

Did You Know?

The retail industry is very important to Saskatchewan. Retailers eager to attract and retain employees want to position themselves as “employers of choice.” Complying with your responsibilities under Saskatchewan’s labour standards laws sends the message that you are a quality employer.

Continued prosperity means employers and employees working together to build fair and respectful workplaces.

Under Labour Standards, employers and employees have rights and responsibilities relating to:

- annual and public holidays
- payment of wages
- overtime
- minimum call-out
- work schedules and rest periods
- meal breaks
- discharging and laying-off employees
- family related leaves
- illness, injury or disability

The Retailer’s Guide to Labour Standards in Saskatchewan has information about these topics and occupational health and safety. For more information visit:

www.retailcouncil.org or www.labour.gov.sk.ca



**Saskatchewan
Labour**



This publication is part of a series developed in cooperation by Retail Council of Canada and Saskatchewan Labour. For more information, visit www.retailcouncil.org or www.labour.gov.sk.ca.



A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

The retail industry is Saskatchewan's largest employer, providing careers and employment opportunities for one in every eight workers.

The retail industry contributes approximately \$10 billion in sales to Saskatchewan's economy every year. Retail employment provides opportunities for rewarding full-time careers as well as a large proportion of the province's entry-level and part-time jobs. Many young people have their first work experience in retail. The retail industry also provides indirect employment through spin-off jobs such as suppliers, distributors and consultants that support the industry.

Like every province, Saskatchewan has laws that specify minimum standards of employment: rules regarding overtime pay, provision of paid vacations and public holidays, and job protection for employees who will take family related leaves.

Everyone benefits from a set of minimum standards of employment. These standards provide a level playing field, so that fair employers cannot be undercut by those offering substandard terms of employment. Your employees' well-being is protected, and staff who believe they're treated fairly are more productive, and absenteeism and turnover rates are lower.

Retailers eager to attract and retain employees want to position themselves as "employers of choice." Complying with your responsibilities under Saskatchewan's labour standards laws sends the message that you are a quality employer. The first step is awareness, so Retail Council of Canada and Saskatchewan Labour have prepared this booklet to ensure you have the tools and information you need.

The following topics have been addressed:

1. Public Holidays and Public Holiday Pay
2. Special Provisions
3. Discharging and Laying-off Employees
4. Overtime
5. Payroll Requirements
6. Annual Holidays and Annual Holiday Pay
7. Work Schedules and Time Away from Work
8. Maternity, Adoption and Parental Leaves for New Parents
9. Illness, Injury and Disabilities
10. An Introduction to Occupational Health and Safety
11. Administering Labour Standards
12. Benefits for Part-time Employees
13. Networking for Information

Did You Know?

The Labour Standards Regulations define "retail trade" as the selling or offering for sale to the general public of consumer products for personal, family, or household use or consumption. This covers most workplaces that offer products for sale.

These information sheets can be copied to share with others in your workplace. For more information, visit www.retailcouncil.org or www.labour.gov.sk.ca.

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Discharging and Laying-off Employees

A Retailer's Guide to Labour Standards in Saskatchewan

1. Notice of lay-off or termination

A **'lay-off'** means the temporary termination of the services of an employee for a time greater than six consecutive scheduled workdays.

A **'discharge'** includes a termination, dismissal, a forced resignation, or a forced or significant change in the employment contract.

Labour standards regulations do not prohibit employers from laying-off or discharging employees. However, they do require that the employee be given notice of the impending lay-off or discharge. If notice is not possible, pay in lieu of notice must be provided to the employee (see section 4 - Just Cause - for the exception).

The amount of notice employees must receive depends on the length of time the employee has been employed. Annual holidays cannot form part of the notice. The employer cannot reduce the employee's pay and normal hours of work during the notice period.

Employers do not have to provide notice of lay-off or termination, or pay in lieu of notice, to employees with three months or less of continuous service.

Length of Service	Minimum Notice Period Required
0 (but less than 3 months)	0 weeks
3 months (but less than 1 year)	1 week
1 year (but less than 3 years)	2 weeks
3 years (but less than 5 years)	4 weeks
5 years (but less than 10 Years)	6 weeks
10 years and over	8 weeks

The above are the minimum periods of notice required. Employers should be aware that employees, especially long-term employees, might be entitled to additional notice under common law. You may wish to consult a lawyer for additional information.

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

2. Pay in lieu of notice

If appropriate notice of lay-off is not given, pay in lieu of notice is required. Pay in lieu of notice means payment of the employee's regular wages for the minimum notice period required.

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

(see over)



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3. Payment of outstanding wages

When an employee is terminated, all wages, holiday pay owing, and if required, pay in lieu of notice, must be paid within 14 days.

