

Administering Labour Standards

Labour Standards information for the restaurant and foodservices industry



The Canadian Restaurant and Foodservices Association and Saskatchewan Labour have websites with information to assist employers and employees to deal with labour standards concerns. Visit www.crfa.ca or www.labour.gov.sk.ca.

The Labour Standards Act sets minimum standards for employment in the restaurant and foodservices industry in Saskatchewan.

1. Who is covered?

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

Groups in this industry that are exempt from Saskatchewan's labour standards include:

- businesses in which only family members are employed. However, if the family business hires one non-family member, labour standards would then apply to all employees, including family members.
- employees who work in foodservice outlets in federal jurisdictions. The *Canada Labour Code* governs their working conditions.

2. What is covered?

The Labour Standards Act sets standards for the restaurant and foodservices industry with regards to:

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

3. What is the role of Saskatchewan Labour?

Saskatchewan Labour administers labour standards. The Department has eight offices around the province. The staff 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.

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.

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 \$500.00, whichever is less. This 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. (see over)



Saskatchewan
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Canadian Restaurant
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Association

Association canadienne
des restaurateurs et des
services alimentaires

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.

The Labour Standards Compliance and Review Unit investigates complaints made by third parties or anonymous parties, provided that specific evidence of non-compliance is submitted.

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



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