

Saskatchewan

Labour Law Postings (Part 1 of 2)



Minimum Wage

CHAPTER S-15.1 REG 15

The Saskatchewan Employment Act
Sections 2-22, 2-99 and 9-12

Order in Council 542/2025, dated December 18, 2025

PART 1 Preliminary Matters

Title
1-1 These regulations may be cited as *The Employment Standards Regulations, 2025*.

Definitions and interpretation
1-2(1) In these regulations:

“**Act**” means *The Saskatchewan Employment Act*;

“**approved home**” means:

- (a) a mental health approved home as defined in *The Mental Health Services Act* and the regulations made pursuant to that Act; or
- (b) a private-service home certified or licensed pursuant to *The Residential Services Act, 2019* and the regulations made pursuant to that Act;

“**care provider**” means an employee who provides services in the private residence of the employer or a private residence of a member of the employer’s immediate family that relate primarily to the provision of care and supervision of a person who is a member of the employer’s immediate family;

“**city**” includes the City of Lloydminster;

“**commercial hog operation**” means any undertaking:

- (a) that is engaged in the breeding, farrowing, weaning or finishing of porcine animals; and
- (b) that employs 6 or more full-time-equivalent employees calculated in accordance with subsection 7-2(2) or (3);

“**domestic worker**” means an employee who provides services in the private residence of the employer that relate primarily to the management and operation of that residence;

“**election official**” means an election official as defined in *The Election Act Regulations*;

“**employer’s immediate family**” means:

- (a) 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;
- (b) a parent, grandparent, child, grandchild, brother or sister of the employer; or
- (c) a parent, grandparent, child, grandchild, brother or sister of a person mentioned in clause (a);

“**finishing**” means bringing an animal to market weight in preparation for slaughter but does not include the slaughter of the animal;

“**full-time employee**” means an employee who regularly works full-time hours;

“**full-time hours**”, with respect to a place of employment, means the greater of:

- (a) the hours established by the employer for that place of employment; and
- (b) 30 hours per week;

“**gratuity**” means:

- (a) a payment voluntarily made to or left for an employee by a customer of the employee’s employer in such circumstances that a reasonable person would be likely to infer that the customer intended or assumed that the payment would be kept by the employee or shared with other employees;
- (b) a payment voluntarily made to an employer by a customer in circumstances in which a reasonable person would be likely to infer that the customer intended or assumed that the payment would be redistributed to an employee or employees; or
- (c) a payment of a service charge or similar charge imposed by an employer on a customer in such circumstances that a reasonable person would be likely to infer that the customer intended or assumed that the payment would be kept by the employee or shared with other employees;

“**hotel**” includes a boarding house or rooming house in which there are more than 5 beds set apart for the use of boarders or lodgers;

“**intern**” means:

- (a) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee; or
- (b) a person being trained by an employer for the employer’s business;

“**live-in care provider**” means a care provider who resides in the private residence in which the care provider provides the care provider’s services;

“**live-in domestic worker**” means a domestic worker who resides in the private residence in which the domestic worker provides the domestic worker’s services;

“**minimum wage**” means the hourly minimum wage fixed pursuant to section 2-16 of the Act and these regulations;

“**oil truck driver**” means an employee who is employed principally in delivering gasoline, lubricating oils and other petroleum products by truck from a refinery, bulk filling station or other similar premises to farms, garages or automobile service stations, but does not include an employee who regularly travels in the course of the employee’s duties to 2 or more cities, towns or villages that are at least 20 kilometres apart;

“**public holiday**” means a public holiday as defined in section 2-30 of the Act, and includes any other day agreed to be observed or directed to be observed as a public holiday pursuant to section 2-31 of the Act;

“**restaurant**” means a place in or from which meals or light lunches, or both, are supplied daily to more than 5 persons for a consideration;

“**sitter**” means a person who is employed:

- (a) on a temporary basis in a private residence solely to provide care and supervision for a person who is incapable of living independently; or
- (b) on a temporary basis not exceeding 21 days in a year to relieve the proprietor of an approved home and whose wages are subsidized in whole or in part;

but does not include a person who is employed and working as:

- (c) a nurse;
- (d) a therapist;
- (e) a care provider;
- (f) an employee of a child care facility; or
- (g) an employee of a business or the provincial health authority that is engaged in providing a service described in this definition;

“**student learner**” means:

- (a) a person who is:
 - (i) enrolled in an educational program at an educational institution recognized by the minister; and
 - (ii) receiving skills training that is a requirement to receive a designation from an educational institution recognized by the minister; or
- (b) a person who is given training or work experience through a program recognized by the minister;

but does not include an intern.

(2) For the purposes of clause 2-1(f) of the Act:

- (a) a person who is engaged in the activities associated with being a student learner is not an employee for the purposes of Part II of the Act and these regulations; and
- (b) a person engaged in the activities associated with being an intern is an employee for the purposes of Part II of the Act and these regulations.

(3) For the purposes of subsection 2-27(4) of the Act, “**monetary loss**” means the amount of any non-refundable deposit, penalty or other prepaid expense that is directly related to an employee’s cancelled vacation and that the employee can verify as having been paid.

(4) For the purposes of clauses 2-56(4)(a) and 2-57(3)(a) of the Act, “**providing care or support**” means all or any of the following:

- (a) directly providing or participating in providing care of the family member, critically ill child or critically ill adult;
- (b) providing psychological or emotional support of the family member, critically ill child or critically ill adult;
- (c) arranging for the care of the family member, critically ill child or critically ill adult by another care provider.

(5) For the purposes of calculating when an employee’s period of leave has been fully used in accordance with section 2-56 or 2-57 of the Act:

- (a) the employee is not considered to have ceased to provide care or support to a family member, critically ill child or critically ill adult despite returning to work from time to time if:
 - (i) between each return to work, the employee takes leave of at least one week to provide care or support; and
 - (ii) the total length of the period of leave taken by the employee does not exceed the total set out in section 2-56 or 2-57 of the Act, as the case may be; and
- (b) only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.

