

The Labour Standards Regulations, 1995

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Chapter L-1 Reg 5 (effective February 3, 1995) as amended by Saskatchewan Regulations [8/97](#), [68/2002](#), [134/2005](#), [4/2007](#), [40/2007](#), [48/2007](#), [119/2007](#) and [44/2009](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER L-1 REG 5
The Labour Standards Act

TITLE AND INTERPRETATION

Title

1 These regulations may be cited as *The Labour Standards Regulations, 1995*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Labour Standards Act*;
- (b) “**approved home**” means an approved home within the meaning of *The Mental Health Services Act* and the regulations made pursuant to that Act or a private-service home certified or licensed pursuant to *The Residential Services Act* and the regulations made pursuant to that Act;
 - (b.1) “**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 to the provision of care and supervision of a person who is a member of the immediate family of the employer;
- (c) “**city**” means a city within the meaning of *The Urban Municipality Act, 1984*, and includes the City of Lloydminster;
 - (c.1) “**commercial hog operation**” means any undertaking:
 - (i) that is engaged in the breeding, farrowing, weaning or finishing of porcine animals; and
 - (ii) that employs six or more full-time-equivalent employees calculated in accordance with subsection 24(3) or (4);
- (d) “**domestic worker**” means an employee who provides services in the private residence of the employer that relate to the management and operation of that residence;
 - (d.1) “**finishing**” means bringing the animal to market weight in preparation for slaughter but does not include the slaughter of the animal;
- (e) “**full-time employee**” means an employee who regularly works full-time hours;

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

- (i) the hours established by the employer for that place of employment; or
- (ii) 30 hours per week;

(f.1) “**immediate family**” means:

- (i) a spouse of an employer;
- (ii) a parent, grandparent, child, brother or sister of an employer; or
- (iii) a parent, grandparent, child, brother or sister of the spouse of an employer;

(f.2) “**live-in care provider**” means a care provider who resides in the private residence in which he or she provides the services described in clause (b.1);

(f.3) “**live-in domestic worker**” means a domestic worker who resides in the private residence in which he or she provides the services described in clause (d);

(g) “**minimum wage**” means the hourly minimum wage fixed pursuant to subsection 15(4) of the Act;

(h) “**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 his or her duties to two or more cities, towns or villages that are at least 20 kilometres apart;

(i) “**public holiday**” means a public holiday as defined in section 38 of the Act, and includes any other day agreed to be observed or directed to be observed as a public holiday pursuant to section 40 of the Act;

(j) “**residential-service facility**” means a residential-service facility certified or licensed pursuant to *The Residential Services Act* and the regulations made pursuant to that Act;

(k) “**rural municipality**” means a rural municipality within the meaning of *The Rural Municipality Act, 1989*;

(l) “**sitter**” means a person who is employed:

- (i) on a temporary basis in a private residence solely to provide care and supervision for a person who is incapable of living independently; or
- (ii) 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:

- (iii) a nurse;
- (iv) a therapist;
- (v) a care provider;

- (vi) an employee of a day care facility; or
 - (vii) an employee of a business or a district health board that is engaged in providing a service described in this clause;
 - (m) **“spouse”** means:
 - (i) the wife or husband of a person; or
 - (ii) a person with whom that person cohabits and has cohabited as spouses:
 - (A) continuously for a period of not less than two years; or
 - (B) in a relationship of some permanence, if they are the parents of a child;
 - (n) **“town”** means a town within the meaning of *The Urban Municipality Act, 1984* or *The Northern Municipalities Act*;
 - (o) **“village”** means a village or resort village within the meaning of *The Urban Municipality Act, 1984* or a northern village within the meaning of *The Northern Municipalities Act*.
- (2) For the purposes of subsection 33(4) of the Act, **“monetary loss”** means the amount of any non-refundable deposit, penalty or other pre-paid expense that is directly related to an employee’s cancelled holiday and that the employee can verify as having been paid.
- (3) For the purposes of section 43 of the Act, **“period of employment”** means any period of employment that is not interrupted by more than 14 consecutive days.
- (4) For the purposes of subsection 48(1.2) of the Act, **“regularly informed”** means provided with a written statement at regular intervals of 13 weeks or less and, if terminated, within 14 days after termination.

