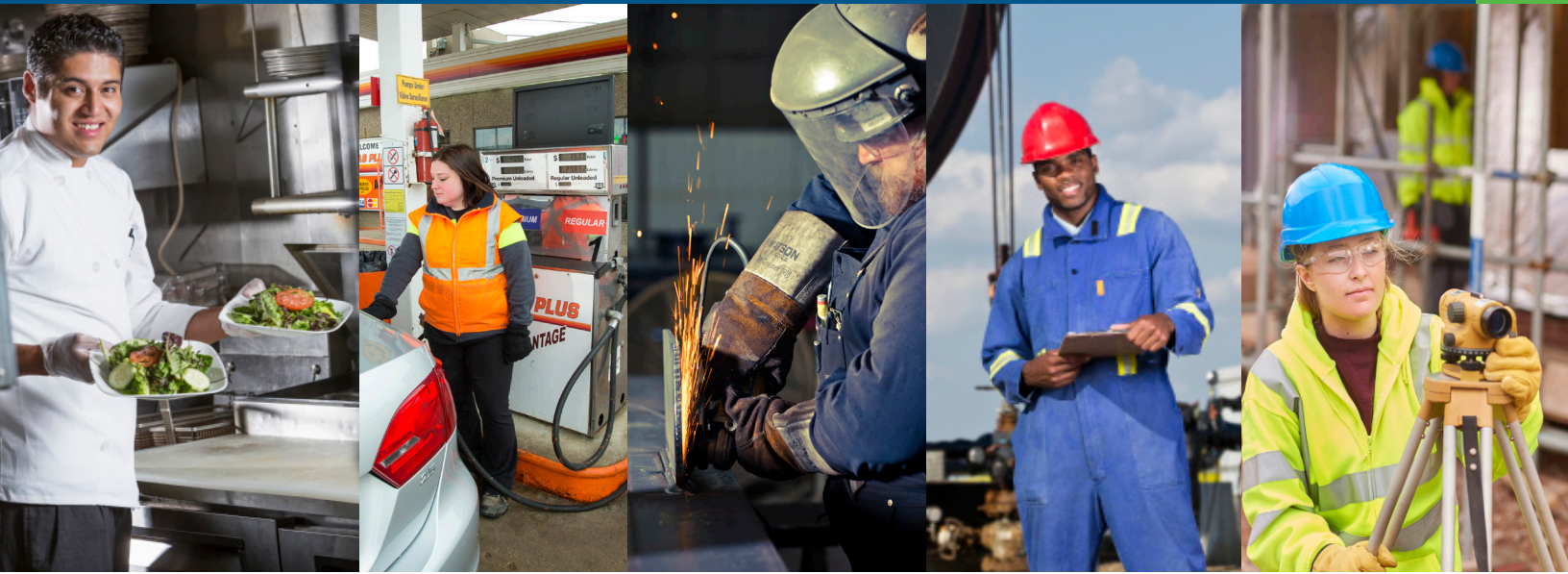


Understanding Saskatchewan's Employment Standards



Part II of *The Saskatchewan Employment Act*: Employment Standards

Please note: The information in this guide is provided for illustration, information and educational purposes only.

The Saskatchewan Employment Act and associated regulations, including *The Employment Standards Regulations*, *The Minimum Wage Regulations* and *The Conditions of Employment Regulations* should be consulted for all purposes of legal interpretation and application.

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Introduction

Employment standards are the minimum employment rules that employers and employees must follow for work performed in Saskatchewan. This guide is intended to provide basic employment standards information as set out in Part II of *The Saskatchewan Employment Act* (the Act).

Employers can choose to exceed these standards in contracts of employment, but cannot offer their employees less. Even if an employee accepts less, the employer will be required to provide the minimum provisions to be in compliance with the Act.

Employees and employers have rights and responsibilities under the Act. If anyone believes the Act is not being followed, contact the Employment Standards Branch of the Ministry of Labour Relations and Workplace Safety to learn more, including how to file a complaint.

About the Employment Standards Branch

The Employment Standards Branch serves employers and employees in Saskatchewan in support of fair and equitable workplace practices. The branch sets, promotes and enforces employment standards and ensures that employees and employers are aware of their rights and responsibilities. Employment Standards does not represent the employer or the employee in any situation - their role is to ensure compliance with the legislation.

Employment Standards Education and Outreach

Anyone can access free webinars that provide information about employment standards in Saskatchewan. Employment Standards also offers free, customized training sessions. Please visit saskatchewan.ca for more information.

Who is Covered by Employment Standards in the Act

The employment standards in the Act applies to most employees and employers in the province. An employee includes a person:

- receiving or entitled to wages, including those that the employer is training or is on employment leave, and
- whom an employer permits, directly or indirectly to perform work or services for them.

This includes unionized employees and employers, so collective agreements cannot provide less than the minimum rights under the Act. Unionized employees have access to their grievance process to protect their rights, therefore, Employment Standards will direct unionized employees to their union to initially resolve issues.


An employer is considered to be a person/business who employs the service of one or more employees and is responsible for payment of or for receipt of wages by, employees. Employment standards only apply where there is an employer-employee relationship.

Foreign workers are covered under the Act like any other employee working in provincially-regulated workplaces in Saskatchewan.

Who is Not Covered by Employment Standards in the Act

Saskatchewan's employment standards do not apply to some employers and employees. These include, but are not limited to:

- athletes while participating in their athletic endeavour;
- federally-regulated businesses and industries;
- employees who work primarily in another province or a territory;
- family businesses that employ only the employer's immediate family members;
- sitters; and
- student learners (the Act applies to interns).



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

Agricultural Employees

While employees and employers in primary production on farms, ranches and market gardens (e.g. labourers) are exempt from the majority of minimum standards, some provisions allow Employment Standards to enforce wages under employment contracts. In these cases, Employment Standards can investigate complaints, assess and collect unpaid wages owing to these employees when terms are clear and evidence is available.

Agricultural employees that continue to be fully covered under the Act include:

- the operation of egg hatcheries, greenhouses and nurseries;
- bush clearing operations;
- commercial hog operations;
- non-agricultural businesses run from farms, ranches and market gardens;
- farm employees who are not directly involved in the primary food production, such as bookkeepers, mechanics, etc.;
- employees involved in secondary production, such as food processing operations including the making of wine, jams, soup mixes, pasteurized honey, etc.; and
- commercial enterprises that provide farm services such as custom seeding, custom combining, feedlots, corral cleaning, horse boarding, etc.

Employers Under Federal Jurisdiction

Employers in the following business sectors or industries are likely operating under federal jurisdiction and would follow the *Canada Labour Code*:

- banks;
- air transportation, including airports and airlines;
- telephone, telegraphs and cable systems;
- grain elevators and seed mills;
- uranium mining and processing;
- First Nations government activities (however some First Nations-owned employers must

follow Saskatchewan's employment standards if the work is provincial regulated e.g. retail operations); and

- inter-provincial and international trucking/transportation.

Family Businesses Employing Only Immediate Family Members

Family businesses employing only the employer's immediate family members are exempted from employment standards. The term "employer's immediate family" is defined as:

- 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;
- a parent, grandparent, child, grandchild, brother or sister of the employer; or
- 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.

Example:

An employer hires their spouse and sister to work in the business. As these two employees are members of the employer's immediate family, the business is exempt from employment standards.

The employer then hires a third cousin. The new employee is not part of the employer's immediate family, so all employees, including those in the employer's immediate family, are now covered by employment standards.

Independent Contractors (Gig Workers)

Independent contractors are normally individuals in business for themselves and not employees. If this type of contractor has no employees, they are neither employers nor employees – they are self-employed. Saskatchewan employment standards do not apply to them.

If an employer initially contracts with a self-employed individual and treats that person as an employee, what was once a business-to-business contract can become an employment relationship and employment standards would apply.

Independent Contractor Versus Employee

The more control or direction an employer has over an independent contractor's work, the more likely an employer-employee relationship exists. For example, if in dealing with another business a contractor:

- is assigned work and is told when, where and how this work is done;
- is supplied materials, tools and equipment to perform the work; or
- is otherwise integrated into the other business,

then there is a good chance that the contractor is no longer in business for themselves and is an employee.

Independent contractors:

-
- are in business for themselves;
 - negotiate business-to-business contracts for how, when and where their work is performed;
 - can contract work with multiple clients (other customers);
 - provide their own tools, supplies and equipment; and
 - risk their own capital, taking profits and losses.

Childcare providers (where a parent brings a child to the home of the provider for care for a fee) are considered independent contractors. Therefore, employment standards don't apply to childcare providers.

Sitters

Employment standards do not apply to sitters.

A sitter includes the traditional sitter who comes into a private home occasionally to provide care and supervision to children (or anyone incapable of independent living) while parents or other custodians run errands, go shopping or are away from the home. 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 and whose wages are subsidized.

Terms and Definitions

Here are some frequently used terms. More definitions can be found in the legislation.

Day:

- For the purpose of scheduling hours of work and calculating overtime, a “day” means any period of 24 consecutive hours starting with the employee’s first shift in the 24-hour period; and
- for any other purpose, a calendar day.

Discriminatory action:

- Any action or threat of action by an employer that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of an employee, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty but does not include:
 - any reassignment of duties for the reasons set out in section 2-41 (employer must reassign employee or modify employee’s duties due to a disability) or subsection 2-49(4) (accommodation due to pregnancy); or
 - any other prescribed action in the regulations.

Emergency:

- 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.

Employee:

- Includes a person whom an employer permits, directly or indirectly, to perform work or services and receives or is entitled to wages (including those being trained or on employment leave)

Employee’s immediate family:

- 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.

Employer:

- A person/business who employs the services of one or more employees and is responsible for payment of, or for receipt of wages by, employees. Employment standards only applies where there is an employer-employee relationship.

Employer's immediate family:

- 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;
- a parent, grandparent, child, grandchild, brother or sister of the employer; or
- a parent, grandparent, child, grandchild, brother or sister of the employer's spouse or cohabitant as a spouse.

Intern:

- A person who performs work or services for an employer normally performed by an employee, or is being trained by an employer for the business.

Layoff:

- The temporary interruption by an employer of the services of an employee for a period of more than six days in a row.

Retail trade

- The selling or offering for sale to the general public of consumer products for personal, family or household use or consumption.

Spouse, with respect to an employee:

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

Student learner:

- A person who is enrolled at a provincially recognized educational institution and is receiving skills training required by their program.

Wages

- Salary, commission and any other monetary compensation for work or services or for being at the disposal of an employer (e.g. contractual performance bonuses or incentives, based on results).
- Wages include overtime, public holiday pay, vacation pay, pay for working on a public holiday and pay instead of notice.
- Tips, gratuities and discretionary bonuses are not considered wages.
- Wages earned in non-overtime hours are included in the calculation of an hourly rate for overtime.

Week:

- For the purposes of scheduling, hours of work and overtime:
 - the period between midnight on a Saturday and midnight on the following Saturday;
or
 - any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee.
- For all other purposes, a period of seven consecutive calendar days. For example:
vacation leaves and notice periods.

Job Seeker Protection

Fees for Finding, Offering or Providing Employment

No person can request, charge or receive payment for seeking, obtaining, or employing another person, or for providing information about employers seeking employees. Employers, recruiters and/or employment agencies cannot charge job seekers for information about jobs or for finding or getting a job. Employers are also prohibited from requiring an employee to return wages for these purposes.

Recovering Illegal Fees or Charges

If a person pays an employer or an employment agency for a job, either up-front, as a fee, or later through a deduction from wages, Employment Standards can recover that money as unpaid wages.

Employment Advertising

Job seekers may pay fees to advertise their availability as part of a job search.

Note: Individuals who are recruiting foreign workers are required to be licensed. Please visit saskatchewan.ca for more information about foreign worker recruitment and immigration consultant licensing and responsibilities.

Foreign Worker Protection

Foreign workers are protected by the Act just as any other employee working in Saskatchewan. This includes protection from being required to return any amount of wages to the employer.

For more information, please contact 1-833-626-9424 or (306) 798-1350, email FWRISA@gov.sk.ca.

Payment of Wages

What Employees Must be Paid

Most employees must be paid at least minimum wage for time their employer requires or permits them to work, or are at the employer's disposal, which is generally when the employee is waiting for work on the employer's time, not their own.

To find the current minimum wage in Saskatchewan, visit saskatchewan.ca.

