

The Employment Supplement Regulations

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Chapter S-8 Reg 3 (effective July 1, 1998) as amended by Saskatchewan Regulations [84/98](#), [45/2000](#), [31/2001](#), [33/2003](#), [27/2004](#), [29/2005](#), [69/2005](#), [121/2005](#); an Errata notice published in the Gazette January 20, 2006; Saskatchewan Regulations [39/2006](#), [65/2006](#), [34/2007](#), [27/2008](#), [71/2015](#), [66/2016](#), [8/2017](#), [47/2019](#) and [114/2023](#).

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 S-8 REG 3
The Saskatchewan Assistance Act

Part I
Preliminary Matters

Title

1 These regulations may be cited as *The Employment Supplement Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Saskatchewan Assistance Act*;
- (b) **“applicant”** means an individual who, before January 16, 2024, applies for the SES benefit pursuant to section 8;
- (c) **“child”** means:
 - (i) an individual who is under 13 years of age;
 - (ii) subject to subsection (3.1), an individual who is under 18 years of age and who:
 - (A) was older than 12 years of age on October 1, 2015; and
 - (B) was a member of an eligible family unit that received an SES benefit for the month of September, 2015; or
 - (iii) any other individual who is between the ages of 13 and 18 whom the minister determines to be a child for the purposes of these regulations;
- (d) **“client”** means an individual whose application for the SES benefit has been accepted;
- (e) **“eligible family unit”** means a family unit that meets the requirements of section 6;
- (f) **“eligible individual”** means an individual who is determined to be an eligible individual pursuant to section 7;
- (g) **“employment income”** means the gross amount of all wages, salaries, pay, commission and any compensation for labour or personal services, whether measured by time, price or otherwise, to which an employee is entitled, and includes actual gratuities to a maximum of 20% of wages;

- (h) **Repealed.** 1 Jun 2001 SR 31/2001 s3.
- (i) **“family income”** means family income calculated in accordance with section 31;
- (j) **“family unit”** means a family unit within the meaning of section 5;
- (j.1) **“health services number”** means a unique number assigned to an individual who is or was registered as a beneficiary to receive insured services within the meaning of *The Saskatchewan Medical Care Insurance Act*;
- (k) **“insured services”** means insured services as defined in *The Saskatchewan Medical Care Insurance Act*;
- (l) **“maintenance income”** means any gross amount that is paid pursuant to:
- (i) a maintenance order, whether received directly from the respondent, collected by the Maintenance Enforcement Office and subsequently remitted to the applicant or client or spouse of the applicant or client or collected by the Maintenance Enforcement Office and subsequently deposited to the general revenue fund; or
 - (ii) a maintenance agreement in writing that is not included within the definition of “maintenance order”;
- (m) **“maintenance order”** means a maintenance order as defined in *The Enforcement of Maintenance Orders Act, 1997*;
- (n) **“other income”** means any income amount, other than family income, that must be included as income for the purposes of Part I of the *Income Tax Act* (Canada);
- (o) **“preceding taxation year”** means:
- (i) with respect to an applicant or the spouse of an applicant, the taxation year ended immediately preceding the beginning of the program year in which the applicant applies for the SES benefit; and
 - (ii) with respect to a client or the spouse of a client, the taxation year ended immediately preceding the beginning of the program year in which the income of the client or spouse is being calculated;
- (p) **“program”** means the Saskatchewan Employment Supplement Program established pursuant to section 3;
- (p.1) **“program year”** means a period commencing on July 1 in one year and ending on June 30 in the following year;
- (q) **“reserve”** means a reserve within the meaning of the *Indian Act* (Canada);
- (r) **“respondent”** means a respondent as defined in *The Enforcement of Maintenance Orders Act, 1997*;

