicecanada.gc.ca.

Leave	Maternity	Adoption	Parental
Leave Notice	Four weeks written notice before the leave is estimated to begin and four weeks written notice before it ends.	Four weeks written notice before the leave is estimated to begin and end.	<ul style="list-style-type: none"> If taken after maternity or adoption leave, four weeks written notice before the end of the maternity or adoption leave. If taken separately, the notice must be given four weeks before the leave is to begin.
Required Certificates	Medical Certificate.	Adoption documents, if requested.	Verification/Birth Certificate or Adoption documents, if requested.
Leave Duration	<ul style="list-style-type: none"> 18 unpaid weeks; or 14 unpaid weeks, if the employee has failed to give the employer the required four weeks of notice and has not provided her employer with a medical certificate requiring the employee to cease work immediately. 	18 unpaid weeks.	<ul style="list-style-type: none"> 34 unpaid weeks for the birth parent or the primary caregiver in an adoption. 37 unpaid weeks for the parent who did not take maternity or adoption leave.
Eligible Employee	Birth Parent/pregnant employee with 13 weeks of employment service.	Either parent, whoever is designated as the primary caregiver; with 13 weeks of employment service.	Either or both parents with 13 weeks of employment service.
Leave Start	<ul style="list-style-type: none"> Any time in the 12 weeks prior to the estimated date of birth; or Any time in the eight weeks prior to the estimated date of birth if the employee has failed to give the employer any notice and a medical certificate requires the employee to cease work immediately. 	Adoption leave begins on the day on which the child comes into the employee's care or becomes available for adoption.	<ul style="list-style-type: none"> A birth or adoptive parent's leave must run consecutively with the maternity or adoption leave. A non-birth or non-adoptive parent's leave can begin within 12 weeks preceding the estimated date of birth or adoption, and end within 52 weeks after the actual date of birth or adoption.

Leave	Maternity	Adoption	Parental
Leave Extensions	<ul style="list-style-type: none"> • Can be extended due to a late birth so the employee receives six weeks leave after the date of birth. • Six week extension, if the employee is not able to return to work after the leave expires because of medical reasons. 	Only if negotiated.	
Notice of Return to Work	At least four weeks written notice before the employee intends to return to work.		
Reinstatement Rights and Other Benefits	An employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive at least the same wages and benefits as before the leave. Seniority, service and the right of recall continue to accrue while the employee is on leave, to a maximum of 52 weeks. While on leave the employee continues to participate in benefit plans, provided that the employee pays the premiums.		
Job Protection	<p>No employer shall take discriminatory action against an employee because the employee:</p> <ul style="list-style-type: none"> • is pregnant or is temporarily disabled because of pregnancy; • has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part; or • has requested a modification of the employee's duties or a reassignment to other duties because of the pregnancy. 	No employer shall take discriminatory action against an employee because the employee has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part.	

Bereavement Leave

When a member of an employee's immediate family dies, an employee with at least 13 weeks of employment with an employer, is entitled to bereavement leave.

1. How long can an employee take bereavement leave?

Bereavement leave can be taken for up to five working days, and must be taken within the period beginning one week before and ending one week after the funeral relating to the death.

2. Who is considered an employee's immediate family?

An employee's immediate family is defined as:

- the employee's spouse, parent, grandparent, child, grandchild, brother or sister, or the spouse of the brother or sister; or
- the employee's spouse's parent, grandparent, child, grandchild, brother or sister, or the spouse of the brother or sister.

The term "spouse" means, with respect to an employee:

- (i) the legally married spouse of the employee; or
- (ii) a person with whom the employee cohabits and has cohabited as spouses:
 - (A) continuously for a period of not less than two years; or
 - (B) in a relationship of some permanence if the person and the employee are the parents of a child.

Crime-Related Child Death or Disappearance Leave

Crime-related child death or disappearance leave is unpaid job-protected leave of up to 104 weeks. An employee, with at least 13 weeks of employment service with the employer, is entitled to this leave if their child has disappeared or died due to a crime-related incident. The employee must also provide notice to the employer as soon as possible before the leave begins.