Exemptions from Part II of the Act

1-3(1) Part II of the Act does not apply to:

- (a) employees in an undertaking in which only members of the employer’s immediate family are employed;
- (b) sitters; or
- (c) athletes while engaged in activities related to their athletic endeavour.

(2) Section 2-16 of the Act does not apply to employees who:

- (a) have a physical or mental disability or impairment; and
- (b) work for a non-profit organization or institution in programs that are educational, therapeutic or rehabilitative.

(3) Subdivisions 1 to 7 and 12 of Division 2 of Part II of the Act do not apply to employees who are commercial fishers or commercial trappers, as defined in *The Fuel Tax and Road Use Charge Regulations*.

(4) Except for sections 2-15 and 2-16, Subdivisions 2 and 3 of Division 2 of Part II of the Act do not apply to an employee who performs services that are entirely of a managerial character.

(5) Except for sections 2-15 and 2-16, Subdivisions 2, 3, 6 and 7 of Division 2 of Part II of the Act do not apply to teachers as defined in section 2 of *The Education Act, 1995*.

(6) Section 2-11, subsection 2-13(1), sections 2-17 to 2-20, Subdivisions 6 and 7 of Division 2 of Part II and clause 2-33(1)(a) of the Act do not apply to election officials.

PART 2 Firefighters

Definitions for Part 2-1

In this Part:

“**fire chief**” means the officer in charge of a fire department;

“**fire department**” means a fire department in a city having a population of 10,000 or more as shown by the latest census taken pursuant to the *Statistics Act* (Canada);

“**firefighter**” means a person regularly employed in a fire department on a full-time basis and assigned exclusively to fire protection or fire prevention duties but does not include:

- (a) the fire chief or a deputy fire chief;
- (b) any other person having authority to employ or discharge a firefighter; or
- (c) any person regularly acting in a confidential capacity on behalf of the fire chief or of the city or of any board, commission or other body established to manage, control and operate the fire department.

Limited application of Part II of the Act

2-2 Except for sections 2-15 and 2-16, Subdivisions 2 and 3 of Division 2 of Part II of the Act do not apply to firefighters.

Establishment of platoons

2-3 A fire chief shall divide the officers, firefighters and employees of the fire department into platoons for work in accordance with one of the following systems:

- (a) a system pursuant to which the fire chief shall not keep a platoon on duty for more than 24 consecutive hours, after which the platoon kept on duty is to be allowed 24 consecutive hours off duty;
- (b) a system pursuant to which:
 - (i) one platoon shall not be on duty for day work for more than 10 consecutive hours in each 24-hour period and the other shall not be on duty for night work for more than 14 consecutive hours in each 24-hour period;
 - (ii) the average number of hours of work of each platoon over a period of 16 weeks is not to exceed 42 hours per week; and
 - (iii) each platoon is to alternate at least once in every 7 days from day work to night work or from night work to day work.

Period of rest

2-4(1) In every permanent fire department, every officer, firefighter and employee of the fire department is entitled to a period of rest of at least 24 consecutive hours in every 7 days.

(2) If the two-platoon system described in clause 2-3(b) is in operation, no part of the hours of release from duty at the change of platoons is to be included in the period of rest mentioned in subsection (1).

Full attendance at conflagrations

2-5 Notwithstanding any other provision of this Part, if the fire chief is of the opinion that the attendance of all officers and employees of the fire department is necessary to control a conflagration, the fire chief may require the attendance of all the officers, firefighters and employees for work during the continuance of the conflagration.

Exemption from section 2-13 of the Act – employees engaged in controlling or suppressing fires

2-6 Subsections 2-13(3) to (5) of the Act do not apply to any employee engaged in the control or suppression of prairie and forest fires.

PART 3

Modified Work Arrangements and Hours of Work

Agreements to average work hours

3-1(1) In this section and in sections 3-2 and 3-3, “**agreement**” means a modified work arrangement agreed to pursuant to subsection (2).

(2) Pursuant to clause 2-19(1)(a) of the Act, an employer and an employee or a group of employees, including employees who work less than 30 hours per week on average, may agree to:

- (a) average the hours of work of the employee or group of employees by up to:
 - (i) 40 hours over 1 week;
 - (ii) 80 hours over 2 weeks;
 - (iii) 120 hours over 3 weeks;
 - (iv) 160 hours over 4 weeks; and
- (b) a daily number of hours after which overtime applies.

(3) An agreement must:

- (a) be in writing;
- (b) be signed one week before the start date provided in the agreement by:
 - (i) the employer; and
 - (ii) the employee or a majority of the group of employees subject to the agreement, as the case may be;
- (c) specify the number of weeks over which the hours will be averaged;
- (d) specify the daily hours of work after which an employee becomes entitled to overtime;
- (e) specify the work schedule that reflects the daily and weekly hours of work agreed to by the parties; and
- (f) provide for a start date and an expiry date for the agreement.

(4) The maximum daily number of hours of work that an employee or employees and employer can agree to pursuant to clause (2)(b) is 12 hours.

(5) The employer shall retain a copy of the agreement and provide a copy of the agreement by:

- (a) personally giving it to the employee or each employee bound by the agreement;
- (b) posting it in the workplace;
- (c) posting it online on a secure website to which the employee or each employee bound by the agreement has access; or
- (d) providing it in any other manner that informs the employee or each employee bound by the agreement of the agreement.

(6) If an employer requires or permits the employee to work or to be at the employer’s disposal for a period in excess of the daily or weekly average hours agreed to pursuant to clause (2)(a) or (b), the employer shall pay overtime pay to the employee in accordance with section 2-17 of the Act.

(7) An agreement applies to an employee in a group of employees bound by the agreement whether or not the employee was employed by the employer at the time the agreement was entered into.

(8) The employer and the employees may renegotiate an agreement at any time.