- (s) “**Saskatchewan Health Services Card**” means a valid Saskatchewan Health Services Card issued for the purposes of *The Saskatchewan Hospitalization Act* or *The Saskatchewan Medical Care Insurance Act*;
 - (t) “**SES benefit**” means the benefit calculated pursuant to section 32;
 - (u) “**spouse**” means an individual described in clause 5(b);
 - (v) “**taxation year**” means taxation year as defined in the *Income Tax Act* (Canada);
 - (w) **Repealed.** 12 Aug 2016 SR 66/2016 s3.
- (2) For the purposes of these regulations:
- (a) a person is deemed to be under 13 years of age during the entire month in which the person attains the age of 13 years; and
 - (b) a person is deemed to be under 18 years of age during the entire month in which the person attains the age of 18 years.
- (3) For the purposes of these regulations:
- (a) a reference to an amount of income is deemed to be a reference to an amount in whole dollars that is obtained by subtracting the number of cents less than one dollar in the actual amount of income from the actual amount; and
 - (b) all calculations involving amounts of income are to be carried out using the amounts in whole dollars determined in accordance with clause (a).
- (3.1) An individual described in subclause (1)(c)(ii) is not a child for the purposes of these regulations if, after October 1, 2015, the individual’s family unit’s entitlement to receive payments of the SES benefit is terminated pursuant to section 23.
- (4) **Repealed.** 12 Aug 2016 SR 66/2016 s3.
- (5) **Repealed.** 12 Aug 2016 SR 66/2016 s3.

3 Jly 98 cS-8 Reg 3 s2; 7 Jly 2000 SR 45/2000 s3; 1 Jun 2001 SR 31/2001 s3; 7 Jly 2006 SR 65/2006 s2; 28 Aug 2015 SR 71/2015 s3; 12 Aug 2016 SR 66/2016 s3; 17 Feb 2017 SR 8/2017 s3; 8 Dec 2023 SR 114/2023 s3.

Part II Employment Supplement Program

Program established and designated

- 3** The Saskatchewan Employment Supplement Program is:
- (a) established to provide program benefits to eligible family units; and
 - (b) designated as an income-tested program for the purposes of clause 2(c.01) of the Act.

3 Jly 98 cS-8 Reg 3 s3.

Eligibility

4(1) The SES benefit is payable:

- (a) to family units containing one or more children that are determined to be eligible family units; and
 - (b) only with respect to individuals who are determined to be eligible individuals.
- (2) Subject to subsection (3), the SES benefit continues to be payable to family units until the entitlement of the family unit to receive payments is terminated pursuant to section 23.
- (3) A family unit is not entitled to the SES benefit if it is receiving the SEI benefit within the meaning of *The Saskatchewan Employment Incentive Regulations*.

3 Jly 98 cS-8 Reg 3 s4; 8 Dec 2023 SR 114/2023 s4.

Composition of family units

5 A family unit consists of:

- (a) an individual who is an applicant or client and who has been assigned a health services number by the Ministry of Health;
- (b) the spouse of the applicant or client; and
- (c) any children of the applicant or client or of the spouse of the applicant or client.

1 Jun 2001 SR 31/2001 s4; 9 May 2003 SR 33/2003 s3; 28 Aug 2015 SR 71/2015 s4.

Eligible family units

6(1) Subject to subsection (4), in order for the family unit of an applicant to be an eligible family unit:

- (a) the applicant and the spouse, if any, of the applicant must have a valid social insurance number assigned pursuant to the authority of any Act of the Parliament of Canada; and
 - (b) the total of the family income and other income of the applicant and the spouse, if any, of the applicant in a month, determined in accordance with Part III, must be less than \$4,500.
- (2) An eligible family unit includes only those members of a family unit who are eligible individuals.
- (3) Unless otherwise provided, the fact that one member of a family unit is not an eligible individual does not prevent the other members of the family unit from being considered an eligible family unit.

- (4) A family unit is not an eligible family unit if:
- (a) the applicant or client or the spouse, if any, of the applicant or client has employment income, farming income or self-employment income for the previous month; and
 - (b) either:
 - (i) the family unit is receiving benefits as an eligible beneficiary pursuant to *The Saskatchewan Assured Income for Disability Regulations, 2012*; or
 - (ii) the family unit is receiving benefits as a household pursuant to *The Saskatchewan Income Support Regulations*.