Quick Reference Chart: Family Leave

	Maternity	Adoption	Parental	Bereavement	Crime-related child death or disappearance
Employee Qualifying Period	13 weeks	13 weeks	13 weeks	13 weeks	13 weeks
Employee Notice to Employer	Four weeks	Four weeks	Four weeks	As far as possible in advance	As far as possible in advance
Evidence Required	Medical Certificate	If requested	If requested	If requested	If requested
Eligible Employee	Birth-parent/ pregnant employee	Primary caregiver	Either or both parents	Immediate family	Either or both parents or caregivers
Leave Period	18 weeks	18 weeks	34/37 weeks	Five days	104/52 weeks
Benefit Participation	Yes	Yes	Yes	Yes; Employee payment not required	Yes
Seniority Accrual	Yes	Yes	Yes	Yes	Yes
Employee Return Notice to Employer	Four weeks	Four weeks	Four weeks	As far as possible in advance	As far as possible in advance
Reinstatement Rights	Same or comparable job	Same or comparable job	Same or comparable job	Same job	Same or comparable job
Wage Protection	Yes	Yes	Yes	Yes	Yes

Reserve Force Service Leave

Employees, with 13 consecutive weeks of service with the employer, who are military reservists and are deployed to an international operation or an operation within Canada, that is or will be providing assistance in dealing with an emergency or its aftermath, are eligible for reserve force service leave. Reserve force service leave is an unpaid, job-protected leave for as many days as is required.

Written notice must be provided four weeks prior to the requested leave. If it is not possible to give four weeks written notice due to the emergent nature of the leave, then an employee must give notice as soon as possible. The employee must also notify the employer as soon as possible of his or her anticipated period of service. The employer may also ask the employee to provide confirmation from a reserve force official of the employee's reserve force status, and the anticipated period of service.

Upon returning, an employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive at least the same wage and benefits as before the leave.

Nomination/Election and Candidate/Public Office Leave

An employee seeking or holding public office may be eligible for nomination/election and candidate/public office leave. Nomination/election and candidate/public office leaves are unpaid, job-protected leaves for as many days as required.

An employee must have worked with the employer for at least 13 consecutive weeks to be eligible for this leave. Written notice must be provided to the employer four weeks before the leave begins. The employee must also notify the employer four weeks prior to their return date on when they will be returning.

Upon returning, an employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive the same wage and benefits as before the leave.

Citizenship Ceremony Leave

Employees who have worked with an employer for at least 13 consecutive weeks and who are a new Canadian citizen, are eligible for one day of Citizenship Ceremony leave. Employees must provide notice to the employer as soon as possible before the leave.

Quick Reference Chart: Service Leave

	Reserve Force	Nomination/ Election and Candidate/Public Office	Citizenship Ceremony
Employee Qualifying Period	13 weeks	13 weeks	13 weeks
Employee Notice to Employer	Four weeks	Four weeks	As far as possible in advance
Evidence Required	Reserve Official's Certificate	If requested	If requested
Eligible Employee	Reserve Member	Employee seeking or holding public office	New citizens
Leave Period	As required	As required	One day
Benefits Participation	Yes	Yes; Up to a maximum of 52 weeks	Yes; Employee payment not required
Seniority Accrual	Yes	Yes	Yes
Employee Return Notice to Employer	Four weeks	Four weeks	As far as possible in advance
Reinstatement Rights	Same or comparable job	Same or comparable job	Same job
Wage Protection	Yes	Yes	Yes

Organ Donation Leave

Organ donation leave is unpaid, job-protected leave of up to 26 weeks, for the purpose of undergoing surgery to donate all or part of a certain organ to a person.

An employee must have worked with the employer for at least 13 weeks to be eligible for this leave. Written notice must be provided to the employer as soon as possible before the leave begins. The employee must also notify the employer as soon as possible with their return date. An employer may also ask for a medical certificate along with the notice.

Upon return, an employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive at least the same wage and benefits as before the leave.

Critically Ill Child Care Leave

Critically ill child care leave is an unpaid, job-protected leave of up to 37 weeks. Parents are eligible for this leave to provide care or support to a critically ill or injured child. Eligible parents who take this leave from work may be eligible to receive Employment Insurance special benefits for Parents of Critically Ill Children (visit www.servicecanada.gc.ca for more information).

An employee must have worked with the employer for at least 13 weeks to be eligible for this leave. Written notice must be provided to the employer as soon as possible before the leave begins. The employee must also notify the employer as soon as possible on their return date.

Upon returning, an employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive at least the same wage and benefits as before the leave.

Compassionate Care Leave

Compassionate care leave is an unpaid, job-protected leave of up to eight weeks. Employees may be eligible for this leave to provide care or support to a family member who is gravely ill and who has a significant risk of death. Eligible employees who take this temporary leave from work may be eligible to receive Employment Insurance Compassionate Care Benefits (visit www.servicecanada.gc.ca for more information).

An employee must have worked with the employer for at least 13 weeks to be eligible for this leave. Written notice must be provided to the employer as soon as possible before the leave begins. The employee must also notify the employer as soon as possible of their return date.

Upon returning, an employee is entitled to return to the same job if the employment leave is for 60 days or less. If the leave is longer than 60 days, the employee can be reinstated to a comparable job. The employee must receive at least the same wage and benefits as before the leave.