Employees Who Do Not Have to be Paid the Minimum Wage

Some employees do not have to be paid the minimum wage. These include:

- farming, ranching or market garden labourers;
- some care providers employed in private homes;
- sitters (only those that are of a very temporary or sporadic nature);
- athletes while engaged in their athletic endeavour;
- volunteers for non-profit organizations; and
- individuals who have a physical or mental disability or impairment and work for a non-profit organization or institution in programs that are educational, therapeutic or rehabilitative.

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

Reporting for Duty Pay

Most employees receive a minimum payment (called reporting for duty pay) every time they must report for work at the employer's workplace, other than for overtime. Employees who report to work must receive at least three hours pay at the employee's hourly wage, even if there is no work to do or the employee works for less than three hours.

For example, an employee earning \$15 an hour is scheduled for their regular four hour shift. The employer cancels the employee's shift without telling the employee. The employee shows up for their shift and now the employer must pay the employee \$45 in reporting for duty pay for reporting to work.

Reporting for Duty Pay and Overtime

Employees called in to work overtime receive their overtime pay rate for each hour worked. Reporting for duty pay rules do not apply to overtime work.

For example, an employee earning \$15 per hour who is called in to work for one hour of overtime would receive \$22.50 in overtime pay ($\$15 \times \text{the overtime rate of } 1.5$), not \$45 in reporting for duty pay. See [Overtime](#) for more information.

Reporting for Duty Pay and Work on Public Holidays

Regular reporting for duty pay rules apply on public holidays. However, the employee earns whichever is greater: reporting for duty pay or wages for the hours worked on the public holiday. (Pay for each hour worked on a public holiday is 1.5 times the employee's hourly wage rate.)

For example, an employee earning \$15 per hour is required to work for one hour on a public holiday. They would receive \$45 ($\$15 \times 3 = \45) in reporting for duty pay because this is greater than \$19.5 ($\$15 \times 1.5 \times 1 \text{ hr.} = \22.50) in wages for working on a public holiday. See [Public Holidays](#) for more information.

Reporting for Duty Pay Exceptions and Special Rules

Reporting for duty pay is a minimum of one hour at the employee's hourly wage for:

- students working within the school term;
- school bus drivers employed by a school board to transport students to and from school; and
- noon hour supervisors employed by a school board.

For example, a primary or secondary student earning \$15 an hour who is called in to work for 30 minutes on a school day must be paid at least \$15. If the student works for two hours, they must be paid \$30.

Regular reporting for duty pay rules apply to these employees during school breaks and vacations.

Regular reporting for duty pay rules apply to post-secondary students all year.

When Employees Are Paid

Employers must pay employees all wages they are entitled to on their scheduled pay day.

Monthly salaried employees must be paid at least once every month. Employees paid by the hour, or in some other way, must be paid at least semi-monthly or every 14 days.

Employees must be paid within six days of the end of the payroll cut off. For example, if the payroll cut off is March 17th, the employees must be paid no later than March 23rd.

Deadline for Being Paid After Your Last Day of Work

The employer must pay all outstanding wages (such as vacation pay or pay for banked overtime hours) to employees within 14 days of their last day of work.

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. Any outstanding wages must be paid out within 14-days from the last day worked.

What Must Appear on a Statement of Earnings

Employers must provide employees a statement of earnings or pay stub on each pay day, and when making payments of wage adjustments. They must also maintain payroll records required by the legislation.

The statement of earnings must be separate from the wage cheque. It must list:

- the name of the employee;
- the start and end dates of 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;
- the employment category of employment for which payment of wages is being made;

-
- the amount of total wages or earnings;
 - an itemized list of any deductions made from wages;
 - total earnings; and
 - the actual amount of the payment being made.

Ideally, the statement of earnings should have the name and address of the employer.

How Employees Must Be Paid

An employer must pay all wages to an employee:

- in Canadian currency;
- by cheque drawn on a bank, credit union or trust corporation; or
- by deposit to the employee's account in a bank, credit union or trust corporation.

Electronic Pay Statements

Employers can provide electronic statements of earnings pay system. However, employees must be able to access the system to print a copy for their records, at work or remotely.

Unrecorded Payments

Unless the employer can show otherwise, wages and other amounts that are not shown on the statement of earnings or in payroll records are considered not to have been paid.

What Deductions Must be Listed

Deductions required by law include:

- Income tax;
- Canada Pension Plan (CPP); and
- Employment Insurance (EI).

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;
- court-ordered maintenance payments; and
- voluntary employee purchases from the employer for any goods, services or merchandise.

Deductions

Unless the employer obtains a court judgment, an employer may not, directly or indirectly, withhold, deduct, or require payment of all or part of an employee's wages for any purpose. Examples that are not allowed include deductions for alleged:

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

For example, an employee is working alone at night in a gas bar. A customer arrives, fills their tank with gasoline, and leaves without paying. The employer is not allowed to deduct the unpaid gasoline cost from the employee's wages.

In addition, employers cannot require employees to return wages.

Employers cannot require employees to purchase goods, merchandise or services from the employer as a condition of employment.

Uniforms and Special Clothing

An employer who requires an employee to wear uniforms or special clothing that identifies the employer's business must provide it at no cost to the employee. The employer cannot charge a deposit on uniforms.

A uniform is not clothing required by the employer that can normally be worn off the job such as black pants and a white shirt.

In addition, employers in restaurants, hotels, nursing homes, hospitals, or educational institutions who require their employees to wear a uniform must provide laundry services and repair the uniform at no cost to the employee. Registered nurses are exempt from this provision.

Employment Record Keeping

All employers must keep records for each employee, including:

- the particulars of every unwritten employment contract;
- a copy of every written contract for wages or other monetary benefits or compensation;
- 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.

Records for Employees Whose Work is Ordinarily Performed at Home

Any employee who works out of their own home is covered by employment standards and entitled to the rights and benefits under the legislation, including work schedule rules, breaks, leaves, notice of termination, etc.

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

Employers must keep the same payroll information as any other employer. As well, home workers must be provided with a statement of earnings.

Self-employed persons without employees who use their home as a base of operations are not covered by employment standards.

Employees Working From Home

As the Act applies to employees working from home, an employer must keep records showing the address where the work is performed and identify the portion of the work done at home. Employers must keep the same payroll information as required for any employee. As well, home workers must be provided with a statement of earnings.

How Long Records Must be Kept

For current employees, records must be kept for the most recent five years of the employee's employment.

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.

Contacts for Income Tax and Records of Employment (ROEs)

Contact the Canada Revenue Agency (CRA) online at canada.ca or toll-free: 1-800-959-5525 for information about income tax, T4 slips, EI and CPP contributions.

Contact Service Canada online at canada.ca or toll-free at 1-800-206-7218 to get information about a record of employment (ROE separation slip).

Pay Discrimination (Equal Pay)

Employers cannot discriminate against their employees by paying them differently for performing similar work based on the employee's sex, or 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 (including different locations in Saskatchewan with the same employer);
- under similar working conditions; and
- work that requires similar skill, effort and responsibility to perform.

Acceptable Grounds for Paying Employees Differently

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

- seniority; or
- a merit system.

Using a merit system, employers should ensure that wages paid to employees are based on objective criteria such as performance, qualifications, skill requirements and responsibility levels.

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 lower paid employee(s). Instead, the employees' wages must be increased to match the higher paid employees' wages.

Benefits for Part-Time Employees

Employers with 10 or more full-time equivalent employees who provide benefits to those full-time employees must also provide those benefits to eligible part-time employees. The calculation of full time equivalent includes all employees of the employer.

Definition of Full-time Employee

A full-time employee for this provision, is one who works 30 hours or more per week.

Eligible Part-time Employee

An employee eligible for this provision works on average at least 15 hours per week following the qualifying period.

Benefit Plans for Part-time Employees

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

When Benefits Should Start for a Part-Time Employee

Part-time employees must be offered coverage under the four benefit plans when:

- they have been continuously employed for 26 weeks and have worked at least 390 hours in this qualifying period;
- after the qualifying period, they work at least 780 hours in each calendar year; and
- they are not full-time students.

Benefits for Part-time Managerial and Non-managerial Employees

Part-time managers are eligible to receive comparable benefits to those received by full-time managers. Part-time non-managerial employees are eligible to receive comparable benefits to those received by full-time non-managerial employees.

Benefits for Students Working Part-time

Full-time students are not eligible to receive coverage under the benefits plan. 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.

Maintaining 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.

How to Notify an Employee Losing Eligibility

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

Benefit Levels for Part-Time Employees

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 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.

How Contributions for Part-time Employees are Determined

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

When an Employer has Employees in More than One Bargaining Unit

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

Discriminatory Action

An employer must not take any discriminatory action against an employee who:

- requests or requires the employer to comply with the Act;
- seeks enforcement of the Act;
- is pregnant or is temporarily disabled because of pregnancy;
- has applied for or taken an employment leave or is otherwise absent from the workplace as allowed by the legislation; or
- has requested a modification of the employee's duties or a reassignment to other duties because of a disability, including a temporary disability due to pregnancy.

Employers who terminate an employee in one of these protected categories must show that the termination was not related to the protected categories. For example:

- the project that the employee was employed to work on is completed or no longer required and all comparable employees are laid off; and
- the employer can show other reasons for dismissal, such as performance or misconduct; or
- the employer can show that the employee voluntarily resigned.

Even if an employer terminates an employee with notice, they may be found to have discriminated against the employee if the termination was based on one of the protected grounds. If so, the employer must reinstate the employee and pay any unpaid wages the employee may have earned if they were not terminated.

Work Schedules, Modified Work Arrangements and Permits

Work Schedules

Notification of the Hours of Work

Employers must provide work schedules to their employees at least one week before the schedule starts. An employer can change an employee's schedule with less than one week of advance notice if unexpected, unusual or emergency circumstances arise. For example, if a large storm forces a business to temporarily shut down with very little notice, the employer will need to notify employees not to report to work.

Information that Schedules Must Include

Work schedules must cover at least one week (seven days in a row). The schedule must state:

- when work will begin and end each day; and
- when meal breaks will begin and end.

How Schedules Must be Provided

Schedules 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.

Permits to Vary the Scheduling Rules

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](#) for information about 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.

Meal Breaks

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 reasonable accommodation.

When a Meal Break is Paid Work Time

An employer isn't required to give a meal break where there is an unexpected, unusual, or emergency circumstance or it is not reasonable for an employee to take a meal break. In these cases, where a meal break isn't required, employees must be allowed to eat while working, after they have worked for five consecutive hours. 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.

Rest Breaks

The legislation does not require the employer to provide rest breaks. However, if rest breaks are provided, they are paid and considered time worked.

Hours of Rest in a Day

Employees must receive at least eight consecutive hours of rest in any period of 24 hours. Employees must receive this break unless there is an emergency as defined in the Act.

Days of Rest in a Week

Rules Applying to Most Employers and Employees

Employees who usually work 20 hours or more per week must receive at least 24 consecutive hours away from work every seven days (except when fighting forest or prairie fires).

Retail Employers and Employees

Employees in the retail trade get two consecutive days off in every seven days, with one day off being a Saturday or Sunday whenever possible. This rule does not apply to:

- retail businesses with fewer than 10 employees;
- retail employees who work less than 20 hours per week;
- retail businesses subject to a municipal bylaw requiring closure on a day other than Saturday, Sunday or Monday; or
- retail businesses that have modified work arrangements (including hours of work arrangements in collective agreements) or averaging of hours permits.

Permits to Vary the Rules

Employers can apply for a permit or variance to change the days of rest requirements (see [Permits](#) for more information).

Limit on Hours of Work Per Week

Overtime rules apply to eligible employees after 40 hours in a regular work week. An employer must get the employee's consent to work more than 44 hours in a week. The employee cannot be disciplined for refusing unless there is an emergency.

Overtime rules apply to eligible employees after 32 hours in a week with a public holiday. When a public holiday occurs in a week, the employer must have the employee's consent before having the employee work more than 36 hours in that week. The employer can require the employee to work more than 36 hours when there is an emergency circumstance. See [Overtime](#) for more information.

Special Rules: Employers in a Hotel, Restaurant, Educational Institution, Hospital or Nursing Home

Transportation Home

Employers in these industries must provide employees who finish work between 12:30 a.m. and 7:00 a.m. with free transportation to their home.

Multiple Shifts Within Twelve Hours Each Day

These employers must only require or permit employees to:

- work within a 12 hour period in a day (a period of 24 consecutive hours); and
- report for work no more than twice in that period of 12 hours.