4. Just cause

Notice is not required where an employee is fired for 'just cause.' Just cause is not defined in *The Labour Standards Act*. However, over the years, the courts have handed down numerous decisions on this issue.

Generally, the courts have ruled that an employer does not have just cause to terminate an employee without notice or pay in lieu of notice merely because the employer is dissatisfied with the employee's performance. However, just cause may exist to immediately dismiss an employee without prior warning if the employee is guilty of very serious misconduct (for example, theft). The facts and circumstances surrounding the misconduct must be examined carefully. Each case is different.

In most cases, more than one incident of employee misconduct is required for an employer to fire an employee for just cause. For these less serious cases of employee misconduct, the employer should encourage improvements by identifying reasonable performance standards, conducting performance reviews over a reasonable period of time, and warning the employee of the consequence of failing to meet the required standards.

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Public Holidays and Public Holiday Pay

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

Saskatchewan has nine public holidays: New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day.

1. Public holiday pay

In the retail industry, all employees (full-time, part-time, temporary and casual, employed at the time of a public holiday) are required to be paid holiday pay. Holiday pay is calculated as 1/20th (5%) of the employee's regular wages earned in the four week period prior to the public holiday, no matter the number of hours they work. This also includes salaried employees and managers. Regular wages include all wages and holiday pay, but not overtime.

Employees do not have to be employed with the employer for the full four weeks before the public holiday to qualify for public holiday pay. Public holiday pay entitlements for new employees are based on the regular wages they earn over the four week period prior to the public holiday.

Examples:

i) A new employee works two weeks before a public holiday.

The employee earns wages of \$320/week. In the two weeks before a public holiday, the employee earns \$640 in regular wages. The calculation of public holiday pay would be as follows:

- Regular wages $\$320 \times 2$ = \$640
- Total earnings = \$640

The public holiday pay would be: $\$640 \times 1/20 = \32

ii) An employee earns regular wages of \$320/week plus commission. In the four weeks before a public holiday, the employee takes one week of vacation for which the employee receives \$320.00, and also earns \$500.00 in commission. The calculation would be as follows:

- Regular wages $\$320 \times 3$ = \$960
- Annual holiday pay \$320 = \$320
- Commission = \$500
- Total earnings = \$1,780

The public holiday pay would be: $\$1,780 \times 1/20 = \89

In most cases, employees on a fixed salary that have the day off with pay will have received proper payment for the public holiday.

2. Work on a public holiday

In addition to public holiday pay, employees who work on a public holiday also get paid time and one-half (premium pay) for all hours worked. This includes salaried employees and managers.

(see over)



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3. Overtime payable during a week with a public holiday

Employees normally get overtime after eight hours in a day, or 40 hours per week. During a week (Saturday midnight to Saturday midnight) with a public holiday, they get overtime after eight hours per day or 32 hours per week. The 32 hours does not include any hours worked on the holiday. This overtime rule is modified if there is an authorized averaging permit in place. (See the **Overtime Sheet** for information about permits).

4. Observing the public holiday on another day

If the public holiday occurs on a Sunday and the business is normally closed, the public holiday is moved to Monday. If the business is normally open on a Sunday, public holidays that fall on the Sunday are observed on that day.

Canada Day is a Canada-wide holiday. Federal law states that when Canada Day falls on a Sunday, the holiday is observed on the Monday, regardless of whether the business is open on a Sunday.

5. Public holiday pay information on pay statements

To avoid disputes, public holiday pay information must be shown separately on pay statements unless the employee is on a monthly salary. For more information see the **Payroll Requirements** information sheet.

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Overtime

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

A 'day' is any period of 24 consecutive hours and a 'week' is defined as Saturday midnight to the following Saturday midnight.

1. Overtime

Overtime is payable after employees have worked, or are at their employer's disposal for more than eight hours in a day and/or 40 hours in a week (reduced to 32 hours in a week with a public holiday). Hourly paid and salaried employees who are not managers or supervisors are all entitled to overtime. The overtime rate is one and one-half times the employee's regular hourly wage.

Unless there is an emergency, an employee can turn down overtime work that would cause their total hours worked to exceed 44 hours in a week.

Did You Know?

Where an employer permits or requires an employee to be at his or her disposal, the employee is considered to be working and must be paid.

Under labour standards, where an employer has knowledge that an employee is working and the employer does not cause the employee to stop working, the employer shall be deemed to have permitted the employee to work.

2. Overtime exemptions

People working north of Township 62, except employees working in La Ronge, Creighton (or within a 10 km radius of these centres) and Uranium City do not have to be paid overtime. The overtime provisions also do not apply to managers. Even if an employee does not have to be paid overtime, he or she must still be paid at least minimum wage for all hours worked.

Did You Know?