3 Jly 98 cS-8 Reg 3 s6; 22 Jly 2005 SR 69/2005 s3; 2 May 2008 SR 27/2008 s3; 5 Jly 2019 SR 47/2019 s2.

Eligible individuals

- 7(1) Subject to this section, an individual is an eligible individual if the individual is eligible to receive insured services as a resident or beneficiary pursuant to *The Saskatchewan Medical Care Insurance Act* and *The Medical Care Insurance Beneficiary and Administration Regulations*.
- (2) Where an individual who enters Saskatchewan and establishes residence in Saskatchewan applies for a Saskatchewan Health Services Card, the individual becomes an eligible individual when a health services number is assigned, even if the individual is not entitled to receive insured services for a period after entering Saskatchewan.
- (3) An individual who leaves Saskatchewan to establish residence outside of Saskatchewan ceases to be an eligible individual when the individual leaves Saskatchewan, even if the individual is entitled to receive insured services for a period after leaving Saskatchewan.
- (4) The following are not eligible individuals, whether or not they are eligible to receive insured services:
- (a) an individual who is sentenced to a term of imprisonment of more than 30 days in a correctional facility as defined in *The Correctional Services Act, 2012*;
 - (b) an individual who is sentenced to a term of imprisonment of more than 30 days in a custody facility as defined in *The Youth Justice Administration Act*;
 - (c) an inmate as defined in the *Corrections and Conditional Release Act* (Canada) or a prisoner as defined in the *Prisons and Reformatories Act* (Canada);
 - (d) a child in the care of the minister within the meaning of *The Child and Family Services Act*;

- (e) a child in the care of an agency that has entered into an agreement pursuant to section 61 of *The Child and Family Services Act*;
 - (f) a non-immigrant as defined in *The Medical Care Insurance Beneficiary and Administration Regulations* to whom subsection 6(3) of those regulations applies;
 - (g) an individual whose application to remain in Canada as a permanent resident was sponsored in accordance with the regulations made pursuant to section 13 of the *Immigration and Refugee Protection Act* (Canada), during the period of sponsorship;
 - (h) an individual who ordinarily resides on a reserve, where the Government of Canada has agreed to fund a similar or comparable program;
 - (i) subject to clause (5)(c), an individual who has been outside of Saskatchewan, whether temporarily or on a permanent basis, for a period greater than 90 consecutive days.
- (5) The following are eligible individuals, whether or not they are entitled to receive insured services:
- (a) a member of the Royal Canadian Mounted Police who establishes residence in Saskatchewan;
 - (b) a member of the Canadian Forces who establishes residence in Saskatchewan.
 - (c) an individual described in clause (4)(i) where, in the opinion of a program manager, exceptional circumstances exist

3 Jly 98 cS-8 Reg 3 s7; 1 Jun 2001 SR 31/2001
s5; 28 Aug 2015 SR 71/2015 s5.

Application

- 8(1) One member of a family unit may apply for the SES benefit on behalf of the family unit.
- (2) An applicant must:
- (a) apply to the ministry by telephone and provide the information requested with respect to the composition of the applicant's family unit that is necessary to establish the eligibility of the applicant's family unit to receive the SES benefit; and
 - (b) orally provide the applicant's health services number and give consent to its use to verify the composition of the applicant's family.
- (3) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:

- (a) a person other than a member of the family unit to apply for the SES benefit on behalf of a family unit; or
- (b) an applicant to make an application in writing.

3 Jly 98 cS-8 Reg 3 s8; 7 Jly 2000 SR 45/2000 s4; 1 Jun 2001 SR 31/2001 s6; 28 Aug 2015 SR 71/2015 s6.

Confirmation and income information required

9 An applicant who wishes to proceed with an application, and the applicant's spouse, if any, must provide:

- (a) confirmation of the application in accordance with section 10; and
- (b) information respecting their incomes in accordance with section 11.

3 Jly 98 cS-8 Reg 3 s9.

Confirmation of application

10(1) The confirmation of an application must:

- (a) be made in writing on a form supplied by the ministry and must be signed by the applicant and the applicant's spouse, if any; and
 - (b) be returned to the ministry before the end of the month that follows the month in which the application is made.
- (2) Where an applicant fails to return the completed confirmation form to the ministry within the period mentioned in clause (1)(b), the application is discontinued and will not be processed.
- (3) The confirmation form will include:
- (a) a declaration that the applicant and the applicant's spouse, if any, have reviewed the information set out on the form and the information provided pursuant to section 8 and confirm that it is correct;
 - (b) the consent of the applicant and the applicant's spouse, if any, to the disclosure to the ministry of personal information with respect to the family unit in the records of government ministries and agencies and other bodies for the purpose of determining the eligibility of the family unit to receive the SES benefit or to continue receiving the SES benefit and the amount of the SES benefit to which the family unit may be entitled; and
 - (c) information to be provided by the applicant or the applicant's financial institution to make possible the direct deposit of the applicant's SES benefit in an account of the applicant with that financial institution.