Modified Work Arrangement

A modified work arrangement (MWA) is an agreement on a set schedule between the employer and an employee or a group of employees that averages hours of work over a designated period of time. This arrangement is modified from the standard eight or 10 hours a day and 40 hours per week of hours of work before overtime. The MWA is an agreement, not a permit. MWAs increase workplace flexibility by allowing employers and employees to compress work time in return for more time off for employees.

The MWA must state when overtime will apply on a daily and an averaging period basis. Daily shifts cannot exceed 12 hours of work in a 24 hour period (i.e. a day). Schedules that vary hours week to week may not be appropriate for an MWA. An MWA is applicable to work schedules that are set and agreed to in advance.

An MWA may average:

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

An MWA allows employees to work more hours in one part of an averaging period in return for more time off in another part of the same averaging period. Overtime applies once employees work more hours than stated in the MWA's daily limit or averaging period.

A permit from the director of Employment Standards is required for a schedule that has an average of hours period longer than four weeks.

Examples of a Modified Work Arrangement

In this example, employees must be scheduled to work three 12-hour days and one four-hour day during the one-week averaging period. Overtime would be payable for any work performed after 12 hours in any day or work performed after 40 hours in the one week averaging period or an agreement to average 80 hours over two weeks, with overtime after 12 hours in a day.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat
12	12	12	4	0	0	0

In this example employees work a set schedule of a combination of 12-hour days and one eight-hour day during the two-week averaging period. Overtime would be payable for any work performed after 12 hours in a day (and eight hours on the second Wednesday) or work performed after 80 hours in the two week averaging period. If the eight-hour shift is earlier in the rotation, overtime is owed if the employee works more than eight hours on that day.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat
0	12	12	12	12	0	0
0	12	12	8	0	0	0

Requirements for MWA Agreements

Agreements must:

- be in writing;
- be signed by the employer and employees agreeing to the arrangement, 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.

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 is required by an employer who wishes to arrange an averaging period longer than allowed by a MWA, or wishes to vary the rules for days off per week.

A collective agreement's hours of work provisions are also considered an MWA, however the above requirements are not needed as they will be covered in the collective agreement.

Managerial and professional staff are exempt from overtime so can't be part of a MWA.

A sample [Modified Work Arrangement](#) template is available on [saskatchewan.ca](#).

Employees Working Less than 30 Hours Per Week

Employees working on average less than 30 hours per week cannot be part of a MWA. However, they can participate in a formal agreement to bank overtime to be taken off with pay, rather than it being paid out.

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 usually receive overtime based on their collective bargaining agreement.

Permits to Vary Some Rules

The Act and its regulations set minimum employment standards. Since the rules cannot fit every circumstance, variations are allowed, provided the appropriate permission is obtained.

Employers must apply to the director of Employment Standards for permission for some flexibility within the rules, or obtain the written agreement of the trade union representing the affected employees. Permits are allowed within specific sections of the legislation to adapt to unique occupations and employment situations. They balance the interests and benefits of employees and employers.

Employees affected by the permits are still entitled to all other requirements of the Act, including overtime, annual holidays and public holidays.

Obtaining a Permit

Permit applications should be submitted at least two weeks before the permit is required. Permits will not be issued retroactively except in exceptional circumstances.

Employment Standards only issues permits to employers. Non-unionized employers must obtain a permit from the director of Employment Standards. Unionized workplaces must obtain the written agreement of the trade union representing the employees affected by the permit.

An employer can request an application form from Employment Standards or find more information and download the forms from [saskatchewan.ca](#).

The form should be completed and returned to:

Employment Standards

Ministry of Labour Relations and Workplace Safety
Sturdy Stone Building, 8th Floor
122 - 3rd Avenue North
Saskatoon SK S7K 2H6

Application forms can also be submitted by fax to (306) 933-5444 or by email to:
employmentstandardspermits@gov.sk.ca.

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 about the permit if it will apply to them.

To ensure fairness, a separate permit application may be required for each:

- job site or business location; and/or
- category of employee, within the same organization, where jobs performed by each category or employee are different.

Employee Agreement

Before an authorization is granted, permits require an approval agreement of the majority of employees affected. The employees must show their approval agreement 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.

In the case of the authorization to vary a youth employment rules permit application, at least one parent or guardian of the youth seeking employment must sign the application.

Safety and Fatigue Management Plans

Some permits will require employers to submit a fatigue management plan, such as where a job requires heavy physical or a higher than normal mental effort and due care, non-standard and extended work shifts can affect workers' levels of alertness and their performance towards the end of an extended shift. This can result in a greater chance of an incident or injury during the extended portion of the shift.

Therefore, a higher than average time loss work injury rate may be a consideration when determining if an application is to be approved for shift arrangements longer than 10 hours in a day.

Denying or Revoking a Permit

The director of Employment Standards can cancel or revoke a permit for any lawful reason, including if the:

- employer coerces employees into supporting an application for a permit;
- employer has outstanding health, safety or employment standards complaints;

-
- safety of employees might be in jeopardy as a result of the permit; or
 - employer has a history of multiple violations of [*The Saskatchewan Employment Act*](#).

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.

Employees Can Ask the Director to Revoke a Permit

Employees can ask the director to revoke a permit. 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.

Permit Expiration and Limitations

The time limits will be stated on the permit. Regular overtime rules apply once a permit expires.

Employers are responsible for renewing their permits.

Averaging of Hours Permit

The averaging of hours permit allows employers to condense employee work time for shift cycles requiring a longer day or a longer period of averaging than allowed in a modified work arrangement. Section 2-20 of the Act outlines the requirements that allow these permits. This permit requires the support of a majority of the employees.

A typical work schedule of the affected employees for one averaging period is to be attached to the permit application. The schedule must include days of work and hours of work per day. The permit will be based on this work schedule.

Employment Standards will issue averaging of hours permits that allow all employees to participate in a scheduling system that provides for shifts that are longer than eight hours, including employees who work less than 30 hours per week. Under the permit, these employees can cover full shifts without the payment of overtime. For example, where an employer and a majority of the employees agree to a 12-hour shift rotation and obtain an averaging permit, the employer can schedule employees who on average work less than 30 hours per week to cover the normal 12-hour shift without the payment of overtime.

The employer must continue to provide employees with work schedules that are at least one week long.

One Day’s Rest in Seven Permit

The one day’s rest in seven permit allows employees who work more than 20 hours per week to come to an agreement with their employer regarding their days off or “period of rest.” The period of rest rules in *The Saskatchewan Employment Act* require employers to provide a certain number of days of rest per week depending on the type of industry, the number of employees and the amount of time an employee works per week.

Section 2-11 of the Act outlines the requirements that allow these arrangements.

This permit is most commonly used by construction and industrial companies. For example, a company that needs employees to work for 15 days in a row without having a rest period because of extreme circumstances would apply for the one day's rest in seven permit.

Companies in the retail industry must use the two days' rest in seven permit.

A typical work schedule of the affected employees is to be attached to this permit application. The schedule must include days of work and hours of work per day. The permit will be based on this work schedule.

Two Days' Rest in Seven Permit

The two days' rest in seven permit allows employees who work more than 20 hours per week in the retail industry to change the rules regarding their days off or "period of rest". The "period of rest" rules in the Act require employers to provide a certain number of days of rest per week depending on the type of industry, the number of employees, and the amount of time an employee works per week. Section 2-13(5) of the Act outlines the requirements that allow these arrangements.

Employees working at retail businesses with more than 10 employees are entitled to two consecutive days off per week, one of which is a Saturday or Sunday whenever possible. This permit allows an employer and the employees to agree to take the two days off in a week without the days being consecutive.

A typical work schedule of the affected employees is to be attached to this permit application. The schedule must include days of work and hours of work per day. The permit will be based on this work schedule.

Scheduling Variation Permit

The scheduling variation permit allows employers to vary the requirement to post a work schedule or a change to the work schedule. Section 2-11 of the Act outlines the requirements that allow these arrangements.

Move a Public Holiday Permit

The authorization to move a public holiday permit allows employers to move a public holiday to another day. Section 2-31(b)(ii) of the Act outlines the requirements that allow these arrangements.

Youth Employment Permit

The authorization to vary youth employment rules permit allows the youth employment rules to be varied only if the parent, employer and youth all agree to the application and the executive director of Employment Standards approves it.

[The Conditions of Employment Regulations](#) set the conditions under which youth can be employed 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 consent of a parent or guardian; and
- a certificate of completion from the Young Worker Readiness Certificate Course.

Read more at [Youth in the Workplace](#).

Eligibility

This permit will not be issued if:

- The youth's education could be compromised if a permit was issued. Education is always a priority when considering any request for a variation to the minimum age of employment rules.
- The type of workplace and the work conditions are considered harmful to the youth's health, safety and well-being.
- All three parties (the youth, parent or guardian and employer) have not agreed to the permit.
- The employer has an active complaint on file with Employment Standards and/or the employer has received a notice of contravention from the Occupational Health and Safety Branch in the last two years.
- The employer has no plan in place for a properly trained adult supervisor to be continuously present within sight and earshot of the youth employee.
- The employment requested is age restricted under a law listed in Appendix 1 of the application.

Permit Limitations

A permit granting an exemption to one requirement under these regulations does not automatically grant an exemption from other requirements. For example, an employer who has a permit for a youth to work more than 16 hours in a week in which school is in session can not use that permit to have the student work after 10:00 p.m. on a night preceding a school day.

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.

Work Time and Overtime

An employee must be paid for each hour or part of an hour worked. Work time includes all the time the employee is:

- required to work (e.g. the employee is directly performing their duties;
- permitted to work; and
- be at the employer's disposal.

All three of these considerations go into calculating when the overtime threshold has been crossed.

Employees who are paid in some manner other than an hourly rate are still entitled to overtime. Whether the employee is paid by the day, the week, the month, or any other method (e.g. flat rate, incentive-based, piece rate, salary and commission), an hourly rate must be determined.

Permitted to Work

An employer has permitted an employee to work if the employer:

- knows or ought to reasonably know that the employee is performing duties for the employer; and
- 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.

At the Disposal of the Employer

At the disposal of the employer means any time that the employee is under the direction and control of the employer and must be available for work. The employee may not be directly working, but their time is largely under the employer's control or direction rather than the employee's. For example, if employees are required to report to the workplace 15 minutes before the scheduled shift starts, the employees are considered to be at the disposal of the employer and entitled to be paid for the extra time.

On Call

An employee on call may be at the disposal of the employer if it appears that they are on their employer's time more than their own. The more restrictions or conditions an employer places on the employee's time while on call or standby (such as requiring the employee to stay within a certain distance from work, to wear a uniform, drive the employers vehicle, or other restrictions on activities), the more likely that time will be considered to be work time and wages would be owed. In these cases, employees may be paid at a different rate, but at least minimum wage.

Travel Time as Work Time

Employers must pay employees for travel time when the employee is at work, which means the employee is under the employer's control and direction when travelling to perform duties for the employer. Any employer-directed or job-required travel after the employee reports for work required at a place designated by the employer is considered work time. After reporting to a place designated by the employer, work time includes employee travel to, from, and between work sites. For example, an employee is required to drive or be driven from a construction site where they work to the employer's repair shop or a store to pick up supplies or a part is on work time. Another example of work time may be during a time when an employee was required by their employer to report for work at one location and then travel to a remote camp to work. Work time also includes travel to pick up or perform work on the way to work or home outside the normal location where the employee is to report for work. In these cases, employees may be paid at a different rate, but at least minimum wage and is part the employment contract.

Generally, travel time to and from work is personal, not work. Travel time may also not be work time if the employer gives the employee the choice to travel in their own way to report to a work site or access the employer's transportation.

Overtime Rate

Overtime must be paid at the rate of at least 1.5 times the employee's hourly wage rate. For example, the overtime rate for an employee earning \$15 per hour is \$22.50 (\$15 x 1.5). Employees earn overtime by the day and week.

An employee's hourly wage includes all wages (including commissions) earned during normal, non-overtime hours of work. Review the definition of wages in ***Important Terms and Definitions***.

Overtime in a Day

Employees who are scheduled to work for eight hours per day earn overtime after working more than eight hours in 24 hours.

Employees who are scheduled to work for 10 hours per day for four days a week earn overtime after working more than 10 hours in 24 hours.

Definition of a Day for Overtime

For the purpose of calculating overtime, the employee's work day begins with the start of the employee's first shift and ends 24 hours later. All hours worked within that 24-hour period count towards the overtime threshold.

Example:

Date	Shift Starts	Shift Ends	Hours Worked
May 3	3:00 p.m.	11:00 p.m.	8 hours
May 4	7:00 a.m.	3 p.m.	8 hours

During the 24-hour period, beginning 3:00 p.m. on May 3 and ending 3:00 p.m. on May 4 the employee worked 16 hours. This employee must be paid eight hours regular pay and eight hours overtime pay.