10 Feb 95 cL-1 Reg 5 s2; 7 Feb 97 SR 8/97 s3;
19 Jly 2002 SR 68/2002 s3.

Exemption from Act

- 3(1) Repealed.** 7 Feb 97 SR 8/97 s4.
- (2) The Act does not apply to:
- (a) employees in an undertaking in which only members of the employer’s immediate family are employed; or
 - (b) sitters.
- (3) Except for sections 48 to 90 of the Act, the Act does not apply to employees who are commercial fishers or commercial trappers, as defined in *The Fuel Tax Regulations, 2000*.

10 Feb 95 cL-1 Reg 5 s3; 7 Feb 97 SR 8/97 s4;
25 May 2007 SR 40/2007 s3.

APPLICATION AND OPERATION OF PART I OF ACT – HOURS OF WORK

Exemption from Part I of Act

4 Part I of the Act does not apply to employees to whom *The Fire Departments Platoon Act* applies.

10 Feb 95 cL-1 Reg 5 s4.

Exemption from section 6 of Act – city newspapers

5(1) Subject to subsections (2) and (3), section 6 of the Act does not apply to persons employed as editorial writers, reporters or advertising salespersons by the publisher of a newspaper located in a city.

(2) No employer shall require or permit an employee described in subsection (1) to work or to be at the disposal of the employer for more than 80 hours in any two consecutive weeks unless the employee is paid wages at the rate of time and one-half for each hour or part of an hour in excess of 80 hours in those two consecutive weeks.

(3) In calculating the number of hours worked in a period of two 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 eight 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.

10 Feb 95 cL-1 Reg 5 s5.

Exemption from sections 6 and 12 of Act – commercial hog operation workers

5.1(1) Subsections 6(1) to (3) and section 12 of the Act do not apply to employees employed in commercial hog operations.

(2) No employer shall require or permit an employee described in subsection (1) to work or to be at the disposal of the employer for more than 10 hours in any day or 80 hours in any two consecutive weeks unless the employee is paid wages at the rate of time and one-half for each hour or part of an hour in excess of 10 hours in any day or 80 hours in those two consecutive weeks.

(3) In calculating the number of hours worked in a period of two 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 eight hours with respect to each public holiday that occurs in the period; and

(b) no account is to be taken of any time in which the employee is required to work or to be at the disposal of the employer on a public holiday.

19 Jly 2002 SR 68/2002 s4.

Exemption from section 6 of Act – oil truck drivers

6(1) Subject to subsections (2) to (8), section 6 of the Act does 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 70 of the Act the number of hours, during which the oil truck driver is required or permitted to work or to be at the disposal of the employer, that are in excess of 40 hours in any week and, for the purposes of this section, all of those hours shall accumulate to the credit of the oil truck driver unless they are cancelled in accordance with subsection (3).

(3) Where an oil truck driver is required or permitted to work or to be at the disposal of the employer 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 disposal of the employer 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.

(4) 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 time and one-half for every hour or part of an hour determined pursuant to clause (a).

(5) On payment pursuant to clause (4)(b), the hours determined pursuant to clause (4)(a) are cancelled.

(6) Where 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 time and one-half 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.

(7) 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 disposal of the employer 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.

(8) 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 eight 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 disposal of the employer on a public holiday.

Exemption from sections 6 and 12 of Act**7 Repealed.** 25 May 2007 SR 40/2007 s4.