Quick Reference Chart: Medical Leaves

	Organ Donation	Critically Ill Child Care	Compassionate Care
Employee Qualifying Period	13 weeks	13 weeks	13 weeks
Employee Notice to Employer	Four weeks	As far as possible in advance	As far as possible in advance
Evidence Required	Medical Certificate	Medical Certificate	Medical Certificate
Eligible Employee	Organ Donor	Either or both parents	Member of employee's immediate family
Leave Period	As required; Up to a maximum of 26 weeks	37 weeks	Eight weeks; Up to a maximum of 2 leaves in 52 weeks
Benefit Participation	Yes	Yes	Yes
Seniority Accrual	Yes	Yes	Yes
Employee Return Notice to Employer	Four weeks	As far as possible in advance	As far as possible in advance
Reinstatement Rights	Same or comparable job	Same or comparable job	Same or comparable job
Wage Protection	Yes	Yes	Yes

Absence from Work Due to Illness or Injury

Except for just cause unrelated to injury or illness, employment standards provides job protection to employees who are absent from work due to illness or injury or are absent due to illness or injury of a family member if certain conditions are met. Just cause can include excessive employee absenteeism, chronic tardiness, and other unscheduled absences from work.

1. Can an employer dismiss an employee for missing work because the employee is ill or injured?

Employers may not discharge or discipline employees who have worked for them for more than 13 consecutive weeks because of absence due to the illness or injury of the employee:

- if the absence is due to serious illness or injury, and does not exceed 12 weeks in a period of 52 weeks;
- if the employee is injured and receiving benefits under *The Workers' Compensation Act*, and the absence does not exceed 26 weeks in a period of 52 weeks; or
- in situations where absences do not exceed 12 days in a year.

Employment standards do not require employers to pay employees who are away sick. However, employers and employees may agree to paid sick leave.

2. Can an employer dismiss an employee for missing work because a family member is ill or injured?

Employees may also be entitled to job protection while they are absent from work due to the serious illness or injury of a member of the employee's immediate family who is dependent on the employee.

In this case, the employee cannot be dismissed or disciplined for being absent if:

- the employee has been employed by the current employer for more than 13 consecutive weeks;
- the employee is absent in order to provide care and support to the ill or injured family member; and
- the absence does not exceed 12 weeks in a period of 52 weeks.

If the illness or injury is not serious, the employee is entitled to job protection if the absence does not exceed 12 days in a calendar year. An employer may request that the employee provide a doctor's certificate certifying that the family member was ill or injured.

As an employee, "immediate family" is defined as:

- the employee's spouse, parent, grandparent, child, grandchild, brother or sister, or the spouse of the brother or sister; or
- the employee's spouse's parent, grandparent, child, grandchild, brother or sister, or the spouse of the brother or sister.

Layoffs and Terminations

There are rules that employers must follow when an employee is laid-off or terminated. There are additional rules that an employer must follow if there is a group termination. A group termination occurs when an employer terminates 10 or more employees at one place of employment within a four-week period.

When an employee is terminated, the employer must, within 14 days, pay:

- all wages owing;
- all vacation pay and public holiday pay owing; and
- any pay instead of notice (if required).

Note that an employee’s regular paydays must be maintained. If a pay day falls within the 14-day period, then the employer must provide an employee’s normal pay on that day.

A. Individual Termination

1. What is a layoff? What is a termination?

A “layoff” means the temporary suspension of the employment of an employee for a period longer than six consecutive work days. A “termination” means a dismissal (firing) or a forced resignation.

2. What does an employer have to do before an employee is laid-off or terminated?

Employees who have worked for the employer for more than 13 consecutive weeks must be given written notice or pay instead of notice before they can be terminated or laid-off. The amount of notice depends on how long the employee has been working with that employer. An employer can let an employee go without advance notice or pay instead of notice if the employer has “just cause” for terminating the employee. (See question #7 for the meaning of “just cause”.)

3. What is the minimum notice required for layoff or termination?

The minimum notice depends on an employee’s length of service.

Requirements for Minimum Notice Periods	
Employee’s Period of Employment	Minimum Period of Written Notice Required
More than 13 consecutive weeks but one year or less	One week
More than one year but three years or less	Two weeks
More than three years but five years or less	Four weeks
More than five years but 10 years or less	Six weeks
More than 10 years	Eight weeks

During the notice period, the employee’s pay rate and normal hours of work cannot be cut.

These periods of notice are the minimum periods of notice required. Employers should be aware that employees, especially long-term employees, might be entitled to additional notice under the Common Law. Employers and employees should consult their lawyers.

4. Are employees required to give notice upon termination of employment?

Employment standards require that employees with 13 or more weeks of service give their employers at least two weeks of notice before quitting.