Maximum Hours of Work in a Day

Even if the employer pays overtime, employees cannot be scheduled to work more than 16 hours in any 24-hour period unless there is an emergency. Employees must receive at least eight consecutive hours of rest in every 24-hour period.

Overtime in a Week

Weekly Overtime in a Regular Work Week

A regular work week has 40 hours. Overtime in a regular work week starts after 40 hours.

The employer may choose to schedule the 40 hours over five eight-hour days or four ten-hour days.

Overtime in a Week with a Public Holiday

A week with a public holiday has 32 hours. Employers can schedule employees to work those 32 hours in four eight-hour days OR three 10-hour days.

Overtime is payable after 32 hours in a week with a public holiday. For example, if a workplace has a week that runs from Sunday to Saturday and employees work eight hours per day Monday to Friday and a public holiday (PH) falls on Saturday, the 32 hour weekly overtime limit will be reached on Thursday.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Hours	OT
Off	8	8	8	8	8 (OT)	PH	40	8

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

Overtime by the Day and Week

Employees can earn overtime by the day, the week, or both.

Overtime by the Day, but Not by the Week

Example: An employee is scheduled to work for eight hours per day. The employee is asked to work ten hours on one day. The employee works 40 hours for the week. This employee would be paid two hours of daily overtime for Thursday.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Hours	OT
Off	8	8	8	10	6	0	40	2

Overtime by the Week, but Not by the Day

Example: An employee is scheduled to work six, eight hour days from Monday to Saturday for a total of 48 hours for the week. This employee would be eligible for eight hours of overtime pay.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Hours	OT
Off	8	8	8	8	8	8	48	8

Overtime by the Week and by the Day

Example: An employee is scheduled to work eight hours per day but also starts the week with an additional four hours on Sunday and is required to work 10 hours on Tuesday, for a total of 46 hours of work. This employee has earned two hours of daily overtime on Tuesday and four hours of weekly overtime. Since weekly overtime is earned after an employee has worked more than forty hours in a week, this employee, while they started their week on Sunday, didn't earn weekly overtime until the last four hours of work on Friday.

Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Hours	Daily	Weekly	Total
4	8	10	8	8	8	Off	46	2	4	6

Overtime in a Modified Work Arrangement or Averaging of Hours Permit

Employers who have a modified work arrangement (MWA) or an averaging of hours permit must pay overtime after the daily limit or the hours in the averaging period are exceeded.

For example, if the daily limit in a permit is 12 hours, employees earn overtime after working more than 12 hours in 24 consecutive hours. If the averaging period is 80 hours over two weeks, employees earn overtime after working more than 80 hours.

If a public holiday falls within the averaging period, the overtime threshold is reduced by eight hours. For example, if a public holiday fell during an averaging period of 80 hours over two weeks, the overtime threshold would be 72 hours.

Overtime for Salaried Employees

Employees provided a wage rate other than by the hour are still eligible for overtime pay. Paying employees by the day, week, month or more does not exclude them from being entitled to overtime.

Regardless of the rate of pay, an hourly rate must be determined to calculate overtime pay.

Calculating Overtime for Employees Paid by the Day

To calculate the hourly rate for overtime if wages are paid on a daily basis, divide the daily wages earned in non-overtime hours by the number of non-overtime hours worked in a day (normally eight or less).

Once the hourly rate is determined, multiply that amount by the number of overtime hours x 1.5.

Calculating Overtime for Employees Paid by the Week

To calculate the hourly rate for overtime if wages are paid on a weekly basis, divide the non-overtime wages earned in the week by the non-overtime hours worked in a week (normally 40 hours or less).

Once the hourly rate is determined, multiply that amount by the number of overtime hours x 1.5.

Calculating Overtime for Employees Paid by the Month

Eligible employees not paid by the hour are still entitled to overtime. However, an hourly rate must be determined to calculate overtime.

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: \$2,700.00

Multiplied by the yearly rate: $\$2,700 \times 12 \text{ months} = \$32,400.00$

Divided by the weekly rate: $\$32,400.00 \div 52 \text{ weeks} = \623.08

Divided by the hourly rate: $\$623.08 \div 40 \text{ hours} = \15.58

Multiplied by the overtime rate: $\$15.58 \times 1.5 = \23.37

Note: If the regular weekly hours worked were 37.5 hours, the weekly rate (\$623.08) would be divided by 37.5 to give an hourly rate of \$16.62.

Calculating Overtime for Employees Paid by a Basis Other than Time

Calculate the hourly rate for overtime by dividing the non-overtime wages earned for work in the pay period by the non-overtime hours worked in the pay period. Wages includes any salary, commission, or any monetary compensation for work, service or being at the disposal of the employer.

Once the hourly rate is determined, multiply that amount by the overtime hours $\times 1.5$.

Overtime Exemptions

Some employees are exempt from overtime or covered by special overtime rules.

Overtime provisions do not apply to:

- managerial employees;
- some professionals;
- professional employees required to be registered or licensed by an act;
- employees primarily engaged in mineral exploration operations north of Township 62 (Township 62 is roughly along the northern boundary of Meadow Lake Provincial Park);
- logging industry employees, including employees providing food services and security services, but employees working in an office, saw mill or planing mill get overtime pay;
- certain types of travelling salespersons;
- motor vehicle 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 working in private homes.

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

Special Overtime Rules

Special overtime rules apply to some types of employees, including live-in care providers, live-in domestics, ambulance attendants, firefighters on a platoon system, oil truck drivers delivering fuel to farms, commercial hog operation employees, some city newspaper employees and highway construction workers.

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. There are also rules for calculating overtime for employees not paid by the hour, such as by the day, the month, commission or production.

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

Please contact Occupational Health and Safety at 1-800-567-7233 for information about fatigue management for employees working extensive overtime.

Employees Working Less than 30 Hours Per Week

Non-unionized employees working less than 30 hours per week are entitled to be paid overtime after working more than eight hours in 24 consecutive hours or more than 40 hours in a week (32 hours in a week with a public holiday). These employees cannot be covered by a modified work arrangement. They can participate in an overtime bank agreement.

Collective bargaining agreements may govern rules for these employees working in unionized environments.

Overtime Banks

An overtime bank (time bank) is an agreement between the employer and individual employees that allow overtime hours to be banked in exchange for time off at regular pay during regular working hours at some later date.

Employees Eligible for an Overtime Bank Agreement

All employees who are eligible for overtime can request an overtime bank, including those working fewer than 30 hours per week. However, the employer cannot require employees to enter into an overtime bank agreement. Visit [saskatchewan.ca](https://www.saskatchewan.ca) to download a time bank agreement template.

How Overtime Bank Agreements Work

For every hour of overtime worked, 1.5 hours must be banked. Hours withdrawn 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. If there is no agreement, the employer can schedule the time off by providing the employee with at least one week of notice.

All banked hours taken from the bank are considered regular hours worked and go towards calculating the overtime threshold for the week.

Example: Weekly Overtime

An employee has banked 11 hours of overtime. Therefore, the employee has 16.5 hours in their overtime bank (11×1.5) to be used as paid time off, during regularly scheduled hours. The employee asks their employer if they can take Wednesday and Thursday off using 16 hours of the banked overtime. The employee returns to work their normal eight-hour shift on Friday and an additional eight-hour shift on Saturday. This employee has earned an additional eight hours of overtime during the week because they exceeded the 40 weekly overtime threshold by eight hours on Saturday. The employee now has 12.5 hours in their overtime bank to take at a future date or be paid out.

Sun	Mon	Tues	Weds OT Bank Hrs.	Thurs OT Bank Hrs.	Fri	Sat	Total Hours	OT
Off	8	8	8	8	8	8	48	8

Daily Overtime

Similarly, an employee is scheduled to work for eight hours from 8:00 a.m. to 5:00 p.m. and takes the first four hours of their shift from their overtime bank to be away from work. If they are required to work until 7:00 p.m. that day, they are entitled to two hours of overtime. Even though they worked six hours, the hours from 8:00 a.m. to 12:00 p.m. are counted as regular work hours.

All banked over time taken as time away from work or paid out must be at the employee's regular wage rate at the time it is taken from the bank. It must be taken within 12 months of the time it was banked. Any banked time not taken within the 12 month period must be paid at the employee's current hourly wage. Employees can request payouts of banked time; and the employer may make payouts, without ending the overtime bank agreement.

Requirements for Overtime Bank Agreements

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.

Ending or Changing an Agreement

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 before the agreement ends. The employer could also choose to pay out the overtime in the bank.

Overtime Banks and Ending Employment

Any remaining banked overtime must be paid out within 14 days of the employee's last day of work.

If the employer is laying off or terminating the employee, the employer cannot substitute banked time for a working notice period required under the Act. In addition, overtime bank payouts cannot replace pay instead of notice.

Vacation and Vacation Pay

Vacation Entitlements

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 vacation.

Paying Vacation Pay

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

Employees receive vacation pay:

- at their request before taking vacation; or
- on a normal payday during a vacation.

If employees do not take their vacation, employers must pay vacation pay within 11 months after employees become entitled to their annual vacation. Employees are not required to receive vacation pay on each pay cheque or deposit.

Vacation Pay on Termination of Employment

Employees are to be paid any unpaid vacation pay within 14 days of termination.

Vacation Entitlements After Change of Ownership

If an employee is still employed at a business after a sale, lease or transfer to a new employer, their service (number of days, weeks or years with the same employer) with the previous employer is maintained for the purpose of their vacation entitlements and any other employment standards involving length of employment. Employees are entitled to vacation entitlements based on how long they were employed by both employers.

Taking Vacation

The employer must allow the employee to take vacation within 12 months after the date on which the employee becomes entitled to it.

An employee is entitled to take vacation in one continuous period, unless they request shorter periods of at least a week at a time. Employees must receive approval from the employer in advance for each vacation period.

Common Vacation Entitlement Date

An employer may use a common date for calculating vacation entitlement of all employees, but only if this does not result in a reduction of any of the employee's rights.

Requiring an Employee to Take Vacation

Employees and employers should negotiate when annual vacation will be taken. If no agreement is reached, the employer can schedule the employee's vacation by giving the employee a written notice at least four weeks before the employee's vacation must begin.

If the employee does not take a vacation, the employee must get vacation pay no later than 11 months following the date when the annual vacation was earned.

Requiring Employees to Take Vacation During Workplace Closures

An employer may, at times, require employees to take their vacation at a time when the employer has closed all or part of the workplace. However, this only applies if the vacation period is at least a week in length.

The employer can do this by providing the employees with a written notice at least four weeks before the vacation must begin.

Calculating Vacation Pay

Vacation pay is calculated on an employee's wages for a year of employment or portion of a year which includes all salary, commission, earned bonuses and any other monetary compensation for work or services for being at the disposal of an employer. In addition to regular pay, wages include overtime, public holiday pay, vacation pay and pay instead of notice.

The vacation pay calculation depends on how many years the employee has worked for the same employer. During the first ten years of employment, multiply the employee's wages for the 12-month period by $\frac{3}{52}$ (5.77 per cent). Once an employee has completed 10 years of employment, the employee is entitled to four weeks of vacation in the upcoming year and vacation pay of $\frac{4}{52}$ (7.69 per cent).

Example:

An employee has worked for less than 10 years for the same employer. When the employee takes a three-week vacation, the pay for their vacation is:

Annual salary (April to March): \$41,600.00

Add commission: $\$41,600.00 + \$3,000.00 = \$44,600.00$ total annual salary

Multiply by vacation pay rate: $\$44,600.00 \times \frac{3}{52} = \$2,573.10$

Vacation pay of \$2,573.10 would be payable for the three week vacation.

If the employee in the above example had worked for the same employer for 10 years or more, the vacation pay calculation would be $(\$44,600 \times \frac{4}{52}) = \$3,430.77$.

Visit the [vacation pay calculator](https://www.saskatchewan.ca/vacation-pay-calculator) on [saskatchewan.ca](https://www.saskatchewan.ca) to calculate the amount of vacation pay owed to an employee.

Paying Vacation Pay at the End of Employment

Vacation pay is calculated on the employee's wages for each year. Since pay instead of notice is part of an employee's wages, the vacation pay calculation must include any pay instead of notice.

Employers can't require employees to take vacation or pay vacation pay during notice periods.

See [Layoffs and Terminations](#) for more information.

