



# Administering Labour Standards

## Information for SIAST Students

### 1. Who is covered?

The *Labour Standards Act* applies to most Saskatchewan employees and employers, no matter how employees are paid or how many hours they work. This includes full-time, part-time, temporary, seasonal and casual employees. There are some exemptions.

#### Total exemptions

Some employees are totally exempt from the Act. They include:

- employees in farming, ranching, or market gardening\*
- 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 are under federal jurisdiction and governed by *The Canada Labour Code*
- volunteers
- self-employed contractors/consultants
- casual sitters (a **sitter** is the traditional “babysitter” who comes in on an occasional, short-term basis to allow parents time to go shopping, to the movies, etc).

\*The Act applies to employees working in commercial hog barns, bush clearing operations, and greenhouses.

#### Partial exemptions

Some employees are partially exempt. For example, teachers are exempt from provisions covering overtime, public holidays, and vacations. Come-in care providers are exempt from minimum wage and overtime provisions. Live-in care providers and domestics are covered by minimum wage provisions, but exempt from overtime rules. See the fact sheet on *Overtime* for more information.

### 2. What is covered?

The *Labour Standards Act* sets minimum standards for a variety of work circumstances, including:

- 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?

The Labour Standards Branch of the Department of Labour administers labour standards legislation by:

- providing information to employers and employees about their rights and responsibilities
- addressing complaints
- helping employers and employees maintain a positive relationship and avoid formal complaints
- providing information sessions for educational institutions, community groups, and other associations
- investigating third party and anonymous complaints where specific evidence of non-compliance has been provided.

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To contact the Labour Standards Branch:

Visit our website: [www.labour.gov.sk.ca](http://www.labour.gov.sk.ca)

Call: 1-800-667-1783 toll free in Canada fax: (306) 787-4780 in Regina

#### **4. What happens when a complaint is filed with the Labour Standards Branch?**

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.

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.