(9) The employer shall retain a copy of every agreement for 5 years after the agreement ceases to be in effect.

Exemption from section 2-18 of Act – city newspapers

3-2(1) For the purposes of clause 2-19(1)(a) of the Act, persons employed as editorial writers, reporters or advertising salespersons by the publisher of a newspaper located in a city are subject to subsections (2) and (3) unless an agreement is entered into pursuant to section 3-1.

(2) No employer shall require or permit an employee described in subsection (1) to work or to be at the employer’s disposal for more than 80 hours in any 2 consecutive weeks unless the employee is paid wages at the rate of 1.5 times the employee’s hourly wage for each hour or part of an hour in excess of 2 consecutive weeks.

(3) In calculating the number of hours worked in a period of 2 consecutive weeks during which a public holiday occurs:

- (a) the 80-hour standard in each two-week period mentioned in subsection (2) is reduced by 8 hours with respect to each public holiday that occurs in the period; and
- (b) no account is to be taken of any time the employee is required to work or to be at the employer’s disposal on a public holiday.

(4) This section does not apply to employees to whom subsection 2-18(4) of the Act applies.

Exemption from sections 2-12 and 2-18 of Act – commercial hog operation employees

3-3(1) For the purposes of clause 2-19(1)(a) of the Act, persons employed in commercial hog operations are subject to subsections (3) and (4) unless an agreement is entered into pursuant to section 3-1.

(2) Section 2-12 of the Act does not apply to employees mentioned in subsection (1).

(3) No employer shall require or permit an employee described in subsection (1) to work or to be at the employer’s disposal for more than 10 hours in any day or 80 hours in any 2 consecutive weeks unless the employee is paid wages at the rate of 1.5 times the employee’s hourly wage for each hour or part of an hour in excess of 10 hours in any day or 80 hours in those 2 consecutive weeks.

(4) In calculating the number of hours worked in a period of 2 consecutive weeks during which a public holiday occurs:

- (a) the 80-hour standard in each two-week period mentioned in subsection (3) is reduced by 8 hours with respect to each public holiday that occurs in the period; and
- (b) no account is to be taken of any time the employee is required to work or to be at the employer’s disposal on a public holiday.

(5) This section does not apply to employees to whom subsection 2-18(4) of the Act applies.

Time banks – overtime

3-4(1) For the purpose of subsection 2-18(3) of the Act and this section:

“**banked time**” means the overtime hours credited to an employee’s time bank, for which an employer is to provide the employee with time off with pay in accordance with this section;

“**written notice**” means notice, in writing, that is required to be given to the other party by an employer or employee.

(2) For the purposes of subsection (1), a written notice must be at least one pay period in length.

(3) For the purposes of subsection 2-18(3) of the Act, a time bank agreement must be:

- (a) in writing;
- (b) agreed to by the employer and the employee; and
- (c) signed by the employer and employee.

(4) All hours banked pursuant to this section are to be banked at 1.5 times the number of overtime hours worked.

(5) All hours taken from the time bank must be taken:

- (a) during an employee’s regularly scheduled work hours;
- (b) at a time or times agreed to by the employer and employee, or, in the absence of agreement, as scheduled by the employer, and section 2-11 of the Act applies, with any necessary modification, for the purposes of this clause;
- (c) at the employee’s hourly wage; and
- (d) within 12 months after the end of the pay period in which the overtime hours were banked.

(6) Banked time is deemed to be wages owing to the employee for the purposes of recovery of the wages.

(7) Each hour or part of an hour of time off with pay is deemed to be regular hours of work.

(8) The employer shall retain a copy of the time bank agreement entered into pursuant to subsection (3) and provide a copy of the agreement to the employee in any manner that informs the employee of the agreement.

(9) The employer shall pay to the employee wages for all banked time for which time off with pay did not occur in accordance with clause (5)(d).

(10) For the purposes of subsection (9):

- (a) that payment must be the product of:
 - (i) the employee’s hourly wage; and
 - (ii) the employee’s remaining banked time; and
- (b) the employer shall make that payment in accordance with section 2-33 of the Act.

(11) An employer or an employee, at any time, may give written notice to the other party of the employer or employee’s intention to:

- (a) issue or obtain payment for all or part of the hours in the time bank; or
- (b) terminate the time bank.

(12) If written notice is given pursuant to clause (11)(a), the employer shall, not later than the end of the pay period following the pay period in which written notice was provided, pay the employee wages for the banked overtime hours in accordance with subsection (10).

(13) If written notice is given pursuant to clause (11)(b):

- (a) the employer shall, not later than the end of the pay period following the pay period in which written notice was provided, either:
 - (i) pay the employee wages for the banked overtime hours in accordance with subsection (10); or
 - (ii) schedule the times at which the employee shall take the banked hours in accordance with clause (5)(b); and
- (b) the employee’s time bank is deemed to be closed.

(14) If the employer lays off or terminates the employment of an employee, the employer shall not require the employee to take banked overtime hours off with pay as part of the required notice period pursuant to section 2-60 of the Act.

(15) If the employer lays off or terminates the employment of an employee, the payment pursuant to clause (10)(a) is not to be considered pay instead of notice required pursuant to section 2-61 of the Act.

Exemption from sections 2-17 and 12-18 of Act – oil truck drivers

3-5(1) Subject to subsections (2) to (9), sections 2-17 and 2-18 of the Act do not apply to persons employed as oil truck drivers.

(2) Subject to subsection (8), the employer of an oil truck driver shall show in the records kept pursuant to section 2-38 of the Act the number of hours during which the oil truck driver is required or permitted to work or to be at the employer’s disposal that are in excess of 40 hours in any week.

(3) For the purposes of this section, all of the hours that are in excess of 40 hours in any week are to accumulate to the credit of the oil truck driver unless they are cancelled in accordance with subsection (4).