Employees are considered managers when they supervise or direct other workers; can hire, fire, discipline and promote employees; assign duties; or make budgetary decisions, which affect the company.

3. Calculation of hourly wage for employees on a salary

To calculate the hourly rate for 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 worked (which cannot be more than 40).

Example:

Monthly wage rate	\$2,800.00
Times 12 (yearly rate)	\$33,600.00
Divided by 52 (weekly rate)	\$646.15
Divided by 40 (hourly rate)	\$16.15
Times 1.5 (overtime rate)	\$24.23

Note: If the regular weekly hours worked were 37.5 hours, the weekly rate (\$646.15) would be divided by 37.5 to give an hourly rate of \$17.23.

Did You Know?

The northern boundary of Township 62 is approximately an east-west line running through Meadow Lake Provincial Park.

(see over)



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4. Permits

Labour Standards provides options for flexible hours, short-shifting and compressed work weeks through the use of permits. To obtain a permit, employers must apply to the director of Labour Standards.

A majority of the affected employees must indicate their agreement by signing the application. If a workplace is unionized, the employer and the union must negotiate a modified hours of work agreement.

Application forms are available from any Labour Standards office or by calling (306) 787-2438 (Regina) or toll free 1-800 667-1783 or downloaded from www.labour.gov.sk.ca/Forms/forms.htm

5. Short-shifting

Short-shifting occurs when employees work more than eight hours in any 24-hour period. Except where there is a permit allowing for a modified work schedule, employees are eligible for overtime pay after eight hours in a 24-hour period.

6. Break between shifts

Employees are entitled to a period of eight consecutive hours of rest in any period of 24 hours. Employees must receive this break unless there is an emergency. An emergency is defined as a sudden occurrence for which an employer could not have planned.

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Annual Holidays and Annual Holiday Pay

A Retailer's Guide to Labour Standards in Saskatchewan

1. Annual holiday entitlement

All employees, subject to provincial labour standards, get a minimum of:

- three weeks of annual leave after each year up to year 10; and
- four weeks of annual leave after 10 years of employment with the same employer.

Did You Know?

Where an employee starts work on January 1, 1990, the employee becomes eligible for four weeks of annual holidays on December 31, 1999 (the last day of the 10th year). The four weeks of holidays taken in 2000 and the annual holiday pay are calculated as 4/52nds of the 1999 earnings.

2. Scheduling annual holidays

Employers and employees should decide together when annual holidays will be taken. If there is no agreement, the employer must give the employee at least four weeks written notice of the timing of the employee's annual holidays. Employees are entitled to take all of their holidays in one continuous period, unless they request shorter periods. If a public holiday occurs during an employee's annual leave, the leave is extended by one day.

3. Cancellation of annual holidays

After approving holiday time, an employer who cancels an annual holiday must pay all nonrefundable deposits, penalties, and other pre-paid expenses related to the holiday (receipts required).

4. Annual holiday pay

All employees, subject to provincial labour standards, are entitled to annual holiday pay. It is earned from the first hour of work. It is calculated on the employee's total wage over a 12-month period.

For each 12-month period, employees who:

- have been employed for nine years or less receive 3/52nds of their total wage; or
- have worked for the same employer for 10 years or more get 4/52nds of their total wage.

If annual holiday pay is paid out on each paycheque, employees are still entitled to their annual holidays of three or four weeks, however, the leave would be unpaid. Annual holiday pay on each cheque must be identified separately from regular wages or it will be deemed not to have been paid.

Did You Know?

'Total wage' includes all commissions, salary, overtime, annual holiday pay for holidays taken, public holiday pay, earned bonuses and any other payment for labour or personal service.

5. Payment of annual holiday pay

Employees get payment for annual holidays:

- during the 14 days before starting their annual holidays; or
- if the holidays are not taken, within 11 months after earning their annual holidays; or
- within 14 days of termination.

On termination, employees must be paid out accrued holiday pay even if they have been employed for less than one year.

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Payroll Requirements

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

Wages can only be paid in Canadian currency, by cheque drawn on a chartered bank or credit union, or by electronic deposit into the bank of the employee's choosing.

1. Payroll periods

Employers have the choice to pay their employees on a weekly, bi-weekly, semi-monthly or monthly basis. Employees who are not paid on a monthly salary must receive their wages at least twice in a month. They also must be paid:

- within six days after the end of each pay period, and
- fully, within 14 days after their last day of work.

2. Deductions from wages

Only the following deductions from wages are allowed:

- items required by law, such as Income Tax, Canada Pension Plan, Employment Insurance, pension plan or union dues; and
- voluntary employee purchases.

Any other deductions are not allowed.