Using Vacation Pay When Employees are Away Due to Illness

Vacation pay may 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 statement of earnings. An employee's vacation leave entitlement is not reduced if vacation pay is paid out while they are away due to illness or injury. However, the amount of vacation pay will be reduced by the amount paid to cover the time away from work due to illness.

Wages and Vacation Pay

Employees are entitled to vacation pay when they take vacation.

Employees called in to work while on vacation must be paid wages and not vacation pay while working.

Public Holidays While on Vacation

If there is a public holiday during an employee's annual vacation, the vacation is extended by one day, even if the holiday falls on an employee's day off. Most employees should also get public holiday pay for the holiday. See [Public Holidays](#) for more information.

Cancelling an Employee's Vacation

An employer who cancels or reschedules a previously-approved vacation must pay all non-refundable deposits, penalties and pre-paid expenses paid by the employee that are related to the vacation. The employee must provide receipts for these expenses.

Public (Statutory) Holidays

Most employees get paid time off for 10 [public holidays](#) per year in Saskatchewan: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

Easter Monday, Christmas Eve and Boxing Day are not public holidays.

Employment Standards may authorize that a public holiday be observed on a different day than the date of the public holiday. See [Permits](#) for more information.

Paying Employees in a Week Containing a Public Holiday

There are three payments:

1. Public Holiday Pay

Employees receive five per cent of their wages earned in the 28 days (four weeks) before a public holiday as public holiday pay.

Wages to be included in the calculation of public holiday pay include pay for any vacation taken during the four weeks before the public holiday and any public holiday pay for public holidays that occurred during the four weeks before the public holiday. However, overtime is not included.

Employees on leave or absences are entitled to public holiday pay if they earned wages during the four weeks before the public holiday.

Visit the [public holiday pay calculator](#) to calculate the amount of public holiday pay owed to an employee.

A new employee is entitled to public holiday pay even if they have been employed for less than four weeks before the public holiday. The amount of public holiday pay is 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. The employee also earns \$1,000 in commission. The calculation would be:

Regular wages: \$600.00

Multiplied by three weeks: $\$600.00 \times 3 = \$1,800.00$

Add one week of vacation pay: $\$1,800.00 + \$600.00 = \$2,400.00$

Add commission: $\$2,400 + \$1,000 = \$3,400.00$

Multiplied by public holiday pay rate of five per cent: $\$3,400 \times 0.05 = \170.00

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 $\$600.00 \div 5 \text{ days} = \120.00 . Taking off the \$120.00 would leave a balance of \$50.00 to be paid ($\$170.00 - \$120.00 = \50.00).

In some cases, employees that have the day off with pay will have received proper payment for the public holiday. When the public holiday falls on an employee's day off, some employers may give the employee the option of receiving five per cent of their pay or taking an additional day off with pay.

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 on or before December 31 in the year in which it was earned, or within 14 days of termination.

Employees Who Quit, are Laid Off or Terminated Before a Public Holiday

If your employment ends before the holiday, you wouldn't get public holiday pay for that day.

2. Pay for Working on a Public Holiday

Employees working on a public holiday earn pay of 1.5 times their regular hourly rate for all hours worked. This includes managerial and professional employees and operators of group homes. The pay rate of 1.5 is in addition to the normal day's pay.

3. Overtime Payable During the Week of a Public Holiday

During a week with a public holiday, employees receive overtime after working 32 hours. The 32 hours does not include any hours worked on the public holiday. Any time worked on a public holiday is pay for working on a public holiday.

This usually results in the employees being provided a day off if the public holiday does not occur on a normal work day.

Workplaces With a MWA or Averaging of Hours Permit

Where a workplace has a modified work arrangement, or an averaging of hours permit, each public holiday in the averaging period will reduce the number of hours before overtime is to be paid by eight hours. For example, if a public holiday falls within an averaging period of 160 hours over four weeks, overtime becomes payable after 152 hours.

Overtime is also payable after employees work more hours than the daily limit stated in the MWA or averaging permit.

Special Public Holiday Pay Rules

There are special public holiday pay rules for employees engaged in the operation of a well drilling rig, employees of commercial hog operations, and full-time employees working in a hospital, educational institution, nursing home, hotel or restaurant.

Employees Operating Well Drilling Rigs

An employee who is engaged in the operation of a well drilling rig receives:

- public holiday pay of five per cent of their wages in the 28 days (four weeks) before a public holiday if the employee does not work on the public holiday; or
- if the employee works on the holiday, the employee receives public holiday pay in addition to the employee's regular wages for the time worked.

Employees are also entitled to any overtime earned in the week of the public holiday and on the public holiday if they work on the holiday.

Employees Working in Commercial Hog Operations

Employees working in commercial hog operations receive public holiday pay at 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 on a day 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.

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.

Full-time Employees Working in a Hospital, Educational Institution, Nursing Home, Hotel, or Restaurant

Employees who work on a public holiday earn pay of 1.5 times their regular hourly rate for all hours worked, plus either public holiday pay or a day off at regular pay within a four-week period during which the public holiday occurs.

Public Holidays Falling on 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.

Note: When a public holiday falls on a Saturday, it is not observed on a different day.

Observing a Public Holiday on a Different Day

Employers can ask the director of Employment Standards for a permit to observe a public holiday on another day. To request authorization, employers must complete a move a public holiday permit application form and send it to the director for approval. A majority of employees must agree to the public holiday being observed on another day by signing the application form. If a permit is granted, the public holiday pay rules will apply to the day stated on the permit.

If employees are represented by a trade union, the employer and trade union can agree in writing to observe the public holiday on another day.

In recognition of the significance of Remembrance Day, permission to observe that holiday on another day will only be granted in exceptional circumstances.

[Permit application forms](#) can be downloaded from saskatchewan.ca.

Applications should be submitted at least two weeks before the holiday.

Job-Protected Leaves of Absence

Several job-protected employment leaves are available to eligible employees, including:

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

Other than five days of interpersonal violence leave, employers are not required to pay regular wages for job-protected leaves. However, an employee taking a leave may be eligible for Employment Insurance. Contact Service Canada toll-free at 1-800-206-7218 for more information.

Leave Requirements

Eligibility

For the majority of leaves, any employee who is currently employed and has been employed for more than 13 consecutive weeks by the same employer before the day the leave is to begin, is entitled to leave if they qualify.

Employees do not have to have worked for an employer for a minimum amount of time to take a public health emergency leave.

Notice Before Taking Leave and Before Returning to Work

An employee who wishes to take any of the following leaves must provide the employer with at least four weeks' written notice:

- maternity, parental or adoption leave;
- organ donation leave;
- reserve force service leave (for regular deployment); or
- nomination/election and candidate/public office leave.

The notice must state:

- the date the employee intends to start their leave; and
- the date the employee intends to return to work.

An employee taking a leave longer than 60 days must provide the employer with at least four weeks' written notice before returning to work. This written notice must be given to the employer before the leave expires. The employer is not required to take the employee back until this notice is received.

Exceptions

The obligation to provide four weeks' written notice before taking leave does not apply:

- to bereavement leave, compassionate care leave, critically ill child care leave, critically ill adult care leave, crime-related child death or disappearance leave, interpersonal violence leave, public health emergency leave and citizenship ceremony leave; or
- if the date of commencement of the employment leave or the date of return to work from the employment leave is not known and cannot be reasonably known by the employee (such as an emergency deployment of reservists).

An employee who takes a leave of 60 days or less does not have to provide the employer with four weeks' written notice before returning to work.

An employee who is not required to provide four weeks' written notice must provide notice as far as possible in advance of the start and end of the leave.

Where a Medical Certificate Must be Provided with the Notice

If an employment leave involves a medical issue, the employer has a right to ask for the employee to provide a medical certificate from a duly qualified medical practitioner as to the reason for the leave or the extension of the leave.

Employees taking public health emergency leave do not need to provide a medical certificate or any other verification of circumstances.

Length of Service and Rights of Recall

An employee continues to accrue seniority, vacation, service and rights of recall while on an employment leave or a combination of employment leaves to a maximum of 78 weeks.

Vacation Entitlements

An employee on leave continues to accrue their vacation entitlement, to a maximum of 78 weeks of leave. After returning from leave, an employee gets the same vacation entitlements that 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.

For example, an employee with nine years of service has three weeks of vacation entitlements. If the employee takes 78 weeks of maternity and parental leave, the employee would have more than 10 years of seniority upon return to work. The employee would then be eligible for four weeks of vacation.

Participation in Benefit Plans While on Leave

An employer who provides benefit plans to employees must offer to continue to provide those benefits to an employee who is on leave, or a combination of leaves. The employee may be required to pay premiums to maintain benefits.

An employee is entitled to participate in a benefit plan for the duration of the leave. The time limit for an employee to participate in a benefit plan will depend on the prescribed amount for the specific leave.

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

Employees Returning From Leave

An employee returning from leave of 60 days or less must be re-employed in the same job they had before the leave. An employee returning from a leave longer than 60 days can be reinstated into a comparable job with no loss in pay or benefits.

Employment Leave Types

There are several leaves employees may be entitled to. They are grouped into family leaves, service leaves and health leaves. Additionally, there is an interpersonal and sexual violence leave and public health emergency leave.

Family Leaves

There are six types of family leave available. Eligible employees can get maternity, adoption and parental leave. Eligible employees can also take bereavement leave, crime-related child death, and crime-related child disappearance leave.

Maternity Leave

Length of Leave

Pregnant employees can receive up to 19 weeks of maternity leave.

Miscarriage or Stillbirth

An employee whose pregnancy terminates up to 13 weeks before the estimated date of birth due to a miscarriage or a stillbirth may also be eligible for 19 weeks of leave.

Medical Notes when Giving Notice of Leave

Along with the notice, employers may require employees to provide a certificate from a doctor or nurse practitioner which includes the reason for the leave and any extension.

Starting Maternity Leave

Maternity leave can start at any time during the 13 weeks before the estimated date of birth, and/or no later than the date of birth. If the employee does not give the employer at least four weeks' written notice before starting leave, the 19-week maternity leave is reduced to 15 weeks. The 15-week leave can start at any time during the nine weeks before the estimated date of birth.

Beginning Leave Early Due to Illness

A pregnant employee who can provide a medical certificate saying they must stop work for medical reasons may leave work immediately. The employee is not required to start maternity leave at this time and can delay the start of the 19-week maternity leave up to the estimated date of birth.

Contact the Saskatchewan Human Rights Commission toll-free at 1-800-667-9249 or www.saskatchewanhumanrights.ca for more information about the rights of ill or injured pregnant employees.

Sick leave benefits may also be available through Employment Insurance. Visit a [Service Canada Office](#) or call them toll-free at 1-800-206-7218.

If Birth is Delayed

If the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks leave after the actual date of birth.

Accommodating a Pregnant Employee

If a pregnancy unreasonably interferes with the performance of an employee's job, the employer can modify the employee's job or reassign the employee. If so, the employee's wages and benefits cannot be reduced.

If it is not possible to accommodate the employee, the employee can be required to begin maternity leave up to 13 weeks before the estimated date of birth.

Protection from Discriminatory Action Due to Pregnancy

Maternity leave can be extended six weeks (for a total of 25 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.

Extending Maternity Leave for Medical Reasons

Maternity leave can be extended six weeks (for a total of 25 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.

Adoption Leave

Length of Leave

The primary caregiver of an adopted child can take 19 weeks of adoption leave. Only the primary caregiver of an adopted child can get adoption leave. The adopting family decides who the primary caregiver will be.

Giving Notice of Leave

The employee's written notice four weeks before the day leave begins should state what date the child is expected to come into the employee's care. If this date is not known the notice should include whatever notice has been given by the Ministry of Social Services, the adoption agency or the birth parent.

Starting Leave

Adoption leave starts on the day the child becomes available for adoption or the child comes into the employee's care.

Parental Leave

Length of Leave

Parental leave can be taken following maternity or adoption leave, or separately.

The parent who took maternity or adoption leave is eligible for up to 59 weeks of parental leave. Parents who did not take maternity leave or adoption leave are eligible for up to 71 weeks.

Giving Notice of Leave

If the employee is on maternity or adoption leave and is requesting parental leave, the written notice 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 the notice. The parental leave notice can be included with the maternity or adoption leave notice.

Starting Leave

When a parent taking maternity or adoption leave also takes parental leave, the parental leave must be taken consecutively with the maternity or adoption leave. If one parent takes both maternity or adoption leave and parental leave, the parental leave must be taken any time in the period between 13 weeks before the estimated date of birth and 78 weeks after the actual date of birth or date the child comes into the employee's care.