- (2) Sections 6 and 12 of the Act do not apply to the following employees:
- (a) employees who are professional practitioners registered or licensed in accordance with any Act or who, while learning their profession, are interns, students-at-law, students in accountancy or other trainees or students;
 - (b) employees of a rural municipality who are engaged solely in the occupation of road construction or maintenance or any occupation in connection with the servicing or repair of road construction or maintenance equipment done on the job, except employees who are engaged in any occupation 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 two 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) **Repealed.** 25 May 2007 SR 40/2007 s4.
 - (e) employees in the logging industry, including cooks, cookees, bull cooks and watchmen, but not including any occupation carried on in an office, saw mill or planing mill;
 - (f) employees who are care providers, other than live-in care providers;
 - (g) employees who are employed by outfitters, as defined in *The Outfitter and Guide Regulations, 2004*, who are primarily engaged in outfitting;
 - (h) 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.
- (3) Section 6 of the Act does not apply to persons employed as salesmen as defined in *The Motor Dealers Act*.

Exemption from sections 6, 12, 13.2 and 15 of Act – residential-service facility workers

8(1) In this section, “operator” means an operator, as defined in *The Residential-service Facilities Regulations*, who is designated by the employer for the purposes of this section.

(2) Sections 6, 12 and 13.2 of the Act do not apply to an operator of a residential service facility.

(3) Clauses 15(4)(a) and (b) of the Act do not apply to an operator of a residential-service facility during the period commencing on the day this section comes into force and ending on March 31, 1995.

(4) During the period mentioned in subsection (3), the operator of the residential-service facility mentioned in that subsection is entitled to receive a wage for each day’s work in the residential-service facility in an amount that is not less than 22 times the minimum wage.

(5) This section applies to only one person employed at a residential-service facility in any one day.

10 Feb 95 cL-1 Reg 5 s8.

9 Repealed. 1 May 2009 SR 44/2009 s2.**Hourly wage**

10(1) Subject to subsections (2) to (4), for the purposes of subsection 6(5) of the Act, where an employee is paid his or her wages on a basis other than an hourly, daily, weekly or monthly basis, the hourly wage of the employee is the amount obtained by dividing the wages of the employee earned during the week, exclusive of overtime, annual holiday pay and public holiday pay, by the lesser of:

(a) 40; and

(b) the actual number of hours worked during the week, exclusive of overtime.

(2) In no case shall an hourly wage be determined to be greater than five times the minimum wage or less than the minimum wage.

(3) Where an employee is paid wages on the basis of distance travelled, the employee’s hourly wage for the purposes of subsection 6(5) of the Act is deemed to be the product of 64 and the rate per kilometre.

(4) The hourly wage for employees who are employed as salespersons and who receive all of their remuneration as commissions is the minimum wage.

10 Feb 95 cL-1 Reg 5 s10.

Exemption from section 13 of Act

11(1) In this section, “**retail trade**” means the selling or offering for sale to the general public of consumer products for personal, family or household use or consumption.

(2) Section 13 of the Act does not apply to any employee engaged in the control or suppression of prairie and forest fires.

(3) Subject to subsection (4), subsection 13(2) of the Act does not apply to any employer other than an employer primarily engaged in retail trade.

(4) Subsection 13(2) of the Act does not apply to any employer primarily engaged in retail trade:

(a) whose establishment is subject to a municipal bylaw requiring the establishment to be closed during the whole or part of any day of the week other than Saturday, Sunday or Monday; or

(b) who, pursuant to section 7 or 9 of the Act, is exempted from the application of section 6 of the Act.

10 Feb 95 cL-1 Reg 5 s11.

Period of rest - live-in care providers and live-in domestic workers

12(1) Section 13 of the Act does not apply to:

(a) live-in care providers; or

(b) live-in domestic workers.

(2) An employer of an employee who is a live-in care provider or a live-in domestic worker shall grant to the employee a rest period of two consecutive days in every seven days, at a time that is mutually acceptable to the employer and the employee.

7 Feb 97 SR 8/97 s6.

APPLICATION AND OPERATION OF PART II OF ACT – MINIMUM WAGES**Exemption from Part II of Act**

13(1) Part II of the Act does not apply to employees who have a physical or mental disability or impairment and who work for a non-profit organization or institution in programs that are educational, therapeutic or rehabilitative.