(4) If an oil truck driver is required or permitted to work or to be at the employer’s disposal for less than 40 hours in any week, each hour by which the number of hours during which the oil truck driver is required or permitted to work or to be at the employer’s disposal in that week is less than 40 hours cancels one hour that has already accumulated or may in future accumulate to the credit of the oil truck driver.

(5) On July 1 in each year, the employer of an oil truck driver shall:

- (a) determine the number of hours that, as of that date, have accumulated to the credit of the oil truck driver during the previous 12 months and have not been cancelled; and
- (b) within 14 days after that date, pay to the oil truck driver wages at the rate of 1.5 times the oil truck driver’s hourly wage for every hour or part of an hour determined pursuant to clause (a).

(6) On payment pursuant to clause (5)(b), the hours determined pursuant to clause (5)(a) are cancelled.

(7) If the employment of an oil truck driver is terminated by the employer, the employer shall pay to the oil truck driver, in addition to all other amounts due to the oil truck driver, wages at the rate of 1.5 times the oil truck driver’s hourly wage for each hour or part of an hour that, as of the date of the termination of employment, has accumulated to the credit of the oil truck driver and has not been cancelled.

(8) No employer of an oil truck driver shall, with respect to any week in which the employer requires or permits the oil truck driver to work or to be at the employer’s disposal for less than 40 hours, reduce the wages paid to the oil truck driver below the wages paid with respect to any week in which the employer requires or permits the oil truck driver to work or to be at the employer’s disposal for 40 hours or more.

(9) In calculating the number of hours worked in a week in which a public holiday occurs:

- (a) the 40-hour standard in a week mentioned in subsection (2) is to be reduced by 8 hours with respect to each public holiday that occurs in the week; and
- (b) no account is to be taken of any time the oil truck driver is required to work or to be at the employer’s disposal on a public holiday.

Exemption from sections 2-12, 2-17, 2-18 and 2-19 of Act – certain employees

3-6(1) Sections 2-12, 2-17, 2-18 and 2-19 of the Act do not apply to the following employees:

- (a) employees who are:
 - (i) practising a profession that requires licensing or registration in accordance with any Act and may provide the profession’s services without the authorization or the supervision of another profession; or
 - (ii) employed as a student-in-training, including a medical intern, while learning a profession mentioned in subclause (i);
- (b) employees of a rural municipality who are engaged in road construction or maintenance or any duties in connection with the servicing or repair of road construction or maintenance equipment done on the job, except employees who are engaged in any duties in connection with the storage, servicing or repair of road construction or maintenance equipment that is done in the warehouse or repair shop of the rural municipality;
- (c) employees who:
 - (i) are employed as salespersons;
 - (ii) travel regularly in the course of their duties to 2 or more cities, towns or villages that are at least 20 kilometres apart; and
 - (iii) receive all of their remuneration as commissions with respect to sales of goods or services or offers to purchase that usually are made at a place other than the employer’s establishment;
- (d) employees in the logging industry, including employees providing ancillary services such as food services and security services, but not including employees in any occupation carried on in an office, saw mill or planing mill;
- (e) employees who are care providers, other than live-in care providers;
- (f) employees who are employed by outfitters, as defined in *The Outfitter and Guide Regulations, 2004*, who are primarily engaged in outfitting;
- (g) employees who are primarily engaged in mineral exploration in that part of Saskatchewan north of Township 62, but not including any occupation carried on in an office.

(2) Sections 2-17, 2-18 and 2-19 of the Act do not apply to persons employed as salespersons as defined in *The Consumer Protection and Business Practices Regulations*.

Exemptions for certain roadbuilders

3-7(1) Subject to subsections (2) to (6), sections 2-12 and 2-17, subsections 2-18(1), (2), (4) and (5) and section 2-19 of the Act do not apply to employees who are engaged in constructing, repairing or maintaining a highway, or assisting in those activities, if the work on a highways is being performed:

- (a) outside a city, town, village or resort village; or
 - (b) from a point or points outside any city, town, village or resort village into or through that city, town, village or resort village.
- (2) No employer shall require or permit an employee described in subsection (1) to work or to be at the employer’s disposal 100 hours in any 2 consecutive weeks unless the employee is paid wages at the rate of 1.5 times the employee’s hourly wage for each hour or part of an hour in excess of 100 hours in those 2 consecutive weeks.
- (3) In calculating the number of hours worked in a period of 2 consecutive weeks during which a public holiday occurs:

- (a) the 100-hour in each two-week period mentioned in subsection (2) is to be reduced by 8 hours with respect to each public holiday that occurs in the period; and
- (b) no account is to be taken of any time the employee is required to work or to be at the disposal of the employer on a public holiday.

(4) Unless an employee described in subsection (1) consents otherwise, the employer of the employee shall not require or permit the employee to work or be at the employer’s disposal for more than 14 hours in any given day, except in an emergency circumstance.

(5) Every employer shall establish a fatigue management plan for employees described in subsection (1) that is recognized by the minister.

(6) This section does not apply if the employees described in subsection (1) have a union as their bargaining agent and the employer and the union have agreed respecting the number of hours in a day or week that are to be worked before overtime is paid.

Exemption from section 2-12, subsection 2-13(1) and sections 2-17, 2-18 and 2-19 of Act – care facility workers

3-8(1) In this section:

- “**care facility**” means a care facility licensed pursuant to *The Residential Services Act, 2019* and the regulations made pursuant to that Act;
- “**operator**” means an operator, as defined in *The Residential Services Act, 2019*, who is designated by the employer for the purposes of this section.

(2) Section 2-12, subsection 2-13(1) and sections 2-17, 2-18 and 2-19 of the Act do not apply to an operator of a care facility.

(3) This section applies to only one person employed at a care facility in any one day.

Calculation of hourly wage

Saskatchewan

Labour Law Postings (Part 2 of 2)



Minimum Wage

Employees operating well drilling rigs

- 5-3** The minimum sum of money to be paid for a public holiday by an employer to an employee who is engaged in the operation of a well drilling rig is:
- (a) if the employee does not work on the public holiday, the amount to which the employee would be entitled pursuant to clause 2-32(1)(a) of the Act if the employee did not work on that day; and
 - (b) if the employee works on the public holiday, the total of the amount to which the employee would be entitled pursuant to clause 2-32(1)(a) of the Act if the employee did not work on that day and the employee's regular wages for the time worked.