If the parent taking parental leave is not the same parent who took maternity or adoption leave, parental leave must be taken any time in the period between 13 weeks before the estimated date of birth and 86 weeks after the actual date of birth or the date the child comes into the employee's care.

Bereavement Leave

When a member of an employee's immediate family dies, an employee with more than 13 weeks of employment with an employer is entitled to take unpaid bereavement leave.

Length and Use of Leave

Bereavement leave can be up to five working days. It must be taken within one week before any ceremony to one week after the ceremony.

Crime-related Child Death and Crime-related Child Disappearance Leaves

Crime-related child death and crime-related child disappearance leaves can last up to 104 weeks. An employee with more than 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	More than 13 weeks	More than 13 weeks	More than 13 weeks	More than 13 weeks	More than 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	If requested
Eligible Employee	Birth-parent/pregnant employee	Primary caregiver	Either or both parents	Immediate family	Either or both parents or caregivers
Leave Period	19 weeks	19 weeks	59/71 weeks	Five days unpaid	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

Service Leaves

This includes reserve force, nomination/election and candidate/public office and citizenship ceremony leaves.

Reserve Force Service Leave

Reserve force service leave is an unpaid, job-protected leave for the required period of service.

Employees with more than 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, training and regular deployment, are eligible for reserve force service leave.

Regular Deployment

Written notice must be provided to the employer at least four weeks before leave will begin. The notice should state when leave will begin and when the employee expects to return to work.

The employer may ask the employee to provide confirmation from a reserve force official of the employee's reserve force status and the anticipated period of service.

Emergency Deployment

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.

Reinstatement

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 wages and benefits as before the leave.

Nomination/Election and Candidate/Public Office Leave

Nomination/election and candidate/public office leaves is an unpaid leave for a reasonable period for nomination or, if elected, the length of the term of office. The entitlement is for one period of leave. This leave applies to municipal, provincial, federal, school board and band council nominations, elections and offices.

An employee must have worked with the employer for more than 13 consecutive weeks to be eligible for this leave. Written notice must be provided to the employer at least four weeks before the leave begins. The employee must also notify the employer four weeks before 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 wages and benefits as before the leave.

Citizenship Ceremony Leave

Employees who have worked with an employer for more than 13 consecutive weeks and who are new Canadian citizens are eligible for one day of unpaid 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	More than 13 weeks	More than 13 weeks	More than 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	For a reasonable period for nomination and election. If elected, for the length of the office.	One day unpaid
Benefits Participation	Yes, for the duration of the leave	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 or reasonable notice	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

Health Leaves

This includes organ donation leave, critically ill child care leave, critically ill adult care leave and compassionate care leave.

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 an organ.

An employee must have worked with the employer for more than 13 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 as soon as possible about their return date. An employer may ask for a medical certificate 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. This leave can be taken in one block of time or in multiple blocks of time within a 52-week period providing no block is shorter than one week in duration.

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 for Employment Insurance Special Benefits for Parents of Critically Ill Children. Visit a [Service Canada Office](#) or call them toll-free at 1-800-206-7218.

An employee must have worked with the employer for more than 13 consecutive 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 28 weeks. This can be taken in single or multiple blocks of time within a 52-week period providing no block is shorter than one week in duration. The leave is intended to provide employees the opportunity to provide care and support to a family member who is gravely ill and who has a significant risk of death within 26 weeks.

You can receive compassionate care benefits for a variety of family members—both yours and those of your spouse or common-law partner.

To be eligible for this leave, an employee must have worked with the employer for more than 13 consecutive weeks. Written notice must be provided to the employer as soon as possible before the leave begins. The employee must provide a doctor's note at the employer's request. The employee must notify the employer of their intended return to work date as soon as possible.

The employee can return to the same job if the leave is 60 days or less. The employer may reinstate the employee into a comparable job if the leave is longer than 60 days. The employee must receive at least the same rate of pay and benefits as before the leave.

Employees who take this leave may be eligible for [Employment Insurance Compassionate Care Benefits](#) through Service Canada. Contact Service Canada toll-free at 1-800-206-7218 or www.servicecanada.gc.ca for more information.

Note: Under employment insurance rules for compassionate care leave, a common-law partner is a person who has been living in a conjugal relationship with another person for at least a year.

Under Canada's *Employment Insurance Act*, employees can receive leave to care for their family members or a family member of a spouse or common-law partner. Refer to the *Employment Insurance Act* for clarification.

Critically Ill Adult Leave

Critically ill adult leave is an unpaid, job protected leave of up to 17 weeks to care for an adult family member who is critically ill or injured.

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.

The employer can request a medical certificate from a qualified medical practitioner. The medical certificate needs to confirm that the family member is ill and needs their assistance.

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.

For more information about eligibility for Employment Insurance benefits, please contact Service Canada at 1-800-206-7218.

A family member or a family member of a spouse or common-law partner includes:

Family Members

- Children
- Wife, husband, common-law partner
- Father, mother
- Father's wife, mother's husband
- Common-law partner of the father or the mother
- Brothers, sisters, stepbrothers, stepsisters
- Grandparents, step-grandparents
- Grandchildren, their spouses or common-law partners
- Sons-in-law, daughters-in-law (married or common law)
- Father-in-law, mother-in-law (married or common law)
- Brothers-in-law, sisters-in-law (married or common law)
- Uncles, aunts, their spouses or common-law partners
- Nephews, nieces, their spouses or common-law partners
- Current or former foster parents
- Current or former foster children, their spouses or common-law partners
- Current or former wards
- Current or former guardians, their spouses or common-law partners

Family Members of Spouse or Common-Law Partner

- Children
- Father, mother (married or common law)
- Father's wife, mother's husband
- Common-law partner of the father or the mother of your spouse or common-law partner
- Brothers, sisters, stepbrothers, stepsisters
- Grandparents
- Grandchildren
- Sons-in-law, daughters-in-law (married or common law)
- Uncles, aunts
- Nephews, nieces
- Current or former foster parents
- Current or former wards

Quick Reference Chart: Health Leaves

	Organ Donation	Critically Ill Child Care	Critically Ill Adult Care	Compassionate Care
Employee Qualifying Period	More than 13 consecutive weeks	More than 13 consecutive weeks	More than 13 consecutive weeks	More than 13 consecutive weeks
Employee Notice to Employer	Four weeks	As far as possible in advance	As far in advance as possible	As far as possible in advance
Evidence Required	Medical certificate	Medical certificate	Medical certificate	Medical certificate
Eligible Employee	Organ donor	Either or both parents	Member of employee's family	Member of employee's family
Leave Period	As required, up to a maximum of 26 weeks	37 weeks	17 weeks	28 weeks
Benefit Participation	Yes	Yes	Yes	Yes
Seniority Accrual	Yes	Yes	Yes	Yes
Employee Return Notice to Employer	Four weeks	As far as possible in advance	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 or comparable job
Wage Protection	Yes	Yes	Yes	Yes

Interpersonal Violence Leave

Interpersonal violence leave is a job-protected leave of up to 10 days in a period of 52 weeks for survivors of interpersonal or sexual violence to access supports or relocate to a new home. The 10 day leave can be taken as five employer paid days and five unpaid days. The leave can be broken down into days or hours as required. Only time spent away from work would be considered leave time.

Eligibility applies to an employee who is a victim of interpersonal or sexual violence or an employee who is a parent of a child who is a victim or an employee who is a caregiver of a victim of interpersonal or sexual violence and the employee requires time off work to:

- seek medical attention for a victim with respect to a physical or psychological injury or disability caused by interpersonal or sexual violence;
- obtain services from a victim services organization;
- obtain psychological or other professional counselling;
- relocate temporarily or permanently; or
- seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal or sexual violence.

Employees must have worked for an employer for a minimum of 13 weeks and will be required to provide evidence of the services being received if the employer requests it. This could be written confirmation from:

- a social worker;
- a member of the College of Psychologists;
- a duly qualified medical practitioner;
- a practicing member of the Saskatchewan Registered Nurses Association or the Registered Psychiatric Nurses Association of Saskatchewan;
- a member of the Royal Canadian Mounted Police or another police service; or
- another person approved by the employer who is employed by an agency or organization that provides emergency or transitional shelter or support for victims of interpersonal violence.

For more information refer to 12.4(4) of *The Victims of Interpersonal Violence Act* to learn more about the acts governing membership of those groups.

Employers are required to ensure personal information about employees accessing the leave is kept confidential.

Public Health Emergency Leave

A public health emergency leave applies when the World Health Organization declares a public health emergency and the provincial chief medical health officer issues an order that it applies to Saskatchewan or the chief medical health officer issues an order that a disease is present in Saskatchewan and individuals must take measures to reduce or prevent the spread of disease, including isolating themselves from others.

An employee is entitled to unpaid public health emergency leave when they are directed to isolate themselves by:

- their employer;
- the government;
- their doctor; or
- the chief medical health officer of the province.

Employees are also eligible to access the unpaid leave when they are required to isolate themselves or care for their child or adult family member who have been affected by an order or direction of the Government of Saskatchewan or an order of the chief medical health officer during a public health emergency.

During a public health emergency, employees are entitled to leave for the length of time they are ordered by their employer, government, their doctor or the chief medical health officer to remain away from work to comply with a public health order.

Employees are entitled to their regular wages and benefits if their employer authorizes them to work from home during the period as set out by order of the chief medical health officer or government.

Employees do not have to work for an employer for a minimum amount of time or require a medical note to access this leave if eligible.

While notice to the employer is not required to take public health emergency leave, employees are encouraged to always be in contact their employer regarding their leave.

The length of time for a public health emergency leave will depend on the order and may be different in each individual circumstance. An employee is entitled to this leave for as long as the public health order is in place and applies to the employee unable to attend work.

Employees who have been informed by their employer that they provide critical public health and safety services are not eligible for public health emergency leave, although they may be if they are directed to isolate by a doctor, the Government of Saskatchewan or the chief medical health officer.

Quick Reference Chart: Interpersonal Violence and Public Health Emergency Leaves

	Inter-personal Violence	Public Health Emergency
Employee Qualifying Period	More than 13 weeks	None
Employee Notice to Employer	As far as possible in advance	None
Evidence Required	If requested	None
Eligible Employee	Survivor of interpersonal or sexual violence OR a caregiver/parent of a survivor	Employee or if caring for a family member affected by an order or direction
Leave Period	Five employer paid days and five unpaid days (can be taken hours or days at a time as required)	For the length of the applicable order or direction
Benefit Participation	Yes	Yes
Seniority Accrual	Yes	Yes
Employee Return Notice to Employer	As far as possible in advance	None
Reinstatement Rights	Same job	60 or fewer day: same job More than 60 days: same or comparable job
Wage Protection	Yes	Yes. Wages are to be paid if the employer allows the employee to work from home

Absence From Work Due to Illness or Injury

If certain conditions are met, employees are protected from discriminatory action if they are absent from work due to their own illness or injury or because of the illness or injury of a family member.

Discriminatory action includes any adverse action taken by the employer that affects their employment. This includes termination, layoff, discipline, changes of hours of work, intimidation, reduction in wages, loss of opportunity for promotion, demotion and transfer.

Paid sick leave is not provided for in the Act.

Missing Work Due to an Illness or Injury

Employers may not take any discriminatory action toward 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 does not exceed 12 days in a calendar year for an illness or injury that is not serious;
- if the absence is due to serious illness or injury, and does not exceed 12 weeks in a period of 52 weeks; or
- 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.

The employer may require a medical note to verify the absence. Employment Standards do not require employers to pay employees who are away sick. Although it is not required under the Act, employers may provide paid sick leave.

If an employee's absence for illness or injury is related to a public health emergency, the employee is not required to provide a medical note to the employer. There is no requirement for the employee to have 13 weeks of employment with the employer to access this protected time from work.

Using Vacation as Sick Leave

While not specifically indicated in legislation, some employers and employees agree to use vacation and vacation pay when employees are sick. Vacation days used as sick leave should be clearly identified on the employee's pay and attendance records.

Missing Work Due to a Family Member's Illness or Injury

Employees are also 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. An employer may request that the employee provide a doctor's certificate certifying that the family member was ill or injured.

Duty to Accommodate Disabled Employees

When reasonably practicable, if the employee becomes disabled from performing essential parts of their job, an employer must modify the employee's duties or re-assign the employee to other duties. This protects an employee's employment by helping to keep them at work to perform other work within their medical restrictions.

Employees are protected from adverse discriminatory action (e.g. termination, reprimand, coercion, intimidation, loss of opportunity for promotion) by their employer for requesting this accommodation.