3. Pay stub information

Employers must provide employees with a written statement of earnings, which is separate and detachable from the wage cheque. This pay stub must show:

- name of employee and employer
- holiday pay (public and annual)
- period for which payment is made
- total earnings, including commissions
- rate of pay
- itemized list of deductions
- regular and overtime hours
- actual payment made.

4. Payroll records

Payroll records on employees must be kept for five years after they leave the job. The record must show:

- name and address of employee and employer
- brief job description
- start and end dates of employment
- hours at which work begins and ends each day
- time for breaks
- total number of hours worked each day and each week
- regular rate of wages
- total wages paid, including commissions
- dates on which each holiday is taken
- total wage and annual holiday pay for any period of employment
- all deductions from wages and the reason for each deduction
- any amounts paid to the employee on termination of employment
- the date of the payment.

(see over)



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5. Holiday pay information on pay stubs

If the holiday pay is paid along with the employee's regular wages on each paycheque, the amounts paid as public and annual holiday pay must be identified separately from the regular wages. If this is not done, the annual holiday pay and public holiday pay is considered not to have been paid, unless the employee is given a written statement at least once every 13 weeks showing the amount of annual and public holiday pay paid during each pay period.

6. Voluntary employee purchase plans

Employers have the ability to implement a voluntary employee purchase plan. Under this plan, an employee can voluntarily purchase any goods, wares or merchandise from his or her employer, and the employer can deduct the amounts payable for the goods, wares or merchandise from the employee's wages.

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Work Schedules and Time Away from Work

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

A change in an employee's schedule occurs when: the posted time for work to begin or end changes; the posted shifts are changed; or one schedule expires and is replaced by another. In these cases, the employer is required to provide employees with at least one week's written notice of the change.

A work schedule is not considered to be changed when: an employee asks for the change to accommodate personal needs; an employee is asked to work unscheduled hours where the employer could not have reasonably predicted the need to schedule staff for these hours one week in advance; or an employee is sent home early because of a lack of work that could not reasonably have been foreseen a week in advance.

The employee may be eligible for minimum call-out pay if asked to work unscheduled hours or sent home early. See the **Special Provisions** fact sheet for more information about minimum call-out.

1. Work schedules

Employers must give employees notice of when their work begins and ends in blocks of at least one week. A week is Saturday midnight to Saturday midnight.

The notice should be in writing and posted no later than Saturday in a place that can be easily seen by employees.

The schedule must identify the times when work starts and ends, the time for each meal break, and where work is done in shifts, when each shift begins and ends.

2. Changes in work schedules

If there is a change to the schedule, the employer must give employees one week's notice of the change in writing.

Notice of the change in the schedule is not required where a 'sudden or unusual occurrence or condition' arises that could not have been planned for by an employer exercising reasonable judgment.

3. Breaks between shifts

Employees are entitled to at least a period of eight consecutive hours of rest in any period of 24 hours.

Employees must receive this break unless there is an emergency.

4. Short-shifting

Short-shifting occurs when an employee is scheduled to work more than one shift in a 24-hour period. Except where there is a permit allowing for a modified work schedule, employees are eligible for overtime pay after eight hours in a 24-hour period. See the **Overtime** fact sheet for more information.

5. Meal breaks

Most employees who work six hours or more get an unpaid meal break of at least 30 minutes within every five hours of work. Employees do not have to be paid for meal breaks, but if an employee has to do some work or be at the employer's disposal during the meal break, the employee must be paid for the time.

6. Coffee breaks

Coffee breaks and rest breaks are provided at the discretion of the employer. If rest breaks are provided, employees must be paid for the time taken.

7. Weekly rest period

In the retail industry, all employees who usually work 20 hours or more per week must get 48 consecutive hours away from work once every seven days unless the business employs 10 or fewer employees.

(see over)



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7. Weekly rest period (continued)

In any other situation, every employee who usually works 20 hours or more per week must get at least 24 consecutive hours away from work once every seven days.

8. Permits

Employers may be able to obtain a permit from the director of Labour Standards to:

- vary the requirement to post a work schedule or a change in a work schedule
- allow employees to take their meal break at another time, or allow the employer to not give a meal break at all if the employee is allowed to eat while working
- vary the requirement to provide employees who work more than 20 hours per week to get one day off per week.

9. Bereavement leave

Employees who have worked for the employer for at least three continuous months are entitled to bereavement leave. If a member of the employee's immediate family dies, the employee can get a bereavement leave of up to five working days. Bereavement leave must be taken in the period from one week before the funeral to one week after the funeral. Employees do not have to be paid for the time they are on leave.

Immediate family includes the employee's spouse, or the parent, grandparent, child, brother or sister of the employee or employee's spouse.

10. Election leave

Federal elections

All employees who are 18 years of age or older and Canadian citizens on election day, are entitled to three consecutive hours to vote. If an employee's hours of work do not allow him or her three consecutive hours to vote, the employer must provide sufficient paid time off to allow three consecutive hours for that purpose.