Employees in a hospital, educational institution, nursing home, hotel or restaurant

- 5-4(1)** Subject to subsection (2), full-time employees employed in a hospital, educational institution, nursing home, hotel or restaurant must be paid for a public holiday in accordance with section 2-32 of the Act.
- (2) If a public holiday falls on the regular day of work of an employee to whom subsection (1) applies and the employee works on that day, the employee is entitled:

- (a) to be paid at the rate of 1.5 times the employee's regular rate of wages in addition to the employee's regular wages; or
- (b) to be paid at the rate of 1.5 times the employee's regular rate of wages and, in addition, to be granted one working day off at the employee's regular wage within a four-week period during which the public holiday occurs.

Employees in commercial hog operations

- 5-5(1)** Subject to subsection (2), employees employed in a commercial hog operation must be paid for a public holiday in accordance with section 2-32 of the Act.
- (2) If a public holiday falls on the regular day of work of an employee to whom subsection (1) applies and the employee works on that day, the employee is entitled:

- (a) to elect by written request to receive another day as a holiday designated by the employer within one year of the public holiday; and
- (b) notwithstanding subsection 2-32(3) of the Act, to be paid regular wages for the public holiday on which the employee works and for the designated day on which the employee does not work.

Public holidays falling on Sunday

- 5-6(1)** For the purposes of Subdivision 7 of Division 2 of Part II of the Act, if New Year's Day, Christmas Day or Remembrance Day falls on a Sunday, the Monday following that day is to be observed as a public holiday.
- (2) Subsection (1) does not apply to an establishment that is normally open on a Sunday.

Substituting another day for a public holiday

- 5-7(1)** For the purposes of subclause 2-31(b)(i) of the Act, an employer may substitute another day for a public holiday if the employer and the employee or a majority of the employees, as the case may be, agree to the substitution.
- (2) This section does not apply to Remembrance Day.
- (3) The substituted day shall take place within 4 weeks of the public holiday.
- (4) The employer shall:
- (a) provide a copy of the agreement entered into pursuant to subsection (1) to the employee in any manner that informs the employee of the agreement; and
 - (b) retain a copy of the agreement entered into pursuant to subsection (1) for 2 years after the agreement ceases to be in effect.

PART 6 Termination and Lay-off

Exemption from sections 2-60 and 2-61 of Act - care providers

- 6-1** Sections 2-60 and 2-61 of the Act do not apply to employees who are care providers, other than live-in care providers.

Notice re group terminations

- 6-2(1)** For the purposes of clause 2-62(2)(b) of the Act, an employer shall give written notice before the termination of at least:

- (a) 4 weeks, if the number of employees whose employment is terminated is 25 or more but less than 50;
- (b) 8 weeks, if the number of employees whose employment is terminated is 50 or more but less than 100;
- (c) 12 weeks, if the number of employees whose employment is terminated is 100 or more.

- (2) An employer is exempted from providing any written notice pursuant to section 2-62 of the Act to the minister, any union and the employees, if the employees:

- (a) are employed pursuant to an arrangement by which:
 - (i) the employer may request the employee to come to work at any time for a temporary period; and
 - (ii) the employee has the option to accept or reject one or more of the requests;
- (b) are employed for a definite term;
- (c) are employed for a specific project with a completion date that is reasonably foreseeable in any industry, other than the construction industry, or occupation;
- (d) are employed in the construction industry for a specific project with a completion date that is reasonably foreseeable;
- (e) are offered and have refused reasonable alternative work or employment by the employer;
- (f) are terminated because of a seasonal reduction of the employer's operations, suspension of those operations or closure of those operations if that reduction, suspension or closure is normal for that employer;
- (g) are laid off for a period not exceeding 26 weeks;
- (h) have reached the age of retirement that is the established age of retirement for that employer and their employment has been terminated for that reason; or
- (i) are employed pursuant to a contract of employment that is impossible to perform due to an unforeseeable event or circumstance.

- (3) An employer is exempted from providing written notice pursuant to section 2-62 of the Act to employees if:

- (a) the employer has applied in writing to the director of employment standards; and
- (b) the director of employment standards is satisfied that giving written notice would be prejudicial to the employer and the employees.

- (4) The Government of Saskatchewan is exempted from giving any written notice pursuant to section 2-62 of the Act with respect to employees who are not within the scope of a collective bargaining agreement and whose employment is terminated within 30 days after polling day for a general election within the meaning of *The Election Act, 1996*.

PART 7 Additional Obligations of Employers

Interpretation of section 2-39 of Act and sections 7-3 and 7-4

- 7-1(1)** In section 2-39 of the Act and in sections 7-3 and 7-4 of these regulations, "benefit" means:

- (a) the following insurance plans in which the employer pays all or part of the contributions on behalf of the employee:
 - (i) a dental plan;
 - (ii) a group life plan;
 - (iii) an accidental death and dismemberment plan;
 - (iv) a plan for employee and dependant coverage for prescription drugs; or
- (b) a plan that provides coverage similar to the coverage provided by a plan described in clause (a), but that is self-funded by the employer.

- (2) In section 7-3, "full-time student" means a person who is registered for at least 60% of a full course load as:

- (a) a pupil within the meaning of *The Education Act, 1995*; or
- (b) a student at a university, a regional college, private vocational school or the Saskatchewan Polytechnic.

Calculation re number of employees

- 7-2(1)** In this section, "all employees", with respect to an employer, means all employees employed at all establishments of the employer.