Both employers and employees should participate in the process to explore job duty accommodations.

Layoff and Termination

Both employers and employees may terminate employment. However, employers are the only ones that can lay off an employee. 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. There are also requirements for employees who end their employment (i.e., quit or resign).

Individual Termination by an Employer

Layoff Verses Termination

A layoff occurs when the employer removes work from the employee for a period longer than six work days in a row. Therefore, an employer may lay off an employee for up to and including six days without any notice. An employee is laid off as of their first day without work.

A termination is a permanent dismissal (firing) by the employer or a resignation by the employee.

Minimum Notice Employers Must Provide Employees

Employees who have been employed for more than 13 consecutive weeks by the employer, must be given written notice of a clear and specific date of layoff or termination by the employer or pay instead of notice. The minimum amount of notice or pay instead of notice depends on an employee's length of employment with the employer. An employee's employment period includes vacation, employment leave and any period of leave or absence the employer allows or must allow.

Required Minimum Notice Periods or Pay Instead of Notice	
Employee's Period of Employment	Minimum Period of Written Notice
More than 13 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 reduced.

Rights of Employees Under Common Law

Notice requirements set by employment standards are legislative minimums. Employees, especially long-term employees, might be entitled to more notice or pay instead of notice under common law. This amount of reasonable or "common law" notice is not enforced under employment standards. Employers and employees should consult a lawyer for more information.

Notice requirements after change of ownership

If an employee is still employed at a business after a sale, lease or transfer to a new employer, their service with the previous employer is maintained when determining the amount of notice they are entitled to if they are later laid off or terminated. Employees are entitled to notice or pay instead of notice based on how long they were employed by both employers.

Pay Instead of Notice

If the employee is not allowed to work out the notice period, or notice isn't provided, pay instead of notice is required.

Pay instead of notice means payment of the employee's normal weekly wages for the required notice period.

If wages vary from week to week, a normal week's wage is the average wage for the last 13 weeks worked, not including overtime.

Example:

If an employee earns \$7,000 in regular wages in the 13 weeks before a notice is given, normal wages will be \$7,000 divided by 13 weeks (\$538.46 per week).

If the employee is given a working notice, the employee's schedule should ensure that they would earn no less than their normal wages for each week (\$538.46 in this example) during the notice period.

If they earn less than their normal wages, the employer must make up the difference. For example, if the employee's schedule only allowed them to earn \$400 per week during the notice period, the employer must provide an extra \$138.46 per week ($\$538.46 - 400 = \138.46).

Vacation Pay is Payable on Pay Instead of Notice

Vacation pay is payable on pay instead of notice. To make the calculation, figure out the final wages owed, including pay instead of notice, and then calculate vacation pay on the total. See [Calculating Vacation Pay](#).

Paying Out Departing Employees

Employees must be paid out in full within 14 days of their last day of work. If a payday falls within those 14 days, the employee must be paid for the pay period on their regular payday.

Wages that must be paid out by the end of the 14 day period include:

- regular wages (including banked overtime);
- public holiday pay and pay for working on a public holiday;
- pay instead of notice (if required);
- overtime pay; and
- vacation pay.

If the employer gives notice to the employee:

- banked overtime cannot replace a notice period;
- vacation days cannot replace a notice period; and
- the employee's normal hours and wages cannot be reduced during the notice period.

If an employee is given pay instead of notice:

- banked overtime payouts cannot replace pay instead of notice; and
- vacation pay cannot replace pay instead of notice.

However, employees may request to use vacation or banked overtime during a notice period.

Where Notice or Pay Instead of Notice is not Required

Notice or pay instead of notice is not required if the:

- employee has less than 13 weeks of continuous employment with the employer;
- employee refuses to work out a notice period or otherwise voluntarily resigns;
- contract of employment has a definite end date;
- employer has just cause to dismiss the employee; or
- employee resigns.

Just Cause

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 must be considered.

Personality conflicts, general dissatisfaction with performance, or one incident of inappropriate behaviour or misconduct, are usually not serious enough for just cause to terminate without notice. In these instances, corrective action may be more appropriate.

Employers should encourage improvement by identifying reasonable performance standards, conducting performance reviews over a reasonable period, and informing the employee of the consequences (such as termination) for failing to meet the required standards. Employers must provide employees a reasonable opportunity to make the improvements or changes needed to retain employment.

Good record keeping can be helpful in showing due diligence.

Employers who condone or ignore misconduct may be prevented from claiming that the dismissal was for just cause. Condonation means that the employer has largely left the misconduct or poor performance unaddressed. Usually, for an employer to have just cause to terminate an employee without notice, an employee must be told that their behaviour will

lead to termination if it is not corrected and they must be provided reasonable opportunity to correct their behaviour or the employee should know, or reasonably ought to know their behaviour would lead to immediate termination. Otherwise employers won't have a strong case to not provide notice or pay instead of notice, as the employee would not have been made aware that their behaviour was unacceptable. In all cases, the onus is on the employer to show the behaviour occurred and termination without notice was appropriate.

Employers who are thinking about dismissing an employee for “just cause” should get legal advice before taking action.

Even if notice is provided, an employer is not allowed to terminate an employee for a reason that is protected under the Act. Protected reasons in various sections of the Act include: filing a complaint, reporting an offense by the employer, illness or injury, requesting modifications or reassignment of job duties to accommodate a disability, requesting a leave, pregnancy or requesting compliance with the legislation.

Termination when an Employer Changes Employment

Employers may be found to have terminated an employee if they change employment. An employer may have constructed an employee's dismissal if they unilaterally change fundamental terms or conditions of an employee's work arrangement (e.g. change in pay, work hours, work location, duties, demotion, etc.) without proper notice or the employee's acceptance by remaining to work under the new terms or conditions for a reasonable period of time. This may also occur if the employer acts in a way toward the employee that makes continued employment intolerable. Changes would have to be detrimental to the employee. The employee would have to leave their employment within a reasonable period and file a claim for pay instead of notice, arguing the employer terminated them by installing a new, lesser employment contract that the employee does not accept.

Protection for Employees who are Ill, Injured or on Workers' Compensation

Except for just cause unrelated to injury or illness, no employer shall terminate or take discriminatory action against an employee due to illness or injury of the employee or illness or injury of the employee's immediate family member who is dependent on the employee.

Employers are prohibited from firing employees who are absent due to sickness or injury for up to 12 days in a calendar year or 12 weeks in a period of 52 weeks if the illness or injury is serious. Employees must have 13 weeks of service or this protection, unless the employee's illness or injury is related to a public health emergency.

The only exception to this protection is where the employer has just cause that is unrelated to the employee's absence.

The Saskatchewan Human Rights Code

Complying with employment standards will not protect an employer who is found to have discriminated against an employee for a prohibited reason under *The Saskatchewan Human Rights Code*.

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. Contact the Saskatchewan Human Rights Commission toll-free at 1-800-667-9249 or www.saskatchewanhumanrights.ca for more information.

Group Termination

A group termination occurs when an employer terminates 10 or more employees in a workplace or number of workplaces in a community with a common employer within any four-week period. Termination includes a layoff with no recall date or a layoff of 26 weeks or more.

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

Individual Notice Requirements Affect Group Terminations

Individual notice of termination is still required when the termination is part of a group termination. Employees affected by a group termination must receive both group and individual notice of termination.

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.

Where Notice of Group Termination is not Required

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.

Who Must Receive 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 union representing the affected employees.

The written notice must indicate the:

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

Individual Termination by the Employee (Quit or Resignation)

Minimum Notice Employees Must Provide Employers

Most employees with at least 13 weeks of service with the employer must give written notice at least two weeks before leaving the job. The notice must state the last day on which the employee is ending their employment.

Employees are not required to give notice to the employer if:

- there is a different industry custom or practice;
- the employees health or safety is in danger by continuing;
- the employment contract is impossible to be performed for unforeseeable or unpreventable causes beyond the employee's control;
- the employee is temporarily laid off;
- the employee is temporarily laid off after refusing reasonable alternative work;
- the employee is employed in an arrangement where they may choose to work or not work for a temporary period; or
- the employee quits because of reduction in wage rate, vacation pay, public holiday pay or termination pay;

Employee Resignation/Abandonment

Employers must ensure employees have quit or resigned, rather than assuming they have. Employees may be in need of a leave or be unclear about workplace attendance requirements. Employers need to believe the employee intended to end their own employment and the employee's words and actions also need to reasonably demonstrate that intention.

Requesting documentation of clear intention and effective dates from employees help clarify time lines and intent. Without clear evidence of a resignation/abandonment, employers may later be found to have terminated the employee and owe pay instead of notice.

Care Providers and Domestic Workers

There are two 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.

Employees who work for companies that provide similar services are fully covered by Saskatchewan's employment standards. This includes companies providing commercial home cleaning services and home care services. Live-in care providers and domestic workers reside at the employer's address.

Rules for Care Providers

Care providers are exempt from the minimum wage, overtime and the requirement to be provided with 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 must be at least the minimum wage. The employee and employer may agree to any hourly rate for work time in excess of eight hours in a day. If there is compensation negotiated for hours in excess of eight hours in a day, overtime rules would apply to that compensation at 1.5 times the rate of compensation. 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.

Rules for Domestic Workers

Domestic workers are fully covered by employment standards.

For live-in domestic workers, the hourly rate during the first eight hours must be at least the minimum wage. The employee and employer may agree to any hourly rate for work time in excess of eight hours in a day. If there is compensation negotiated for hours in excess of eight hours in a day, overtime rules would apply at 1.5 times the rate of compensation. 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.

Records for Hired Care Providers and Domestic Workers

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 [Payment of Wages](#) for more information.

Statements of Earnings (Pay Stubs)

Care providers and domestic workers must be provided the same statements of earnings as other employees.

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

	Minimum Wage	Overtime	Notice of Termination
Care Provider	No	None, unless negotiated	No
Live-in Care Provider	Yes, first eight hours/day*	Yes*	Yes
Domestic Worker	Yes	Yes	Yes
Live-in Domestic Worker	Yes, first eight hours/day*	Yes*	Yes

*Note: 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. If there is compensation negotiated for hours in excess of eight hours in a day, overtime rules would apply to that compensation at 1.5 times the rate of compensation.

Employee Living Accommodations

Employers must not require or pressure an employee to live in an accommodation provided by the employer that the employee finds unsuitable, unsafe or unsanitary.

Youth in the Workplace

Minimum Age of Employment

In Saskatchewan under [*The Conditions of Employment Regulations*](#) the unrestricted minimum age of employment is 16. 14 and 15-year-olds may work if they provide their employer with copies of:

- the written permission of one of their parents or guardians;
- a certificate of completion from the Young Worker Readiness Certificate Course (YWRCC) signed by one of the youth's parents or guardians; and
- proof of age.

If the employer pays by direct deposit the young person must provide the employer with their banking information. Employers must keep these documents on file.

14 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;
- before classes begin on a school day; or
- during the school session unless permitted by the school principal.

Exceptions

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 in the school year.

The [authorization to vary youth employment rules](#) permit allows youth employment rules to be varied only if the parent, employer and young person (less than 16 years old) all agree.

There are age restrictions under other laws, such as Part III of the Act (Occupational Health and Safety) in *The Saskatchewan Employment Act* and *The Education Act*. These restrictions limit the type of jobs young people can do.

Young Worker Readiness Certificate Course

The [Young Worker Readiness Certificate Course \(YWRCC\)](#) introduces youth to their rights and responsibilities as employees in the workplace. The course provides information about employee wellness, the rules for health, safety and employment standards in the workplace. It contains information they need to know before starting their first job. The course can be taken online or in a workbook format. If you have any questions related to the YWRCC, please contact us at ywrcc@gov.sk.ca or call 1-800-667-1783. To register for the course go to: Young Worker Readiness Certificate Course (ywrcc.ca).

Complaints and Enforcement

If you believe your employer isn't meeting the employment standards set out in the Act, you can make a complaint with Employment Standards.

The complaint could involve monetary claim for issues such as:

- not being paid regularly, correctly or on time;
- overtime;
- public holiday pay; or
- vacation pay.

If you are claiming unpaid wages, you have one year following the last day that wages were payable to make a complaint.

The complaint can also include such issues as:

- not receiving a work schedule;
- discrimination;
- periods of rest; or
- not receiving statements of earnings (pay stubs).

Prior to submitting a complaint, we recommend that you and your employer try to resolve the issue together.

If you are not able to resolve the issue with your employer, you can file a formal or anonymous complaint. If you are making a complaint on behalf of someone else you can file an anonymous complaint.