(2) Subject to subsection (3), Part II of the Act does not apply to:

(a) care providers; or

(b) live-in domestic workers.

(3) The minimum wage established pursuant to Part II of the Act applies for the first eight hours worked in one day by a live-in care provider or a live-in domestic worker.

10 Feb 95 cL-1 Reg 5 s13; 7 Feb 97 SR 8/97 s7.

Cash value of board and lodging

14 Where the cash value of board and lodging received by a live-in care provider or live-in domestic worker from the employer of the live-in care provider or live-in domestic worker has not been determined by the Minimum Wage Board, the charge for room and board that an employer may make is not to exceed \$250 per month.

10 Feb 95 cL-1 Reg 5 s14; 7 Feb 97 SR 8/97 s8.

**APPLICATION AND OPERATION OF PARTS IV AND IV.1 OF ACT –
MATERNITY LEAVE, PARENTAL LEAVE AND ADOPTION LEAVE**

Benefits while on maternity, parental or adoption leave

15(1) For the purposes of subsections 26(3), 29.1(4) and 29.2(4) of the Act, the following are benefit plans that an employee is entitled to continue participating in while taking maternity, parental or adoption leave:

- (a) a medical plan;
- (b) a dental plan;
- (c) a disability or life insurance plan;
- (d) a registered retirement savings plan;
- (e) a pension plan;
- (f) an accidental death or dismemberment plan;
- (g) any plan similar to one described in clauses (a) to (f).

(2) For the purposes of subsections 26(3), 29.1(4) and 29.2(4) of the Act, **“contributions required by the plan”**, with respect to a pension plan, means the cost of benefits of the plan to the persons required to contribute to the plan that are accrued while taking maternity, parental or adoption leave.

10 Feb 95 cL-1 Reg 5 s15.

APPLICATION AND OPERATION OF PART V OF ACT – ANNUAL HOLIDAYS

Uniform entitlement date

16 In order to bring the annual holiday entitlement date of a new employee in line with a uniform annual holiday entitlement date for other employees, an employer may, by agreement with any employee who has been in the employ of the employer for a period of less than one year, grant to that employee an annual holiday amounting to one and one-quarter working days for each month during which the employee has been in the employ of the employer, if:

- (a) the employer pays to the employee with respect to that annual holiday the employee’s annual holiday pay for the months with respect to which that annual holiday is granted; and
- (b) the employer permits the employee to take that annual holiday in one continuous period.

10 Feb 95 cL-1 Reg 5 s16.

APPLICATION AND OPERATION OF PART VI OF ACT – PUBLIC HOLIDAYS

Application of section 41 of Act

17 Pursuant to section 41 of the Act, the minimum sum of money to be paid for public holidays for the classes of employees described in sections 18 to 20 of these regulations is to be determined in the manner prescribed in those sections.

10 Feb 95 cL-1 Reg 5 s17.

Construction

18(1) For the purposes of this section, “**construction**” means:

- (a) the construction, reconstruction, remodelling, repair, renovating, decoration or demolition of any building;
- (b) the construction, reconstruction or repair of:
 - (i) any sewer, drain or gas work;
 - (ii) any electrical, plumbing or heating undertaking;
 - (iii) any road or highway or part of a road or highway; or
 - (iv) any other work of construction;

and includes services and undertakings that are incidental to the activities described in clauses (a) and (b).

(2) Subject to any agreement made pursuant to subsection (5), the minimum sum of money to be paid for public holidays by an employer to an hourly-paid employee employed in the construction industry who:

- (a) does not work on a public holiday is 4% of the wages, exclusive of overtime and annual holiday pay, earned by the employee in each calendar year;
- (b) works on a public holiday is the amount calculated in accordance with clause (a), plus an additional amount equal to one and one-half times the regular rate of wages of the employee for each hour or part of an hour that the employee works or for which the employee is required to be at the disposal of the employer on the public holiday.