- (2) Subject to subsection (3), for the purposes of subsection 7-3(2) and section 1-2, the number of full-time-equivalent employees is to be calculated in accordance with the following formula:

$$FTE = H/2,080$$

where:

FTE is the number of full-time-equivalent employees; and

H is the sum of the total number of hours worked by all employees from the date of the commencement of the employer's business and the number of paid hours associated with vacation and public holidays in the previous year.

- (3) For the purposes of subsection 7-3(2) and section 1-2, if an employer's business has been in existence for more than 13 weeks but less than one full year, the number of full-time-equivalent employees is to be calculated in accordance with the following formula:

$$FTE = H/40 \times W$$

where:

FTE is the number of full-time-equivalent employees;

H is the sum of the total number of hours worked by all employees from the date of the commencement of the employer's business and the number of paid hours associated with vacation and public holidays from the date of commencement of the employer's business; and

W is the total number of weeks from the date of the commencement of the employer's business.

Eligible employees

- 7-3(1)** In this section and in section 7-4:

"eligible employee" means an employee who is not a full-time employee and who is eligible for benefits pursuant to section 2-39 of the Act and those provisions of these regulations made for the purposes of section 2-39 of the Act, "qualifying period" means the period commencing on the employee's date of hire and ending on the completion of 26 weeks after the date of hire.

- (2) Section 2-39 of the Act does not apply to an employer with less than 10 full-time-equivalent employees or to the employees of that employer.

- (3) Subject to subsection (6), for the purposes of section 2-39 of the Act, an employee becomes an eligible employee when the employee has been continuously employed by the employer for the qualifying period and has worked at least 390 hours in the qualifying period.

- (4) After an employee has been employed by the employer for one year, the employee's eligibility for benefits is to be determined pursuant to subsection (5).

- (5) An employee described in subsection (4) is an eligible employee if the employee is currently employed by the employer and the employee:

- (a) subject to clause (b), worked a minimum of 780 hours in the previous year; or
- (b) if the employee has taken an employment leave pursuant to the Act in the previous year, would have worked 780 hours in the previous year.

- (6) An employee who is a full-time student is not an eligible employee.

- (7) If an employee ceases to be a full-time student, the employee shall provide the employer with written notice, as soon as possible after ceasing to be a full-time student, of the employee's change of status.

- (8) If a benefit plan has its own period for qualifying before an employee is eligible to receive benefits, the plan's period for qualifying must be applied to the employee beginning on the employee's date of hire, and the employee becomes eligible to receive benefits as soon as the employee satisfies the requirements of subsection (3) or (5) and the plan's period for qualifying.

- (9) At the end of each year, the employer shall, as soon as possible, provide an employee with written notice if the employee has lost eligibility pursuant to this section for benefits pursuant to section 2-39 of the Act.

Employee entitlements

- 7-4(1)** If an employer provides benefits to full-time employees who perform services that are entirely of a managerial character, the employer shall provide eligible employees who perform those services with benefits in accordance with section 2-39 of the Act and these regulations.

- (2) If an employer provides benefits to full-time employees who do not perform services that are entirely of a managerial character, the employer shall provide eligible employees who do not perform those services with benefits in accordance with section 2-39 of the Act and these regulations.

- (3) Subject to subsections (4) to (7):

- (a) eligible employees described in subsection (1) are entitled to substantially the same rights and privileges as are full-time employees described in subsection (1) under the benefit plans that are provided to those full-time employees; and
- (b) eligible employees described in subsection (2) are entitled to substantially the same rights and privileges as are full-time employees described in subsection (2) under the benefit plans that are provided to those full-time employees.

- (4) Subject to subsection (5), in the absence of any benefit formula calculation that existed on February 3, 1995, an eligible employee is entitled to:
- (a) 50% of the level of benefits provided to full-time employees if the eligible employee works, on average, 15 or more hours but less than 30 hours per week; and
 - (b) 100% of the level of benefits provided to full-time employees if the eligible employee works, on average, 30 or more hours per week.

- (5) If a group life plan or accidental death and dismemberment plan provides for a benefit formula based on the employee's earnings, the level of benefit provided to eligible employees is to be calculated in the same manner as the level of benefit for full-time employees.
- (6) If an employer is required by section 2-39 of the Act and these regulations to provide to eligible employees:
- (a) a dental plan, the employer will satisfy the requirements of section 2-39 of the Act and these regulations respecting that dental plan if the employer provides a dental plan for eligible employees, but not necessarily their spouses or dependants, containing the following basic services at the level of benefits determined in accordance with subsection (4):
 - (i) routine dental examinations at least once every 12 months;
 - (ii) full mouth X-rays at least once every 24 months;
 - (iii) fillings;
 - (iv) extractions;
 - (v) oral surgery;
 - (vi) cleaning and scaling, to a maximum of 8 units per year;
 - (vii) space maintainers and relining dentures;
 - (viii) repair of dentures;

- (b) a prescription drug plan, the employer will satisfy the requirements of section 2-39 of the Act and these regulations respecting that prescription drug plan if the employer provides a prescription drug plan for eligible employees and their spouses and dependants that reimburses for the cost of drugs listed in the Saskatchewan Drug Formulary or equivalents of those drugs at the level of benefits determined in accordance with subsection (4); or
- (c) a group life plan or accidental death and dismemberment plan, the employer will satisfy the requirements of section 2-39 of the Act and these regulations respecting that plan if the employer provides a plan that covers eligible employees, but not necessarily their spouses or dependants, at the level of benefits determined in accordance with subsection (4) or (5).

- (7) If a benefit plan requires contributions to be made by eligible employees, those contributions must:

- (a) be paid in the same manner as payments are required to be paid by full-time employees;
- (b) be in an amount that is in the same proportion to the contributions of full-time employees as the level of benefits to be provided to eligible employees bears to the level of benefits provided to full-time employees; and
- (c) be shared between the employer and eligible employees in the same proportion that contributions are shared between the employer and full-time employees.

PART 8 Conditions of Employment

Rest periods

- 8-1** A rest period that is granted by an employer to an employee is deemed to be time worked.