Each employee must be paid what he or she would have earned during the time off for voting. The employer decides when to provide election leave.

There are some exemptions for transportation companies and employees employed outside of their polling divisions.

Contact Elections Canada for more information at: 1-800-463-6868 or www.elections.ca.

Saskatchewan elections

Every voter is entitled to three consecutive hours to vote. Employers whose employees have three consecutive hours of their own time available during polling hours need not allow additional time for voting.

If however, an employee does not have this time available, the amount of time required:

- i) must be requested by the employee
- ii) must be at a time convenient to the employer
- iii) once requested by the employee, must be allowed by the employer.

For more information, contact Elections Saskatchewan at: 1-877-958-VOTE or www.elections.sk.ca.

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Special Provisions

A Retailer's Guide to Labour Standards in Saskatchewan

1. Minimum call-out pay

Saskatchewan's minimum call-out pay is equivalent to three times the minimum wage. If an employee is called into work, the employer must provide them with a shift of at least three hours. If it turns out there is no work for the employee during the shift he or she was called in for, the employer must provide the employee with at least three times the minimum wage.

The minimum call-out rule does not apply to high school and post-secondary students in regular attendance during the school term. Minimum call-out applies when students are working during breaks between school terms.

Did You Know?

If your retail business has a restaurant, there are special provisions dealing with uniforms, transportation home, split shifts, and the minimum age of employment. For more information, call 1-800-667-1783 or see our information package **Saskatchewan Labour Standards Information for the Restaurant and Foodservices Industry**.

2. Coffee or rest periods

Coffee and rest breaks are provided at the discretion of the employer. But where provided, they must be paid.

Did You Know?

Payroll deductions for voluntary employee purchases are allowed. Voluntary employee purchase plans can be created by employers on a voluntary basis. See the **Payroll Requirements** information sheet for more information.

3. Weekly rest period

In the retail industry, all employees who usually work 20 hours or more per week must get 48 consecutive hours away from work once every seven days unless the business employs 10 or fewer employees. In any other situation, every employee who usually works 20 hours or more per week must get at least 24 consecutive hours away from work once every seven days.

Where required, employers and employees may apply for a variance permit from Labour Standards.

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Maternity, Adoption and Parental Leaves for New Parents

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

Employers and employees can agree to longer maternity, adoption and parental leaves than what is provided for by Labour Standards. To prevent misunderstanding, these agreements should be in writing.

1. Quick Reference to leaves of absence for new parents

Leave Type	Maternity	Adoption	Parental
Eligibility	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.	Full-time or part-time employees who are currently working and have worked 20 weeks in the 52-week period before the leave is to start.
Entitlement	18 unpaid weeks; wages paid through Employment Insurance.	18 unpaid weeks; wages paid through Employment Insurance.	34 unpaid weeks; 37 weeks for the parent who did not take maternity or adoption leave; wages paid through Employment Insurance.
Employee	Female parent.	Either parent, whoever is designated as primary caregiver.	Either or both parents.
Timing	Can start any time during the 12 weeks prior to the estimated date of birth.	Adoption leave starts at least on the day the child is available for adoption.	If parental leave is not taken with maternity leave, it must be taken between the period 12 weeks before the estimated date of birth or the estimated date on which the child will come into the employee's care and 52 weeks after the actual date the child was born or the adopted child came into the employee's care.
Notice of leave	Four weeks written notice before the leave is to begin. The notice must identify the date the leave is to begin and include a medical certificate with estimated date of birth. The notice should include the estimated date of return to work.	Four weeks written notice if possible. If not, notice must be whatever is given by Community Resources or the adoption agency or birth parents. The notice should include an estimated date of return to work.	If taken after maternity or adoption leave, four weeks written notice before the end of the maternity or adoption leave. If taken separately, the notice should be given four weeks before the leave is to begin.
Return to work	Four weeks written notice before the employee returns to work.	Four weeks written notice before the employee returns to work.	Four weeks written notice before the employee returns to work.
Reinstatement	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continue to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continue to accrue while the employee is on leave.	Employee to return to the same job or a comparable job. The employee must receive at least the same wages or benefits as before the leave. Seniority and the right of recall continue to accrue while the employee is on leave.
Protection	Employer shall not dismiss, lay-off, suspend or otherwise discriminate against an employee because she is pregnant, is temporarily disabled because of pregnancy, or has applied for maternity leave. This protection applies even during the first three months of employment.	Employers may not discharge or discipline employees who take adoption leave.	Employers may not discharge or discipline employees who take parental leave.

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2. Modification of duties

A woman must be given modified duties if her pregnancy would unreasonably interfere with the performance of her duties. Where duties are modified, there must be no reduction in wages or benefits.