5. What is “pay instead of notice”?

An employer must give written notice to an employee before a layoff or a termination occurs, unless the employer has just cause to dismiss the employee. If this notice is not given, pay instead of notice is required. “Pay instead of notice” means payment of the employee’s normal weekly wages for the minimum notice period. If wages vary from week to week, a normal week’s wages is the average wage for the last 13 weeks of work, not including overtime.

The legislation allows for mitigation of losses. The Director of Employment Standards can reduce the employee’s pay instead of notice by whatever amount the Director believes the employee earned or should have earned during the notice period. The employer must convince the Director that the employee’s pay instead of notice should be reduced and by how much.

6. Can annual vacation be part of the notice period?

No. Annual vacation (including vacation scheduled before notice of termination is given) does not form any part of the notice period and vacation pay cannot be used as pay instead of notice.

7. What is just cause for dismissal?

Just cause for dismissal is not defined in Part II of the Act. Over the years, the courts have handed down numerous decisions on the issue. Generally, courts have ruled that just cause may exist if the employee is guilty of serious misconduct, such as theft, violence, insubordination, or willful misconduct. Just cause may also include excessive employee absenteeism, chronic tardiness, and other unscheduled absences from work.

The facts and circumstances surrounding the misconduct must be examined carefully. Each case is different. The employee’s position and length of service is to be considered.

Personality conflicts, general dissatisfaction with performance, petty issues, or one incident of inappropriate behavior or misconduct, are usually not serious enough to warrant dismissal for just cause. In these instances, corrective action may be more appropriate.

The employer should encourage improvement by identifying reasonable performance standards, conducting performance reviews over a reasonable period of time, and warning the employee of the consequences for failing to meet the required standards.

Employers who condone or ignore misconduct may be prevented from claiming that the dismissal was for just cause. If just cause exists, notice or pay instead of notice is not required. For further information, contact your lawyer.

8. Can an employer terminate sick or injured employees?

Generally no, but under certain circumstances termination may result. See [Absence from Work Due to Illness and Injury](#).

9. How does *The Saskatchewan Human Rights Code* protect employees from termination?

The *Saskatchewan Human Rights Code* prohibits employers from terminating employees on the basis of race or perceived race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry, place of origin, or receipt of welfare. For more information, contact the Saskatchewan Human Rights Commission at www.saskatchewanhumanrights.ca/.

B. Group Termination

A group termination occurs when an employer terminates 10 or more employees at one place of employment within a four-week period. “Termination” includes a layoff with no recall date or a layoff of 26 weeks or more. The employer must give notice of group termination.

1. What is the minimum notice required for group terminations?

The minimum notice for a group termination is:

- 10 to 49 employees four weeks
- 50 to 99 employees eight weeks
- 100 or more employees. 12 weeks

2. Do all group terminations require notice?

No. An employer is not required to give notice of group termination where the employees:

- work on an “on call” basis;
- are employed for a definite period (e.g., eight weeks);
- are employed for a specific project with a completion date that is reasonably foreseeable in any industry, other than the construction industry, or occupation;
- are employed in the construction industry for a specific project with a completion date that is reasonably foreseeable, except if the employment is any occupation carried on in an office;
- are offered and refuse reasonable alternate work;
- are employed on a seasonal basis;
- are laid off for a period less than 26 weeks; or
- are unable to work because of an unforeseen event.

3. To whom does the employer provide written notice of group termination?

An employer must provide written notice to:

- the Minister of Labour Relations and Workplace Safety;
- each employee whose employment will be terminated; and
- any trade union representing the affected employees.

4. What information must be in a written notice of group termination?

The written notice must indicate:

- the number of employees who will be terminated;
- the effective date or dates of their terminations; and
- the reason(s) for the terminations.

5. Does notice of group termination affect individual notice of termination?

No. Individual notice of termination is required whether or not the termination is part of a group termination. Employees affected by a group termination must also get individual notice.

The employer can give notice of individual and group termination in the same document and at the same time, provided the notice given meets the time required for both individual and group terminations.

Youth in the Workplace

Minimum Age of Employment

What is the minimum age of employment in Saskatchewan?

In Saskatchewan, the minimum age of employment is 16 years of age. Fourteen and 15 year olds can work if they have both:

- the written permission of one of their parents or guardians; and
- a Certificate of Completion from the *Young Worker Readiness Certificate Course*.

Fourteen and 15 year olds cannot work:

- more than 16 hours in a week in which school is in session;
- after 10:00 p.m. on a day preceding a school day; and
- before classes begin on a school day.

These restrictions apply in any week where there is a school day. Hours of work restrictions do not apply during school holidays and extended breaks from school. During holidays, fourteen and 15 year olds can work the same hours as other employees.