Employees in a hotel, restaurant, educational institution, hospital or nursing home

- 8-2(1)** This section applies to all employees employed in a hotel, restaurant, educational institution, hospital or nursing home and to the employers of those employees, except any employees or employers exempted by Part II of the Act and these regulations.

- (2) An employer shall confine the hours of work of each employee to a period of 12 hours in any one day and shall not require or permit any employee to report for duty on more than 2 occasions in that 12-hour period.

- (3) An employer shall provide each employee who is required or permitted to finish work between the hours of 12:30 a.m. and 7:00 a.m. local time with free transportation to the employee's place of residence.

- (4) An employer who requires an employee, other than a registered nurse, to wear a uniform or any special article of wearing apparel:

- (a) shall provide, repair and launder that uniform or special article of wearing apparel free of cost to the employee; and
- (b) shall not make any deduction from the wages of the employee for providing, repairing or laundering that uniform or special article of wearing apparel.

Youth employment - parental consent required

- 8-3(1)** In this section and in sections 8-4 to 8-7:

"parent", with respect to a youth, includes the legal guardian of the youth or any other person who has lawful care and custody of the youth;

"school" means a school as defined in *The Education Act, 1995* and includes a registered independent school as defined in that Act;

"school day" means a day during which a school is in session;

"youth" means a person who is 14 years of age or older but less than 16 years of age.

- (2) No person shall employ a youth unless that person has obtained the written consent of the youth's parent.

- (3) Every person who employs a youth shall keep a copy of the written consent for the youth that is obtained pursuant to subsection (2) available for inspection by the minister or the minister's duly authorized representative in the place of business operated by the person.

Restriction on hours of employment for youth

- 8-4** No person shall employ a youth:

- (a) in the period after 10:00 p.m. on a day preceding a school day and until the start of the hours that the school the youth attends is in session during the school day;
- (b) for more than 16 hours during a week in which there is a school day for the school that the youth attends; or
- (c) subject to section 149 of *The Education Act, 1995*, during the hours that the school the youth attends is in session.

Youth must complete work readiness program

- 8-5** No employer shall employ a youth unless the youth provides the employer with evidence satisfactory to the employer that the youth has completed a work readiness certificate approved by the minister for the purposes of this section.

Minimum age of employment

- 8-6** The minimum age at which employees may be employed in any class of employment is 14 years of age.

Authorization to exempt young persons from requirements

- 8-7(1)** In this section, "young person" means a person who is less than 16 years of age.

- (2) On receipt of a written application from a young person's parent, if the director of employment standards is satisfied that the application of sections 8-4 to 8-6 would be unsuitable in the circumstances, the director of employment standards may:

- (a) issue a written authorization exempting the young person and any employer of that young person from all or any of the provisions of sections 8-4 to 8-6; and
- (b) impose any conditions that the director of employment standards considers appropriate on the written authorization issued pursuant to clause (a).

PART 9 Minimum Wage

Minimum wage rates

- 9-1(1)** In this section:

"average hourly wage" means the average hourly wage for employees 15 years of age and over for Saskatchewan as published monthly by Statistics Canada;

"consumer price index" means the "all-items" Consumer Price Index for Saskatchewan as published monthly by Statistics Canada;

"pay period" means the period commencing on October 1 of one year and ending on September 30 of the following year.

- (2) Subject to subsections (3) to (9), every employee shall be paid at a rate of wages that is not less than \$15.70 per hour.

- (3) Subject to subsections (5) and (7), on or before June 30 of each year, the Lieutenant Governor in Council may fix the rate per hour to be paid as the minimum wage during the pay period commencing after that June 30 and, for that purpose, may fix the rate per hour at the adjusted rate per hour determined by the minister in accordance with subsection (4).

- (4) For the purposes of subsection (3), the minister shall, by order, determine an adjusted rate per hour in the amount AMW calculated in accordance with the following formula:

$$AMW = \left(\frac{(1 + CAHW)}{2} + \frac{(1 + CCP1)}{2} \right) \times CMW$$

where:

CAHW is the percentage change in the average hourly wage for the year before the year in which the calculation is made expressed as a decimal;

CCPI is the percentage change in the consumer price index for the year before the year in which the calculation is made expressed as a decimal; and

CMW is the minimum wage at the date on which the calculation is made.

- (5) Subject to subsection (7), during the pay period mentioned in subsection (3), every employee shall be paid at a rate of wages that is not less than the rate per hour fixed by the Lieutenant Governor in Council pursuant to subsection (3).

- (6) As soon as is reasonably possible after June 30 in each year, the minister shall cause the rate per hour fixed pursuant to subsection (3):

- (a) to be published in the Gazette; and
- (b) to be made available in any manner that the minister considers appropriate to bring the rate per hour to the attention of the public, including posting it on the Government of Saskatchewan's website.

- (7) If the Lieutenant Governor in Council does not fix a rate per hour pursuant to subsection (3) on or before June 30 of a year commencing after that June 30:

- (a) the rate per hour during the pay period commencing after that June 30 is to be the same as that for the previous pay period; and
- (b) the minister shall cause notice of that rate per hour:
 - (i) to be published in the Gazette; and
 - (ii) to be made available in any manner that the minister considers appropriate to bring the rate per hour to the attention of the public, including posting it on the Government of Saskatchewan's website.

- (8) Every employee, other than an employee described in subsection (9), who is required to report for duty, other than for overtime, shall be paid a minimum sum equal to 3 times the employee's hourly wage, whether or not the employee is required to be on duty for 3 hours on that occasion.

- (9) An employee who is described in one or more of the following categories and who is required to report for duty, other than for overtime, must be paid a minimum sum equal to the employee's hourly wage whether or not the employee is required to be on duty for an entire hour when required to so report on that occasion:
- (a) a school student in regular attendance during the school term;
 - (b) a noon-hour supervisor employed by a board of education as defined in *The Education Act, 1995* or by the conseil scolaire as defined in that Act;
 - (c) a person employed to operate a vehicle that is:
 - (i) registered pursuant to *The Traffic Safety Act*; and
 - (ii) used as a school bus for the transportation of pupils to and from a school as defined in *The Education Act, 1995*;
 - (d) an election official as defined in *The Election Act Regulations*.