(3) The employer shall pay the amount mentioned in clause (2)(a) to the employee on or before the earlier of:

- (a) December 31 in the calendar year in which the public holiday occurs; and
- (b) if the employee is terminated, 14 days after the day on which the termination of employment takes effect.

(4) The employer shall pay the additional amount mentioned in clause (2)(b) to the employee in the pay period in which it is earned.

(5) Where, in the construction industry, a majority of the employees in an appropriate unit of employees of an employer are represented by a trade union for the purposes of bargaining collectively, the employer and the trade union may agree in writing to be governed by section 39 of the Act with respect to the calculation of minimum sums of money to be paid to an employee for a public holiday.

Employees operating well drilling rigs

19 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 subsection 39(1) 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 subsection 39(1) of the Act if the employee did not work on that day and the employee's regular wages for the time worked.

10 Feb 95 cL-1 Reg 5 s19.

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

20(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 39 of the Act.

(2) Where 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 one and one-half times the employee's regular rate of wages in addition to his or her regular wages; or
- (b) to be paid at the rate of one and one-half 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.

10 Feb 95 cL-1 Reg 5 s20.

Employees in commercial hog operations

20.1(1) Subject to subsection (2), employees employed in a commercial hog operation must be paid for a public holiday in accordance with section 39 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 39(1) 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.

19 Jly 2002 SR 68/2002 s5.

Public holidays falling on Sunday

21(1) For the purposes of Part VI of the Act, where 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.

10 Feb 95 cL-1 Reg 5 s21.

Exemption from sections 43 and 44 of Act - care-providers

21.1 Sections 43 and 44 of the Act do not apply to employees who are care providers, other than live-in care providers.

7 Feb 97 SR 8/97 s9.

**APPLICATION AND OPERATION OF
PART VII OF ACT – EMPLOYEES’ WAGES**

Notice – group terminations

22(1) For the purposes of clause 44.1(2)(b) of the Act, an employer shall give written notice of:

- (a) four weeks, if the number of employees terminated is 10 or more but less than 50;
- (b) eight weeks, if the number of employees terminated is 50 or more but less than 100;
- (c) 12 weeks, if the number of employees terminated is 100 or more.

(2) An employer is exempted from giving any written notice pursuant to section 44.1 of the Act to the Minister, any trade union and the employees, if the employees:

- (a) are employed pursuant to an arrangement by which the employer may request the employee to come to work at any time for a temporary period and by which 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 to be completed within a period not exceeding 12 months;
- (d) are offered and have refused reasonable alternative work or employment by the employer;
- (e) are terminated because of a seasonal reduction of the employer’s operations, suspension of those operations or closure of those operations where that reduction, suspension or closure is normal for that employer;
- (f) are laid off for a period not exceeding 26 weeks;
- (g) have reached the age of retirement that is the established age of retirement for that employer and whose employment has been terminated for that reason; or
- (h) 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 giving any written notice pursuant to section 44.1 of the Act to employees where:

- (a) the employer has applied in writing to the director; and
- (b) the director 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 44.1 of the Act with respect to employees who are not within the scope of a collective bargaining agreement and are terminated within 30 days after polling day for a general election within the meaning of *The Election Act, 1996*.

10 Feb 95 cL-1 Reg 5 s22; 16 Nov 2007 SR 119/2007 s2.

Interpretation of section 45.1 of Act and sections 24 to 26

23(1) In section 45.1 of the Act and in sections 24 to 26 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 a plan described in clause (a), but that is self-funded by the employer.

(2) In sections 24 to 26 of these regulations, “**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*; or
- (b) a student at a university, a regional college, private vocational school or the Saskatchewan Institute of Applied Science and Technology.

10 Feb 95 cL-1 Reg 5 s23.

Exemption re number of employees

24(1) In this section, “**all employees**”, with respect to an employer, includes all employees employed at all establishments of the employer.

