

# EMPLOYMENT STANDARDS LEGISLATION AND REGULATORY CHANGES TO ASSIST EMPLOYERS AND EMPLOYEES

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## EXECUTIVE SUMMARY:

- The Ministry of Labour Relations and workplace safety recently made legislative and regulatory changes to ensure that employees have job protected leave during the current public health situation of COVID-19.
- Regulatory amendments allow employers to implement a short term layoff as part of their response to the public health emergency during an order of the medical health officer or an emergency declaration by the Government of Saskatchewan without having to provide notice or pay instead of notice to the employee; however, these amendments do not override collective agreements that may have more favorable provisions
- The Government of Saskatchewan has stated that it will vacate local states of emergency during a province-wide state of emergency. That said, the Government of Saskatchewan is willing to evaluate local states of emergency made for labour reasons on a case-by-case basis.

## BACKGROUND:

### Leaves

On March 17, 2020 amendments were made to *The Saskatchewan Employment Act* to ensure leave for employees during public health emergencies. The amendments to the Act are:

- removing the requirement of 13 consecutive weeks of employment with the employer prior to accessing sick or public health emergency leave;
- removing the provision requiring a doctor's note or certificate; and
- introduction of a new unpaid public health emergency leave that can be accessed:
  - when the World Health Organization has determined that there is a public health emergency and the province's chief medical health officer has also issued an order that measures be taken to reduce the spread of a disease; or
  - the province's chief medical health officer has independently issued an order that measures be taken provincially to reduce the spread of a disease where it is believed there is sufficient risk of harm to citizens of the province. The orders would also be made public to ensure everyone is aware of the direction.

The amendments to the Act came into force retroactive to March 6th, 2020.

### **Layoff Provisions**

Regulatory changes were also announced on March 20, 2020 that would allow for layoffs to take place without notice or pay in specific circumstances.

The amendments to the Regulations include:

- during a public emergency period employers are exempt from the provisions of *The Saskatchewan Employment Act* requiring layoff notice to employees if the period will be for 12 weeks or less in a 16-week period;
- if an employer lays off employees periodically and exceeds the 12 weeks in a 16-week period, the employees are considered to be terminated and are entitled to pay instead of notice as outlined in the Act. This will be calculated from the date on which the employee was laid off.

- Under the Public Health Emergency Leave clarification is being made to ensure that an order from a qualified doctor, the Government of Saskatchewan or direction from the chief medical health office is followed even though it may not be in agreement with the employers' direction to employees; and
- Clarifies that employees are entitled to Public Health Emergency Leave to care for family members or children so long as the employee is not required to provide critical public health and safety services.

Information is also available on the ministry's website and on a business website set up as part of a response to COVID-19:

- Public Emergency Layoff information posted at:  
<https://www.saskatchewan.ca/business/employment-standards/layoffs-and-termination>
- Public Health Emergency Leave information posted at:  
<https://www.saskatchewan.ca/business/employment-standards/vacations-holidays-leaves-and-absences/leaves-family-medical-and-service>
- Q and A document with information about employment standards and occupational health and safety (right to refuse work) and links to the relevant legislation about public emergency layoff and Public Health Emergency Leave posted at:  
<https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/public-health-measures/workplaces>  
  
<https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/covid-19-information-for-businesses-and-workers>