If you are unsure if your complaint is regarding an employment standards issue, or if you have any questions prior to submitting a complaint, contact Employment Standards at 1-800-667-1783 or email employmentstandards@gov.sk.ca.

The Act also applies to employees who ordinarily or occasionally work from home as if the employee works in an employer's location.

Filing Complaints with Other Jurisdictions

While most work in Saskatchewan is provincially regulated, not all workplace complaints should be initially filed with Employment Standards. For example:

- employees in a unionized workplace may need to file a complaint with their union, as the issue may be covered in the collective bargaining agreement;
- employees working outside of Saskatchewan should file a complaint with the employment standards agency of the province where that work is performed; and
- employees working in an industry regulated by the federal government (for example employers involved in First Nations government activities, banking, air transportation, telephone and cable systems, grain elevators and seed mills, uranium mining and

processing, or licensed interprovincial trucking) should file a complaint with the Federal Labour Program (Employment and Social Development Canada).

Please call Employment Standards at 1-800-667-1783 if you have questions or concerns about making a complaint, including determining which regulatory body you should file a complaint with.

Please note that the employer has 14 days to provide final payment of wages. Therefore, some claims are valid only after that 14-day period has elapsed.

Formal Complaint

A formal complaint process should be used if:

- you would like to request an investigation into a specific employment standards concern;
- you need help to recover unpaid wages you are entitled to under Part II of the Act; or
- you have a non-monetary concern, such as not receiving a work schedule or alleged discriminatory actions.

A formal complaint is typically filed by the employee making the complaint.

If the claim is for unpaid wages, you must file the formal complaint within 12 months of the last day that your wages are payable; often 14 days from your final day of employment. Non-wage related complaints must be filed within 12 days after the complainant knew or reasonably should have known of the alleged contravention.

To help with our investigation, include statements of earnings (pay stubs), employment agreements, letters of offer or termination, hours of work records, and payment information (cheques, deposits, e-transfers) and any other evidence to support your claim with your complaint.

How to file a formal complaint

Formal employment standards complaints can be submitted using our [online formal complaint form](#) or by downloading a formal complaint form.

A downloaded formal complaint form can be sent by email to employmentstandards@gov.sk.ca, or dropped off, mailed or faxed to the Employment Standards office closest to you.

Please include any supporting documentation with the complaint.

To help complete the complaint form, employees will need the following information:

- the employer's name, address, telephone number, postal code and the name of their supervisor;
- their address, postal code and phone number;
- the date they started work and the date they ended work (if no longer employed);
- their wage rate, regular hours of work per day and per week (if it is a wage complaint);
- if available, a paycheque/paystub or a statement of earnings if pay is direct deposited (if it is a wage complaint); and

-
- details about the claim (for example, if a wage complaint, the dates for which wages are being claimed and the amount).

Recovery of wages is limited to wages payable within either the 12 months before the claim is made or the 12 months before the end of employment.

Anonymous Complaint

How to file an anonymous complaint

The anonymous employment standards complaint process is designed to assist those employees who are still employed and may not be comfortable filing a formal complaint. Complainants are not identified to the employer, as they are with formal complaints. If the employee no longer works there, they often will file a formal complaint. However, they may file an anonymous complaint if they choose.

Anonymous complaints can be filed by anyone, including an employee or a third party such as a parent, friend or a member of the community. An anonymous complaint can involve monetary or non-monetary issues. Written complaints with some supporting evidence are preferred.

Upon receiving an anonymous complaint, Employment Standards will contact and work with the employer to determine if there is non-compliance with employment standards and to correct the issue. Employment Standards will work with the employer to ensure that from this point on, the provisions of the Act are followed in this workplace.

The complainant's name will be kept confidential, unless disclosure is required by a legal authority.

An anonymous complaint may be filed through our online anonymous complaint form (insert link to form) or by downloading. Forms may be obtained by visiting any of the our Employment Standards offices listed on saskatchewan.ca.

Please mail or fax your completed anonymous complaint form to:

Compliance Review and Collection Unit

Employment Standards
300 - 1870 Albert Street
Regina, Saskatchewan S4P 4W1
Fax: 306-798-8001

If the claim is to recover unpaid wages, the employee must file a formal complaint. While some wage correction occurs as a result of anonymous claims, wages are often adjusted going forward, rather than retroactively.

If you require more information, call toll-free 1-800-667-1783 or email Employment Standards at employmentstandards@gov.sk.ca.

After Submitting a Complaint

An Employment Standards officer reviews the complaint form and any record of evidence provided and may call the employee for more information. Officers do not represent the complainant or the employer. Their role is to enforce and promote legislative compliance.

The first step in the process is usually to determine if Employment Standards has the authority to address the issues. This often means determining if the complainant is an employee as defined in the Act, or if they fall under federal jurisdiction, another Canadian jurisdiction, or are an independent contractor. The officer will also contact the employer and may inspect the employer's payroll records, talk with other employees and gather other evidence.

Employment Standards officers use the evidence available to determine if wages are owing or if there is a non-monetary compliance issue. Employers must keep accurate and complete records to show they met the legislative requirements. However, if good records aren't kept by the employer, a complaint may be successful. Employment Standards may use other sources of evidence, such as an employee's personal records, including hours worked and payments, to determine if the employer paid correct wages under the Act.

Protection for Employees Filing Complaints

Employers cannot take discriminatory action against an employee for reporting unlawful activity to a supervisor, the police, or the government, or for seeking compliance with the law.

If there is a complaint alleging discriminatory action, the onus is on the employer to show their actions were not taken because the employee reported alleged wrongdoing.

If an employer is successfully prosecuted for taking discriminatory action, the courts may order the employer to reinstate the employee in their former employment and pay the employee their wages retroactive to the date that the discriminatory action was taken.

Information Sharing

When a person files a formal complaint, they are asked for their consent to disclose the nature of the complaint and relevant details with the employer. This enables the employer to be able to properly respond.

Unless protected by law, information collected during an investigation is shared with the parties. The officer usually shares information verbally, but also by email or letter.

What Employment Standards will do if Wages are 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 obtain payment from the employer. The employer will have an opportunity to respond to the inspection report, which outlines and explains the wages owed, and provide additional information to show wages have been paid or some

lesser amount is owed. 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 employment standards officer may issue a wage assessment on the employer and/or corporate director(s).

Wage Assessment

If an Employment Standards officer finds that wages are owed to an employee following an investigation, the officer will issue an inspection report. This report will detail the calculation of wages owed and directs the employer to either provide more information or pay the amount owed.

If the employer does not comply with an inspection report, Employment Standards will issue a wage assessment, which is a legal order to pay wages. A wage assessment can be issued against the employer, corporate directors or both. A fee is added to wage assessments if they are not paid and the appeal period is passed, or if the wage assessment is upheld.

Employment Standards will share information used to base any determination of wages owing with all parties.

How to Appeal a Wage Assessment

Wage assessments can be appealed by employers, corporate directors or employees if they disagree with the amount of wages assessed. An appeal must be in writing and must arrive at Employment Standards within 15 business days of the date when they received the wage assessment. A business day is a day other than a Saturday, Sunday or holiday.

The notice of appeal must give the reasons for the appeal of the decision, and can be mailed or faxed to:

Appeals Coordinator - Employment Standards
Ministry of Labour Relations and Workplace Safety
300 - 1870 Albert Street
Regina, Saskatchewan 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.

Appeal Deposit

A deposit on the wage claim must be made by employers or corporate directors if they appeal. The amount of the deposit is the amount of the wage assessment up to \$500. To be eligible to appeal, the deposit must also be received by Employment Standards within 15 business days after the date the employer or corporate director was served the wage assessment. If the deposit is not received in time, the appeal will not be valid.

Who Hears the Appeal

The Saskatchewan Labour Relations Board appoints an impartial adjudicator to conduct an appeal hearing that gives the employee and the employer the opportunity to share information. The onus is on whoever appealed the wage assessment to provide an argument and evidence to change or overturn the wage assessment. Evidence usually includes documents, records, witness testimony and previous legal decisions. Appeal hearings are normally held in person, but adjudicators have allowed phone or video calls for witness testimony.

The adjudicator will then make a decision as to how much, if any, wages are owing to the employee. Either the employee, the employer or a corporate director can represent themselves, or be represented by a lawyer or another person. The Employment Standards officer will give the evidence in support of the wage assessment. The officer does not represent the employee or the employer. Evidence will normally include the claimant providing testimony as a witness.

Appealing an Adjudicator's Decision

The employee, employer or corporate director may appeal this decision to the Saskatchewan Labour Relations Board, but only on questions of law. The director of Employment Standards may also appeal. Labour Relations Board decisions may be appealed with leave to appeal to the Court of Appeal.

Employers, corporate directors and employees must appeal within 15 business days of being served the written decisions.

How Employment Standards Collects Wages

Employment Standards 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 does not pay, Employment Standards will issue a certificate that sets out how much money is owed to the employee. This certificate is filed in the Court of King's Bench and becomes a judgment of that court. The Employment Standards Collections Unit uses it as authority for collections activities.

Enforcement of Non-monetary Violations

Non-monetary violations of the Act and regulations may be enforced in court. Anyone found to be guilty of an offence may be ordered to pay a fine.

Education and Resources

The Employment Standards Branch provides a number of education programs to increase awareness of provisions under Part II the Act. The branch provides free customized presentations on employment standards for employers and community groups and associations.

Free webinars are available on a variety of topics. Visit the training page at [Saskatchewan.ca/business/employment standards](http://Saskatchewan.ca/business/employment-standards) to register for a live webinar or view a recorded webinar. These webinars can also be customized for specific employment standards topics for employers and employee groups.

Vacation Pay and Public Holiday Pay Calculators – These calculators are designed to help employers and employees understand how vacation pay and public holiday pay are calculated. They are not meant to be used for actual payroll calculations.

Young Worker Readiness Certificate Course– For more information about the YWRCC, please email us at ywrcc@gov.sk.ca.

For more information contact Education and Training Services at: 1-800-667-1783.

Contact Information

For more information on employment standards in Saskatchewan, call our toll-free number at 1-800-667-1783, contact us by email at employmentstandards@gov.sk.ca or visit one of the Employment Standards offices nearest to you.

Employment Standards has offices in communities throughout the province. Visit saskatchewan.ca for current addresses and phone numbers for our offices in:

- Estevan
- North Battleford
- Moose Jaw
- Swift Current
- Yorkton
- Prince Albert
- Regina
- Saskatoon

Foreign Worker Recruitment and Protection Unit (FWRPU)

Toll free: 1-833-626-9424

Fax: 306-787-4780

FWRISA@gov.sk.ca

Education and Training Services Unit

306-787-4008 Regina
306-933-7980 Saskatoon
306-787-4780 Fax

For more information, visit saskatchewan.ca/business/employment-standards/employment-standards-training.

Email ywrcc@gov.sk.ca for help with the Young Worker Readiness Certificate Course.

Occupational Health and Safety

Toll-free: 1-800-567-7233

Saskatchewan Labour Relations Board (Adjudication Appeals)

306-787-2406 Phone

306-787-7664

www.sasklabourrelationsboard.com

Saskatchewan Human Rights Commission

306-933-5952 Phone

1-800-667-9249 Toll Free

306-933-7863 Fax

shrc@gov.sk.ca

Canada Revenue Agency (CRA)

Toll-free (Canada and United States):

1-800-959-5525

Service Canada

Toll-free (North America): 1-800-206-7218

Publications Saskatchewan

306-787-6894 Phone

publications@gov.sk.ca

Find this document, legislation and other related publications at [Publications Centre](#).

Understanding Saskatchewan's Employment Standards

For more information, please contact Employment Standards at the
Ministry of Labour Relations and Workplace Safety:
Toll Free: 1-800-667-1783

Regina

300-1870 Albert Street

Saskatoon

8th Floor, 122 3rd Avenue North

Estevan

123-1302 3rd Street

Moose Jaw

222 110 Ominica Street West

North Battleford

140-1146 102nd Street

Prince Albert

313-800 Central Avenue

Swift Current

204-350 Cheadle Street West

Yorkton

72 Smith Street East

Know your rights at work

More than 21,000 workers in Saskatchewan are injured on the job each year.



Know your rights at work to help protect yourself and others from workplace injuries.



The **right to know**

what hazards are present in the workplace.



The **right to participate**

in keeping the workplace healthy and safe.



The **right to refuse**

unusually dangerous work.

It's important to know your rights and how to use them.

Learn more at worksafesask.ca

Your three rights are protected under the Saskatchewan Employment Act.