(2) Section 45.1 of the Act does not apply to an employer with less than 10 full-time-equivalent employees or to the employees of those employers.

(3) Subject to subsection (4), for the purposes of subsection (2) and clause 2(1)(c.1), the number of full-time-equivalent employees is to be calculated in accordance with the following formula:

$$\text{FTE} = \frac{\text{H}}{2,080}$$

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 in the previous year and the number of paid hours associated with annual holidays and public holidays in the previous year.

(4) For the purposes of subsection (2) and clause 2(1)(c.1), where 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:

$$\text{FTE} = \frac{\text{H}}{40 \times \text{W}}$$

where:

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

H is 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 annual holidays 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.

10 Feb 95 cL-1 Reg 5 s24; 19 Jly 2002 SR 68/
2002 s6.

Eligible employees

25(1) In this section and in section 26:

- (a) **“eligible employee”** means an employee who is not a full-time employee and who is eligible for benefits pursuant to section 45.1 of the Act and those provisions of these regulations made for the purposes of section 45.1 of the Act;
 - (b) **“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) Subject to subsection (5), for the purposes of section 45.1 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.
- (3) 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 (4).
- (4) An employee described in subsection (3) 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 a leave pursuant to the Act in the previous year, would have worked 780 hours in the previous year.
- (5) An employee who is a full-time student is not an eligible employee.

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

(7) Where a plan has its own qualifying period before an employee is eligible to receive benefits, the plan's qualifying period 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 (2) or (4) and the plan's qualifying period.

(8) At the end of each year, the employer shall, as soon as possible, provide an employee with written notice if the employee has lost his or her eligibility, pursuant to this section, for benefits pursuant to section 45.1 of the Act.

10 Feb 95 cL-1 Reg 5 s25.

Employees' entitlements

26(1) Where 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 services that are entirely of a managerial character with benefits in accordance with section 45.1 of the Act and these regulations.

(2) Where 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 services that are entirely of a managerial character with benefits in accordance with section 45.1 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 exists on the coming into force of these regulations, an eligible employee is entitled to:

(a) 50% of the level of benefits provided to full-time employees where 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 where the eligible employee works, on average, 30 hours or more per week.

(5) Where 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) Where an employer is required by section 45.1 of the Act and these regulations to provide to eligible employees:

(a) a dental plan, the employer will satisfy the requirements of section 45.1 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 eight 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 45.1 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);

(c) a group life plan or accidental death and dismemberment plan, the employer will satisfy the requirements of section 45.1 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) Where 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.

Exemption from subsection 48(1) of Act

27 Subsection 48(1) of the Act does not apply to:

- (a) a person who became an employer on or after March 1, 1961, with respect to any employee engaged at a salary expressed as a rate for each period of a month or more of employment, if the employer, not less frequently than once each month during the period of employment, pays to the employee the entire amount of wages to which the employee is entitled up to a day not more than six days before the day of payment; or
- (b) an employee of an employer mentioned in clause (a) who is engaged and paid in the manner specified in that clause.

10 Feb 95 cL-1 Reg 5 s27.

Requirements for written statements of holiday pay

28 For the purposes of clause 48(1.1)(b) of the Act, the written statement must be readily detachable from or separate from the employee's pay cheque or any other form of pay voucher issued in payment of wages.

10 Feb 95 cL-1 Reg 5 s28.

**APPLICATION AND OPERATION OF
PART VIII OF ACT – ADMINISTRATION**

Amount of deposit

29 For the purposes of subsection 62(3) of the Act, the amount of deposit required:

- (a) for clause (a) is the amount set out in the wage assessment to a maximum of \$500; and
- (b) for clause (b) is \$500.

16 Dec 2005 SR 134/2005 s2.

Fees on wage assessments

30(1) For the purposes of section 68.1 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 prescribed by section 68.1 of the Act is payable on the date that:

- (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.