There are minimum age restrictions under other laws, such as Part III of *The Saskatchewan Employment Act* (Occupational Health and Safety) and *The Education Act*.

Young Worker Readiness Certificate Course

Fourteen and 15 year olds can work if they have both:

- the written permission of one of their parents or guardians; and
- a Certificate of Completion from the *Young Worker Readiness Certificate Course*.

Fourteen and 15 year olds who want to work in Saskatchewan are required to:

- complete the *Young Worker Readiness Certificate Course*;
- provide his or her employer with a copy of their Certificate of Completion before starting work; and
- provide his or her employer with proof of age and written consent from a parent or guardian.

The *Young Worker Readiness Certificate Course* teaches young workers the basics about workplace health and safety and their rights and responsibilities in the workplace. It contains important information they need to know before entering the job market.

Upon completion of the course, 14 and 15 year olds can print a Certificate of Completion which they are required to present to their employer. Employers are required to keep certificates on file.

Benefits for Part-time Employees

1. Which employers have to offer the same benefits to part-time employees as they offer to their full-time employees?

A business with 10 or more full-time equivalent employees must provide benefits to eligible part-time employees. (See question #9 for the level of benefits part-time employees receive.)

2. What is a full-time employee?

A full-time employee, for this section of the Act, is any employee who works 30 hours or more per week.

3. What benefits may a part-time employee be eligible for?

Eligible benefits include dental plans, group life, accidental death or dismemberment plans, and prescription drug plans.

4. When is a part-time employee eligible to receive benefits?

Part-time employees must be offered coverage under the four plans (see question #3) when:

- they have been continuously employed for 26 weeks and have worked at least 390 hours in that period;
- after the qualifying period, they work at least 780 hours in each calendar year;
- they are not full-time students; and
- full-time employees who work in comparable positions receive some or all of the four benefit plans (i.e., part-time managerial employees are compared to full-time managerial employees; and part-time non-management workers are compared to full-time non-management workers).

5. How many hours do employees have to work to keep their eligibility?

To maintain eligibility, an employee must work at least 780 hours in a calendar year. Employees on maternity, adoption, or parental leave maintain their eligibility if they would have worked 780 hours had the leave not been taken.

6. Are student employees eligible for part-time benefits?

Full-time students are not eligible for coverage. This includes students enrolled in 60 per cent of a full course load at a school, university, technical institute, regional college or private vocational school.

7. What happens if an employee previously eligible for coverage falls below the hour requirement for maintaining coverage?

When an employer becomes aware that an employee will lose eligibility, the employer must advise the employee, in writing, of the loss of eligibility.

8. What level of benefits do part-time employees receive?

Part-time employees who work between 15 and 30 hours a week receive 50 per cent of the benefits provided to comparable full-time employees. Part-time employees who work 30 or more hours in a week receive 100 per cent of the benefits provided to comparable full-time employees.

If plan benefits are determined by a formula based on annual earnings, the same formula is to be applied to part-time workers (e.g., group life insurance formula of two times annual income).

Benefit levels that must be offered to part-time employees for dental and drug plans are “basic plans”. Except for drug plans, an employer can provide plans to part-time employees based on employee only coverage, without coverage for spouses and dependents.

9. If a benefit requires contributions by employees, how are contributions for part-time employees determined?

The contributions must be paid in the same way as the payments from full-time employees, and be proportional to the level of benefits received.

10. What happens when the employees of one employer are in more than one bargaining unit and the employees in the different bargaining units get different benefits?

Part-time employees should receive the same benefits as the full-time employees in the same bargaining unit.

Home Workers, Care Providers, Domestic Workers, and Sitters

Home Workers

Any employee who works out of their own home for someone else is a home worker. The employee may do work such as sewing, taking orders for goods or services over the phone, or office work via computer links. Home workers are entitled to all employment standards rights and benefits including leaves, notice of work schedules, meal breaks, notice of termination, and so on.

Employers of home workers must keep the same payroll information as any other employer. As well, home workers must be provided with pay stubs. See [Payroll Administration](#) in this booklet for more information. For information on EI, CPP, and Income Tax deductions, contact the Canada Revenue Agency.

Self-employed persons who use their home as a base of operations are not covered by employment standards.

Care Providers, Domestic Workers, and Sitters

The Employment Standards Regulations define three categories of “household” workers:

1. A **care provider** is someone hired primarily for the care and supervision of an immediate family member in either the home of the employer or the home of the family member requiring care.
2. A **domestic worker** is someone hired primarily to perform work in the private residence of the employer related to the management and operation of the household (i.e., cleaning, washing and gardening). This does not include the supervision and care of an immediate family member.
3. A **sitter** is the traditional “babysitter” who comes in on an occasional, short-term basis to allow parents time to go shopping, to the movies, etc. Sitter also refers to a worker who relieves a proprietor of an “approved home” for a period of not more than 21 days in a year.