PART 10 Other Matters

Amount on deposit

- 10-1** For the purposes of subsection 2-75(4) of the Act, the amount of deposit required from an employer or corporate director who disputes liability or the amount set out in the wage assessment is the amount set out in the wage assessment to a maximum of \$1,000.

Fees on wage assessments

- 10-2(1)** For the purposes of subsection 2-85(1) of the Act, the fee payable is 10% of the amount of the wage assessment with a minimum fee of \$100 and a maximum fee of \$500.

- (2) The fee mentioned in subsection (1) is payable on the date on which:

- (a) the time for an appeal has passed, if there is no appeal respecting the wage assessment; or
- (b) the wage assessment is upheld on appeal.

Fees for compliance audits

- 10-3** For the purposes of clause 2-86(3)(a) of the Act, if a compliance audit is conducted by an employment standards officer, the employer is liable to pay a fee equal to 10% of the earnings assessed to be owing to employees.

Post-judgment interest

- 10-4** For the purposes of enforcing a certificate pursuant to Part II, Division 4 of the Act, wages include interest calculated pursuant to section 113 of *The Enforcement of Money Judgments Act* and section 10 of *The Enforcement of Money Judgments Regulations*.

Boards of education, conseil scolaire and Saskatchewan Distance Learning Corporation

- 10-5** With respect to teachers as defined in section 2 of *The Education Act, 1995*, subclauses 2-38(1)(o)(v), (vi) and (x) to (xiii) of the Act do not apply to boards of education, the conseil scolaire or the Saskatchewan Distance Learning Corporation.

Employee living accommodation

- 10-6** If an employer provides living accommodation for an employee, the employer shall not compel or require the employee to live in or reside in that accommodation if the accommodation is unsuitable, unsafe or unsanitary.

Service on director of employment standards

- 10-7(1)** For the purposes of subsection 9-9(3) of the Act, a document or notice may be served on the director of employment standards:

- (a) by personal service during normal business hours at the business address of the director of employment standards;
- (b) by courier, registered mail or ordinary mail addressed to the director of employment standards at the business address of the director;
- (c) by email to the email address provided by the director of employment standards;
- (d) by fax to the number provided by the director of employment standards.

- (2) If a document or notice is served by courier, registered mail or ordinary mail pursuant to clause (1)(b), service is deemed to have been effected:

- (a) on the delivery date shown on the signed post office receipt card; or
- (b) if the delivery date is not shown, on the day on which the signed post office receipt card is returned to the sender.

- (3) If a document or notice is served by email pursuant to clause (1)(c):

- (a) the body of the email must include:
 - (i) the title of the person being served;
 - (ii) the sender's name, address, telephone number and email address;
 - (iii) the date and time the email was sent;
 - (iv) the electronic file name of any document attached to the email;
 - (v) the total number of hard copy pages of any attached document; and
 - (vi) the name, telephone number and email address of a person to contact in the event of a technical problem;
- (b) any document attached to the email must be in a portable document format or commonly recognized file format; and
- (c) the document or notice is deemed to be received on the next business day after it was sent.

- (4) If a document or notice is served by fax pursuant to clause (1)(d):

- (a) the fax must include a cover page that sets out the following information:
 - (i) the title of the person being served;
 - (ii) the sender's name, address, telephone number and fax number;
 - (iii) the date and time of transmission;
 - (iv) the number of pages transmitted, including the cover page;
 - (v) the name and telephone number of a person to contact in the event of a transmission problem; and
- (b) the document or notice is deemed to be received on the next business day after the date of transmission.

Assignment of wages

- 10-8** An employee may authorize deductions from the employee's wages as mentioned in section 2-36 of the Act for the purpose of making payments due pursuant to a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*.

Election officials re total wages

- 10-9** Subject to subsections 2-33(2) and (3) of the Act, an employer shall pay to an election official the total wages to which the election official is entitled up to a day not more than 14 days before the employee's payday.

Service by director of employment standards

- 10-10** For the purposes of subsection 9-9(5) of the Act, if the director of employment standards is unable to effect service by the methods set out in subsection 9-9(2) of the Act after making reasonable efforts to do so, the director of employment standards may serve the document or notice by publishing it:

- (a) in a newspaper of general circulation in the area in which the person was last known to reside or operate; and
- (b) in any additional newspaper or on any website that the director of employment standards considers appropriate to bring the document or notice to the attention of the person.

Pooling arrangements

- 10-11(1)** For the purposes of subsection 2-36.1(3) of the Act, an employer may establish a pooling arrangement to collect and redistribute gratuities among some or all of the employer's employees.

- (2) If the employer establishes a pooling arrangement, the employer may, in accordance with the pooling arrangement, withhold gratuities from an employee, make a deduction from an employee's gratuities or cause the employee to return or give the employee's gratuities to the employer.

- (3) Subject to subsections (4) and (5), neither an employer nor a director or shareholder of an employer shall share in the gratuities redistributed pursuant to a pooling arrangement.

- (4) An employer who is a sole proprietor or a partner in a partnership may share in the gratuities redistributed pursuant to a pooling arrangement if the employer regularly performs to a substantial degree the same work performed by:

- (a) some or all of the employees who share in the redistribution pursuant to the pooling arrangement; or
- (b) employees of other employers in the same industry who commonly receive or share gratuities pursuant to a pooling arrangement.

- (5) A director or shareholder of an employer may share in the gratuities redistributed pursuant to a pooling arrangement if the director or shareholder regularly performs to a substantial degree the same work performed by:

- (a) some or all of the employees who share in the redistribution pursuant to the pooling arrangement; or
- (b) employees of other employers in the same industry who commonly receive