10 Feb 95 cL-1 Reg 5 s30.

Interest rate

31 The rate of interest published pursuant to section 4 of *The Pre-judgment Interest Act* is prescribed as the rate of interest to be used for the purposes of subsection 62.2(2) of the Act.

10 Feb 95 cL-1 Reg 5 s31.

School boards

32 In relation to teachers as defined in section 2 of *The Education Act*, clauses 70(1)(e), (f), (j), (k) and (l) of the Act do not apply to boards of education or conseils scolaires.

10 Feb 95 cL-1 Reg 5 s32.

Employee living accommodation

33 Where 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 employee considers the accommodation to be unsuitable, unsafe or unsanitary, unless the director has approved the accommodation as being satisfactory for the purpose.

10 Feb 95 cL-1 Reg 5 s33.

Service on director, registrar of appeals

34(1) For the purposes of section 83.1 of the Act, a document or notice may be served on the director or the registrar of appeals:

- (a) by personal service during normal business hours at the business address of the director or the registrar of appeals;
- (b) by pre-paid registered or certified mail addressed to the director or the registrar of appeals at the business address of the director or the registrar of appeals; or
- (c) by telephone transmission of a facsimile of the document or notice together with a cover page that indicates:
 - (i) the title of the person being served;
 - (ii) the name, address and telephone number of the sender;
 - (iii) the date and time of the transmission;
 - (iv) the number of pages transmitted, including the cover page;
 - (v) the telephone number from which the document is transmitted; and
 - (vi) the name and telephone number of a person to contact if there are transmission problems.

(2) Where a document or notice is served 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) where the delivery date is not shown, on the day on which the signed post office receipt card is returned to the sender.

10 Feb 95 cL-1 Reg 5 s34.

APPLICATION OF PART IX OF ACT RE RESERVISTS

Unpaid leave of absence for reservists

34.1(1) For the purposes of subsection 80.1(2) of the Act, the deadline is:

- (a) a date that is not less than six weeks before the date that the intended unpaid leave of absence will begin; or
- (b) any period before the unpaid leave of absence begins that is reasonable in the circumstances if:
 - (i) an official with the reserve force informs the employee that the employee is required for service because of an emergency; and
 - (ii) the employee advises his or her employer that the employee has been informed by an official with the reserve force that the employee is required for service because of an emergency.

(2) For the purposes of subsection 80.1(3) of the Act, the deadline is:

- (a) in the case of training, a date that is before the unpaid leave of absence begins;
- (b) in the case of regular deployment, a date that is not less than six weeks before the date that the employee intends to return to work; or
- (c) in the case of service that is required because of an emergency, any period before the employee returns to work that is reasonable in the circumstances.

22 Jne 2007 SR 48/2007 s2.

TRANSITIONAL, REPEAL AND COMING INTO FORCE

Transitional – temporary exemption from certain provisions

35(1) Notwithstanding any other provision of these regulations but subject to subsection (2), employees and employers are exempt from the application of section 45.1 of the Act and sections 23 to 26 of these regulations from the date these regulations come into force until August 1, 1995.

(2) Notwithstanding any other provision of these regulations, employees who are represented by a trade union for the purposes of bargaining collectively and employers of those employees are exempt from the application of section 45.1 of the Act and sections 23 to 26 of these regulations from the date these regulations come into force until the earlier of:

- (a) the date the collective agreement expires; and
- (b) February 1, 1996.

10 Feb 95 cL-1 Reg 5 s35.

Sask. Reg. 317/77 repealed

36 The Labour Standards Regulations, being Saskatchewan Regulations 317/77, are repealed.

10 Feb 95 cL-1 Reg 5 s36.

Coming into force

37(1) Subject to subsection (2), these regulations come into force on the day on which section 45 of *The Labour Standards Amendment Act, 1994* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 45 of *The Labour Standards Amendment Act, 1994* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

10 Feb 95 cL-1 Reg 5 s37.