3 Jly 98 cS-8 Reg 3 s10; 28 Aug 2015 SR 71/2015 s7; 12 Aug 2016 SR 66/2016 s4.

Income information

11(1) Before the end of the month that follows the month in which an application is made, the applicant must:

- (a) by telephone, provide complete information with respect to the gross amounts of the employment income, maintenance income and other income of the applicant and the applicant's spouse, if any, for the previous month; and
 - (b) if the applicant or the applicant's spouse has any income from farming or self-employment:
 - (i) provide by telephone the gross amount of income from farming and self-employment reported in the return of income filed pursuant to the *Income Tax Act* (Canada) for the preceding taxation year; or
 - (ii) in the case of income from a farm or business in its first calendar year of operation, provide by telephone complete information with respect to the gross income from the farm or business for the previous month.
- (2) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:
- (a) a person other than a member of the family unit to provide the income information required by subsection (1) on behalf of the family unit; or
 - (b) an applicant to provide the income information required by subsection (1) in writing.
- (3) An application is discontinued and will not be processed if:
- (a) the applicant fails to provide the income information required by subsection (1) to the ministry within the period mentioned in subsection (1); or
 - (b) the applicant or the applicant's spouse has income from a farm or business that has been in operation for more than one calendar year and has not filed a return of income pursuant to the *Income Tax Act* (Canada) with respect to that income.

3 Jly 98 cS-8 Reg 3 s11; 7 Jly 2000 SR 45/2000 s5; 28 Aug 2015 SR 71/2015 s8.

Determination of eligibility

12(1) The information provided pursuant to sections 8 and 11 will be assessed to determine whether the family unit of an applicant is an eligible family unit.

(2) After an initial determination of eligibility, the eligibility of a family unit to receive the SES benefit will be reassessed each month to take into account any changes in income, composition of the family unit or other factors that affect eligibility.

3 Jly 98 cS-8 Reg 3 s12.

Discrepancies in information

13(1) In this section, “**information holder**” means:

- (a) the Ministry of Health;

- (b) the Maintenance Enforcement Office continued by *The Enforcement of Maintenance Orders Act, 1997*;
 - (c) the Workers' Compensation Board continued by *The Workers' Compensation Act, 2013* or a similar body established by another jurisdiction;
 - (d) any department or agency of the Government of Canada that keeps records pursuant to the *Canada Pension Plan* or the *Income Tax Act (Canada)* any department or agency of the Government of Quebec that keeps, records pursuant to the *Quebec Pension Plan* or any department or agency of the government of any province or territory that keeps records pursuant to income tax legislation;
 - (e) the Canada Employment Insurance Commission; or
 - (f) an employer of an applicant, a client or a spouse or dependant of an applicant or client.
- (2) If there are discrepancies between the information provided by an applicant or client and the information in the records of an information holder:
- (a) the eligibility of the applicant and the amount of the SES benefit, if any, to which the applicant is entitled will be determined on the basis of the information in the records of the information holder; and
 - (b) the eligibility of the client to continue receiving the SES benefit and the amount of the client's SES benefit will be determined on the basis of the information in the records of the information holder until the information holder has corrected that information at the request of the client.

3 Jly 98 cS-8 Reg 3 s13; 1 Jun 2001 SR 31/2001 s7; 28 Aug 2015 SR 71/2015 s9.

Personal identification number and account number

14 Where an application is approved, the client will be assigned a personal identification number and an account number.

3 Jly 98 cS-8 Reg 3 s14.

Telephone inquiries and reporting

15(1) Subject to subsection (2), a client requesting information about his or her file, reporting monthly income pursuant to section 16, reporting changes pursuant to subsection 17(1) or making a quarterly report pursuant to section 18 must do so by telephone.

(2) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may accept a written report.

3 Jly 98 cS-8 Reg 3 s15.

Reporting monthly income

16 If a client or a client's spouse has income from farming or self-employment income that is being calculated pursuant to subsection 29(2), the client must report at the beginning of each month the gross amount of all income from farming and

self-employment for the previous month, until July of the calendar year that follows the first calendar year of operation of the farm or business from which the income is obtained.