If there is no opportunity to assign modified duties to pregnant employees, the employee may be required to commence leave 13 weeks before the estimated date of birth.

3. Illness resulting from pregnancy

If a pregnant employee must stop work as a result of a pregnancy-related illness, she may leave work immediately. She is not required to start her maternity leave at this time and can delay the start of her maternity leave up to the estimated date of birth.

Employers who provide sick benefits to employees must make sure that pregnant employees get these benefits when they are unable to work because of a pregnancy-related illness. Employees must also get these benefits for the period of time after the birth of the child during which the employee is unable to work for reasons related to the birth of the child. Sick benefits may also be available through Employment Insurance.

4. Annual holidays upon return from leave

After returning from leave, an employee gets the same annual holiday time the employee would have received if the leave had not been taken. Since holiday pay is a percentage of the employee's wages, annual holiday pay could be affected.

5. Company benefit plans

Employees on maternity, adoption and parental leave can continue participating in certain company benefit plans. An employer may require the employee to pay the contributions required to maintain the benefits. Benefit plans that an employee is entitled to continue participating in while on leave include medical, dental, disability or life insurance, accidental death or dismemberment, registered retirement savings plan, and other pension plans.

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Illness, Injuries and Disabilities

A Retailer's Guide to Labour Standards in Saskatchewan

1. Protection for illness or injury

Employers may not discharge or terminate employees who have worked for them at least 13 continuous weeks because of absence due to illness or injury of the employee or dependant family member:

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

Employers are not required under labour standards to pay employees who are away sick. The employer can make a written request for a medical certificate from the employee.

Did You Know?

'Immediate family' means a spouse, parent, grandparent, child, brother or sister of an employee or of a spouse. 'Spouse' is a person with whom an employee cohabits (and has cohabited as spouses) continuously for a period of two years or in a relationship of some permanence if they are parents of a child.

2. Modification of duties

Employers have a duty to accommodate disabled employees. Where an employee becomes disabled and the disability would unreasonably interfere with the employee's ability to perform the job, the employer must modify the employee's duties or reassign the employee to another job where it is reasonably practicable to do so.

Labour standards considers it "reasonably practicable" for the employer to modify job duties or reassign the employee as long as it does not cause the employer undue hardship. The employer must prove that it was not reasonably practicable to modify duties or reassign the employee. The disability does not have to be caused by an illness or injury at work.

Employers and employees may have additional rights and responsibilities under *The Saskatchewan Human Rights Code*.

3. Employee's obligations

Employees should advise their employers if a disability or injury is interfering with their ability to perform the job. Employees also need to cooperate with employers in identifying the changes that need to be made to meet their needs. An employee who refuses to accept a reasonable accommodation may lose the right to that accommodation.

4. Compassionate care leave

Full-time, part-time, and casual employees who are receiving, or are in the waiting period to receive, compassionate care benefits under the *Employment Insurance Act* qualify for compassionate care leave under Saskatchewan labour standards. This includes employees who have not worked for their employer for 13 consecutive weeks.

Employment Insurance covers up to eight weeks of leave (a two-week waiting period plus six weeks of benefits) in a 26-week period, to a maximum of 16 weeks in a year.

(see over)



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4. Compassionate care leave (continued)

In no case would an employee be eligible for more than 16 weeks leave in a 52-week period.

Employees who are not eligible for compassionate care leave may still be eligible for up to 12 weeks of job-protected leave to care for an ill or injured immediate family member (see point number 1).

The employer may ask the employee to provide a doctor's certificate.

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An Introduction to Occupational Health and Safety

A Retailer's Guide to Labour Standards in Saskatchewan

Shared Responsibility

Occupational health and safety legislation sets minimum standards for health and safety in the workplace. Everyone in the workplace shares the responsibility to keep the work environment healthy and safe, to the authority and ability that they have to do so.

Did You Know?

Everyone shares the responsibility to ensure a harassment-free workplace.

"Harassment" is defined as any objectionable conduct, comment, or display directed at a worker that is made on the basis of:

- Race, creed, religion, or colour
- Sex, sexual orientation, marital status or family status
- Disability, physical size or weight
- Age, nationality, ancestry, or place of origin
- Constitutes a threat to the health or safety of the worker.

For more information, read the fact sheet **Harassment** on the website www.labour.gov.sk.ca/safety/index.htm.

1. Employers' responsibilities

Employers have responsibilities to ensure a healthy and safe workplace. For example, employers must:

- inform workers about any potential hazards in the workplace such as fires, chemicals, noise or violence
- train workers how to do the job safely and how to use safety equipment properly
- provide close supervision to help workers learn how to do the job safely
- explain precautions to be taken around workplace hazards by outlining policies, plans and procedures that will help to keep workers safe
- identify location of first aid materials.