An “approved home” means an approved home under *The Mental Health Services Act and Regulations* or a private-service home licensed under *The Residential Services Act and Regulations*.

1. What are the rules for care providers?

Come-in care providers (that is, care providers who do not live in the home of the employer) are exempt from the minimum wage, overtime, and the requirement to provide notice of termination or pay instead of notice. All other employment standards apply.

For live-in care providers, the hourly rate during the first eight hours is always at least the minimum wage. The hourly rate for any hours in excess of eight can be negotiated without reference to the minimum wage. Live-in care providers must also receive two consecutive days off per week. Other special provisions include a maximum deduction of \$250.00 per month for room and board. Except for these special rules, all other employment standards apply, including overtime.

2. What are the rules for domestic workers?

Come-in domestic workers are fully covered by employment standards.

For live-in domestic workers, the hourly rate during the first eight hours is always at least the minimum wage. The hourly rate for any hours in excess of eight can be negotiated without reference to the minimum wage. Live-in domestic workers must also receive two consecutive days off per week. Other special provisions include a maximum deduction of \$250.00 per month for room and board. Except for these special rules, all other employment standards apply, including overtime.

3. What are the rules for sitters?

Sitters are exempt entirely from Part II of *The Saskatchewan Employment Act*.

4. Do the rules apply if I hire family members?

If an “immediate family” member is the only care provider or domestic worker, then employment standards do not apply. Immediate family means:

- i. a spouse of the employer or a person with whom the employer cohabits and has cohabited as a spouse in a relationship of some permanence;
- ii. a parent, grandparent, child, grandchild, brother or sister of the employer; or
- iii. a parent, grandparent, child, grandchild, brother or sister of the spouse of the employer or of a person mentioned in subclause (i) with whom the employer cohabits.

5. If I take my child out to be cared for in someone else’s home, do employment standards apply?

If a parent takes a child to the house of the caregiver, that caregiver is viewed as an independent agent and employment standards do not apply.

6. Do I have to keep records if I hire a care provider or domestic?

Yes. Employers have to maintain payroll records that include: hours worked each day, the time when work begins and ends, the wages paid, the dates annual vacation is taken and vacation pay paid, the details of the employment contract (including the hourly rate), and the deductions made from the employee’s wages. See [Payroll Administration](#) for more information.

7. Do I have to provide pay stubs and make Income Tax deductions?

Pay stubs must be provided to all employees including domestic workers and care providers. For information on EI, CPP and Income Tax deductions, contact the Canada Revenue Agency.

Quick Reference Chart: Employment Standards Coverage for Home Workers, Care Providers, Domestic Workers, and Sitters

Type of Worker	Minimum Wage	Overtime	Vacation Pay	Public Holiday Pay	Unpaid Maternity Leave	Notice of Termination
Come-in Care provider	No	None, unless negotiated	Yes	Yes	Yes	No
Live-in Care Provider	Yes, first eight hours/day*	Yes* (Please see question 1 in the Care Providers, Domestic Workers and Sitters section.)	Yes	Yes	Yes	Yes
Come-in Domestic Worker	Yes	Yes	Yes	Yes	Yes	Yes
Live-in Domestic Worker	Yes, first eight hours/day*	Yes* (Please see question 1 in the Care Providers, Domestic Workers and Sitters section.)	Yes	Yes	Yes	Yes
Sitter	Does not apply					
* Please note that come-in and live-in care providers and live-in domestic workers must negotiate pay for any additional hours worked over eight hours in a 24-hour period.						

Complaints and Enforcement

1. What can employees and employers do if they have a workplace concern?

If the concern is about wages including overtime, public holiday (statutory) pay, vacation pay, dismissal, or if you are not sure where your complaint fits, call the Employment Standards Division toll free at 1-800-667-1783.

2. How does an employee make an employment standards complaint?

The employee must fill out a [Formal Complaint Form](#) for unpaid wages. Forms can be downloaded from saskatchewan.ca/work or obtained by writing, phoning or visiting any of the Employment Standards Division's offices listed at the back of this guide. Employees who need help filling out the form can visit or call the nearest Employment Standards Division district office. The form should be completed in full with as much information as possible to assist the Employment Standards Officer investigating the complaint.

To fill out the form the employee will need the following information:

- the employer's name, address, telephone number, postal code and the name of the employee's supervisor;
- the employee's address, postal code, phone number, social insurance number;
- the date the employee started work and the date the employee ended work (if no longer employed);
- the employee's wage rate, regular hours of work per day and per week;
- if available, a pay cheque stub or a statement of earnings if pay is direct deposited into the employee's account; and
- details about the claim, for example the dates for which wages are being claimed and the amounts.

3. Will the Employment Standards Division accept anonymous complaints?

Employees can make an anonymous complaint if they believe that employment standards are not being followed. The anonymous complaint process is for those employees who would like the situation corrected but do not wish to make a formal complaint. The complaint could involve monetary or non-monetary issues. Only written complaints with supporting evidence of wrongdoing will be investigated.

This process is designed to assist those employees who are still employed. If the employee no longer works there, she or he should file a formal complaint. The Division will work with the employer to ensure that from this point on, the provisions of the Act are followed in this workplace. Employees who want to recover unpaid wages must file a formal complaint.

An [Anonymous Complaint Form](#) can be downloaded from saskatchewan.ca/work or obtained by visiting any of the Employment Standards Division's office listed at the back of this booklet.

Please mail or fax your completed Anonymous Complaint Form to:

Compliance and Review Unit
Employment Standards Division
300 - 1870 Albert St.
REGINA, SK S4P 4W1

Fax: 306-798-8001

Or, call toll free 1-800-667-1783.

4. What happens after the Employment Standards Division receives a complaint?

An Employment Standards Officer reviews the complaint form and may call the employee for more information. The officer will also contact the employer and may inspect the employer's payroll records, talk with other employees and gather other evidence. Please refer to [Payroll Administration](#) for more information on the records the employer is required to keep.

5. What is the time limit for claiming unpaid wages?

An employee must file a complaint for unpaid wages within one year.

The Employment Standards Division can only recover wages that should have been paid to the employee during the year before the complaint was filed or during the last year the employee worked for the employer. Employees who are owed wages that should have been paid more than one year before the complaint was filed, or before the last year of employment, may be able to recover the wages in a court action. A lawyer should be consulted.

6. What can the Employment Standards Division do if wages are found owing?

If the Employment Standards Officer finds that wages are owed to the employee, the officer will let the employer know and will try to get payment from the employer. If an employer offers to settle a claim by paying less than what the officer asked for, the officer will tell the employee. The employee then has to decide whether to accept the amount offered. If the complaint is not resolved, the Director of Employment Standards may issue a document called a "Wage Assessment".

7. What is a "Wage Assessment"?

A Wage Assessment is a legal document issued by the Director of Employment Standards. It sets out the amount of wages the Director believes are owed to the employee. The Wage Assessment can be issued against the employer, the corporate directors, or both.

8. Can a Wage Assessment be appealed?

Yes. Wage assessments can be appealed by both employers and employees if they disagree with the amount of wages assessed.

9. How do you appeal a Wage Assessment?

A letter indicating that either the employer or the employee wishes to appeal the Wage Assessment must be sent to the Director of Employment Standards within 15 business days of the time when you received the Wage Assessment. The notice of appeal must give the reasons why the sender wishes to appeal the decision.

The notice of appeal can be mailed or faxed to:

Director of Employment Standards
Employment Standards Division
300 - 1870 Albert Street
REGINA, SK S4P 4W1

Fax: 306-787-4780

If you mail your notice of appeal, please send it by registered or certified mail so that you can prove the letter was delivered within the 15-business day time limit.

If an employer appeals, he or she must also include the amount of the Wage Assessment up to \$500, to be held as a deposit for payment of the wage claim. If no wages are found to be owing, the deposit is returned.

10. Who hears the appeal?

An impartial adjudicator will conduct a hearing to give everybody a chance to tell their side of the story. The adjudicator will then make a decision as to how much, if any, wages are owing to the employee. Either side can represent themselves, or be represented by a lawyer or another person. Normally, the Employment Standards Officer will give the evidence in support of the Wage Assessment.

11. Can the adjudicator's decision be appealed?

Yes. This decision can be appealed to the Saskatchewan Labour Relations Board and the Saskatchewan Court of Appeal, but only on questions of law.

12. If the final decision says that wages are owing to the employee, can the Employment Standards Division collect wages from the employer?

The Employment Standards Division can receive money from the employer or corporate directors if they choose to pay voluntarily, and this money will be paid to the employee. If the employer refuses to pay, the Division will issue a Certificate that sets out how much money is owed to the employee. This Certificate is filed in the Court of Queen's Bench and becomes a judgment of that Court. The employee and/or the Division's Collection Unit, may use it to collect the wages owing. Typical collection actions include garnishing money and registering liens on assets and land.

13. Are there any other fees or charges for making a complaint?

It does not cost anything to make a complaint or talk to someone in the Employment Standards Division. If wages are found to be owing, and the parties can reach an agreement, no fees will be charged to the employer or corporate directors.