2. Workers' responsibilities

Workers have responsibilities to work and act safely on the job and are expected to:

- participate in workplace health and safety training
- follow safe work practices and procedures
- properly use and take care of safety equipment
- report health and safety concerns to their supervisor
- ask questions if they are unsure about how to do their job safely; and
- co-operate with the employer.

Did You Know?

Every employer in a retail workplace that is open between 11:00 p.m. and 6:00 a.m. must develop a violence policy. For more information, read the fact sheet **Violence** on the website www.labour.gov.sk.ca/safety/index.htm.

(see over)



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3. Workers have three basic rights

- To know about the hazards at work and how to control them.
- To participate in identifying and controlling health and safety hazards by:
 - telling the supervisor right away when any unsafe conditions or faulty equipment is observed
 - participating in an Occupational Health Committee (if there are 10 or more workers in the workplace) or
 - talking to the health and safety representative (in moderate to high-hazard workplaces with five to nine workers.)
- To refuse work that they believe is unusually dangerous. There are steps to follow when unsafe work is refused. Employees cannot be fired for exercising these rights. For more information, read the fact sheet **Right to Refuse Unusually Dangerous Work** on the website www.labour.gov.sk.ca/safety/fast/duties/refuse.htm.

Did You Know?

The Worksafe Saskatchewan website (www.worksafesask.ca) has a lot of easy-to-use information about health and safety in the retail industry!

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Benefits for Part-time Employees

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

Part-time employees working for a business with the equivalent of 10 full-time employees or more are entitled to participate in the benefits already offered to the full-time employees.

1. Employers must offer the same benefits to part-time employees they offer to their full-time employees

A business with 10 or more full-time equivalent employees must provide benefits to eligible part-time employees. (See point #2 for the percentages of benefits part-time employees may receive.)

A full-time employee, for this part of *The Labour Standards Act*, is any employee who works 30 hours or more per week.

2. Percentage of benefits that part-time employees may receive

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

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

Benefit levels required to 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.

3. Calculating the number of "full-time equivalent" employees

If an employer has been in operation for more than one year, the number of "full-time equivalent" employees is calculated by dividing the total number of hours worked by all employees in the previous calendar year (including the hours associated with paid annual vacations and public holidays) by 2,080.

For employers who have been in operation for more than 13 weeks but less than one year the number of full-time equivalent employees is calculated by taking the total number of hours worked by all employees (including the hours associated with paid annual vacations and public holidays) since the business started to operate and dividing that by 40 times the number of weeks of operation.

Example:

A retailer employs five full-time employees and 12 part-time employees. The total number of hours all of the employees worked during the calendar year January 1, 2005 to December 31, 2005 (including annual vacations and public holidays) is 22,880. The number of full-time equivalent employees (FTE) is calculated as follows:

$$\text{FTE} = \frac{22,880 \text{ (total hours worked by all employees)}}{2080} = 11$$

(see over)



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4. Benefits that part-time employees may be eligible for

Eligible benefits include:

1. dental plans
2. group life
3. accidental death or dismemberment plans
4. prescription drug plans.

5. Student employees

Full-time students do not have to be provided with benefits. This includes students enrolled in 60% of a full course load at a school, university, technical institute, regional college or private vocational school.

6. When part-time employees are eligible to receive benefits

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

- a) they have been continuously employed for 26 weeks and have worked 390 hours in that period
- b) having initially qualified for benefits, they maintain their eligibility if they work at least 780 hours in the next calendar year (January 1st to December 31st), and each subsequent calendar year
- c) full-time employees who work in comparable positions receive some or all of the four benefit plans (i.e. part-time managerial employees are compared to full-time managerial employees; part-time non-management workers are compared to full-time non-management workers)
- d) they are not full-time students.

7. Determining contributions required by part-time employees

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

8. When employees no longer work the number of hours required to maintain coverage

When an employer becomes aware that an employee will lose eligibility, the employer must advise the employee, in writing, of the loss of eligibility. If the employee works 780 hours in a future calendar year, they will be eligible for benefits again.

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Administering Labour Standards

A Retailer's Guide to Labour Standards in Saskatchewan

Did You Know?

The Labour Standards Act sets minimum standards for employment in the retail industry. Retail Council of Canada and Saskatchewan Labour have websites with information to assist employers and employees to deal with labour standards concerns. Visit www.retailcouncil.org or www.labour.gov.sk.ca.

1. Who is covered?

The Labour Standards Act applies to most Saskatchewan employees and employers in the retail industry, no matter how many hours employees work. This includes full-time, part-time, temporary, seasonal and casual employees. It also covers salaried employees.

Businesses in which only family members are employed are exempt. However, if the family business hires one non-family member, labour standards would then apply to all employees, including family members.

2. What is covered?

The Labour Standards Act sets standards for the retail industry with regards to:

- overtime
- payment of wages
- annual and public holidays
- minimum call-out
- leaves of absence for new parents
- meal breaks
- discharging and laying-off employees
- minimum wage
- work schedules and time away from work
- absences due to sickness and injury

3. What is the role of Saskatchewan Labour?

Saskatchewan Labour administers labour standards. The department has eight offices around the province. Department staff will answer inquiries from both employees and employers who need information and advice relating to labour standards concerns. They also investigate complaints and work with employers and employees to resolve workplace concerns. To locate the Labour Standards branch nearest you, call 1-800-667-1783 or visit Saskatchewan Labour's website at www.labour.gov.sk.ca.

4. What happens when a complaint is filed with Saskatchewan Labour?

Employees have one year to claim for unpaid wages. Once filed, an officer of the Labour Standards branch will investigate the complaint by contacting the employer and employee and examining payroll records and other relevant evidence.

If wages are found not owing, the employer and employee will be notified. If wages are found owing, the employer will be informed and a response will be requested. A voluntary resolution is then sought that may involve additional wages being paid. If the employer and the Labour Standards officer cannot agree, a formal Wage Assessment is issued.

(see over)



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4. What happens when a complaint is filed with Saskatchewan Labour? (continued)

A Wage Assessment sets out the amount of money owed to the employee. Employers or employees can appeal the Wage Assessment within 21 days of its receipt. Employers must include an appeal deposit, which is the amount of the Wage Assessment or \$500, whichever is less. The money is held as a deposit for payment of the wage claim. If the claim is not upheld, the money is returned to the employer.

If there is an appeal, an independent adjudicator appointed pursuant to *The Labour Standards Act* conducts a hearing and will make a decision about wages owing to the employee. Either side can represent themselves or be represented by a lawyer. Labour Standards will give evidence in support of the wage assessment. The adjudicator's decision can be appealed to the Court of Queen's Bench and Saskatchewan Court of Appeal, but only on a point of law or jurisdiction.

After all appeal periods have passed, if monies are still outstanding the department will obtain a Certificate of Judgment of the Court of Queen's Bench, which sets out the amount owed. This certificate can be used to enforce collection.

5. Anonymous and third party complaints?

Where there is specific evidence to suggest an employer is not complying with *The Labour Standards Act and Regulations, 1995*, the Labour Standards Branch – through the Compliance and Review Unit – will accept and respond to anonymous complaints. Where there is evidence of non-compliance by an employer, the unit, working with the affected workplace will seek solutions so that the employer comes into compliance with the regulations.

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Networking for Information

A Retailer's Guide to Labour Standards in Saskatchewan

For information:

Saskatchewan Labour

Occupational Health and Safety Division

Toll free: 1-800-667-5023 (Saskatoon);

Toll free: 1-800-567-7233 (Regina)

www.labour.gov.sk.ca

Labour Standards Branch

Toll free: 1-800-667-1783

Regina: 306-787-2438

www.labour.gov.sk.ca

Status of Women Office

Regina: 306-787-7401

www.swo.gov.sk.ca

Work and Family Unit

Saskatoon: 306-933-7983

www.workandfamilybalance.com

Retail Council of Canada – Manitoba/Saskatchewan Office

Toll free: 1-888-254-1654

www.retailcouncil.org

Economic Development in Saskatchewan

Saskatchewan Industry and Resources

Toll free: 1-866-727-5427

www.ir.gov.sk.ca

Record of Employment

Human Resources Development Canada

Toll free: 1-800-667-7554

www.hrdc-drhc.gc.ca

T-4 Slips, Employment Insurance and C.P.P. Contributions

Canada Revenue Agency

Toll free: 1-800-206-7218 (EI)

Toll free: 1-800-277-9914 (C.P.P. & T-4 slips)

www.c CRA-adrc.gc.ca

Workers' Compensation

Workers' Compensation Board

Toll free: 1-800-667-7590

Regina: 306-787-4370

Saskatoon: 306-933-6312

www.wcsask.com

www.worksafesask.ca

Human Rights in Saskatchewan

Saskatchewan Human Rights Commission

Toll free: 1-800-667-9249 (Saskatoon)

Toll free: 1-800-667-8577 (Regina)

www.gov.sk.ca/shrc

Business Development

Canada-Saskatchewan Business Service Centre

Toll free: 1-800-667-4374

www.cbcs.org/sask

Career, Employment and Labour Market Information

Toll free: 1-888-775-3276

www.sasknetwork.gov.sk.ca

Tourism in Saskatchewan

Tourism Saskatchewan

Toll free: 1-877-237-2273

www.sasktourism.com



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