If a Wage Assessment is issued to recover the employee's wages, then an administrative fee will be charged to the employer or corporate directors named in the Wage Assessment. The fee is 10 per cent of the Wage Assessment from a minimum of \$100 to a maximum of \$500. There are no additional administrative fees for appealing a Wage Assessment. If the Wage Assessment is appealed, the administrative fee is only payable if the final decision says wages are owing. The fee will be based on the amount in the final decision.

14. Can I be disciplined if I file a complaint?

No. Employers cannot terminate or threaten to terminate, take any reprisal against or in any manner discriminate against an employee because the employee has reported or proposed to report to a lawful authority any activity that is or may be unlawful, as long as the action of the employee is not vexatious.

Employment Agencies

1. Are employment agencies covered by employment standards?

Section 2-5 of *The Saskatchewan Employment Act* replaces *The Employment Agencies Act*, and continues the rule that job seekers do not pay fees to find a job or keep a job.

2. What are the basic employment agency rules?

In Saskatchewan, the employment agency business model is based around the following principles:

- employment agencies do not require a provincial license to operate;
- employment agencies can charge employers for their employee recruitment services; and
- employment agencies cannot charge job seekers fees for finding employment.

In other words, no person can request or receive money from job seekers for help in finding employment. This includes employment agencies and employers.

Note: Agencies involved in foreign worker recruitment require licensing under *The Foreign Worker Recruitment and Immigration Services Act*. Please contact the Saskatchewan Immigration website (saskatchewan.ca/live/moving-to-saskatchewan/immigrating) for licensing details.

3. How are illegal fees recovered?

Under the law, any illegally charged fees are considered wages owing, and can be recovered from the agency by the Employment Standards Division on behalf of a job seeker.

4. How is employment advertising dealt with?

Job seekers may pay fees to advertise their availability as part of a job search. These types of advertising fees are allowed in the Act.

Foreign Worker Protection

Foreign workers are covered under all provisions of *The Saskatchewan Employment Act* and enjoy all of the rights, responsibilities and protection provided thereunder.

Foreign workers recruited outside of Saskatchewan have certain protections under *The Foreign Worker Recruitment and Immigration Services Act* such as:

- Employers must be registered by the Government of Saskatchewan before hiring foreign workers;
- Employers cannot charge foreign workers for the cost of recruiting them; and
- Employers must hire recruiters or immigration consultants licensed by the Government of Saskatchewan.

For more information, please contact the Ministry of Economy's Program Integrity line at (306) 787.0006 or e-mail at immigration.programintegrity@gov.sk.ca or visit saskatchewan.ca.

Contact Us

Employment Standards Division District Offices

For more information on employment standards in Saskatchewan, call our toll-free number at 1-800-667-1783 or visit one of the Employment Standards Division's office nearest to you.

Estevan

Employment Standards Division
P.O. Box 5000-160
123 - 1302 3rd St.
ESTEVAN SK S4A 2V6
Tel: 306-637-4572
Fax: 306-637-4574

Moose Jaw

Employment Standards Division
222 - 110 Ominica St. W.
MOOSE JAW SK S6H 6V2
Tel: 306-694-3737
Fax: 306-694-3815

Saskatoon

Employment Standards Division
8th Floor, 122 3rd Ave. N.
SASKATOON SK S7K 2H6
Tel: 306-933-5042
Fax: 306-933-5444

Yorkton

Employment Standards Division
1st Floor, 72 Smith St. E.
YORKTON SK S3N 2Y4
Tel: 306-786-1390
Fax: 306-786-1541

North Battleford

Employment Standards Division
E101- 1192 102nd St.
NORTH BATTLEFORD SK S9A 1E9
Tel: 306-446-7491
Fax: 306-446-8729

Swift Current

Employment Standards Division
2nd Floor, 350 Cheadle St. W.
SWIFT CURRENT SK S9H 4G3
Tel: 306-778-8246
Fax: 306-778-8682

Regina

Employment Standards Division
300 - 1870 Albert St.
REGINA SK S4P 4W1
Tel: 306-787-2438
Fax: 306-798-8001

Prince Albert

Employment Standards Division
P.O. Box 3003
3rd Floor, 800 Central Ave.
PRINCE ALBERT SK S6V 6G1
Tel: 306-953-2715
Fax: 306-953-2673

Rights and Responsibilities

A Guide to Employment Standards in Saskatchewan Part II of *The Saskatchewan Employment Act*

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For more information, please contact the Employment Standards Division of the Ministry of Labour Relations and Workplace Safety:

Regina

300 - 1870 Albert Street
REGINA SK S4P 4W1

Inquiry: 306-787-2438
Toll Free: 1-800-667-1783

Saskatoon

8th Floor, 122 3rd Avenue North
SASKATOON SK S7K 2H6

Inquiry: 306-933-5042
Toll Free: 1-800-667-1783

saskatchewan.ca/work