3 Jly 98 cS-8 Reg 3 s16; 1 Jun 2001 SR 31/2001 s8.

Reporting changes

17(1) A client must report, not later than the last day of the month following the month in which the change occurs, any changes in monthly income of the family unit to the ministry.

(1.1) A client must report, not later than the last day of the month in which the change occurs, any changes in the composition of the family unit or residence to the Ministry of Health.

(2) Where a client reports a change in the composition of the family unit that involves the addition of a spouse or a change of spouse, the client must provide confirmation of information respecting the spouse and the spouse's consent in accordance with section 10.

3 Jly 98 cS-8 Reg 3 s17; 1 Jun 2001 SR 31/2001 s9; 22 Jly 2005 SR 69/2005 s4; 28 Aug 2015 SR 71/2015 s10.

Quarterly report

18(1) In addition to the requirements of section 17, a client must report on a quarterly basis in accordance with this section.

(2) A form setting out the information that is currently in the client's file will be mailed to the client before the quarterly report is required.

(3) A client must review the information set out in the form and, in the manner described in section 15, make a quarterly report confirming that the information is correct or notifying the ministry of any changes in the information.

3 Jly 98 cS-8 Reg 3 s18; 28 Aug 2015 SR 71/2015 s11.

Late report

19(1) Subject to subsection (2), if a client fails to complete the requirements of section 16, 17 or 18 in the month in which the report is required, the payment of the SES benefit will be suspended.

(2) If a client meets the requirements of section 16, 17 or 18 in the month that follows the month in which compliance was required and otherwise remains eligible for the SES benefit, the client's entitlement to receive the SES benefit for the month mentioned in subsection (1) will be reinstated.

(3) If a client fails to meet the requirements of section 16, 17 or 18 by the end of the month that follows the month in which compliance was required, the client's entitlement to receive payments of the SES benefit terminates in accordance with clause 23(b).

3 Jly 98 cS-8 Reg 3 s19; 1 Jun 2001 SR 31/2001 s10.

Audit

19.1(1) For the purpose of monitoring compliance with these regulations, a program manager may at any time, by written notice, require a client, within 21 days after the date of the written notice, to provide or confirm any information that is necessary to determine the eligibility of the client's family unit or the amount of the SES benefit payable to the family unit.

(2) If the information provided by the client is complete:

(a) the eligibility of the client's family unit will be reassessed pursuant to subsection 12(2); and

(b) the amount of the SES benefit will be recalculated pursuant to subsections 20(2) to (4).

(3) If the information provided by the client is incomplete, the program manager shall send a further written notice to the client requiring the client, within 15 days after the date of the further written notice, to provide the information that is missing.

7 Jly 2000 SR 45/2000 s6.

Calculation of SES benefit

20(1) The amount of the SES benefit for a month is calculated in accordance with section 32 based on the income of the family unit in the month preceding the month in which the payment is to be made.

(2) After the initial calculation of the amount of the SES benefit, the amount is recalculated each month, taking into account any changes in circumstances that affect the amount of the benefit.

(3) For the purposes of recalculating the amount of the SES benefit, changes in circumstances are taken into account from the date on which they are reported to the ministry or received by the ministry from the Ministry of Health, as the case may be.

(4) Where a recalculation results in a determination of an underpayment, no payment will be made with respect to the underpayment with respect to the period before the recalculation unless:

(a) the underpayment is the result of an error made by the ministry; or

(b) the program manager or the program manager's designate is satisfied that the underpayment is the result of an error made by an applicant or client as a result of difficulty in providing information and, in the opinion of the program manager or the program manager's designate, it would be inappropriate not to make a payment with respect to the underpayment.

3 Jly 98 cS-8 Reg 3 s20; 1 Jun 2001 SR 31/2001 s11; 28 Aug 2015 SR 71/2015 s12.

Minimum benefit

21 Where the amount of the SES benefit of an applicant or client calculated pursuant to section 32 is greater than zero but less than \$25 per month, the amount of the SES benefit is deemed to be \$25 per month.

1 Jun 2001 SR 31/2001 s12.

Payment of SES benefit

22(1) The SES benefit will be paid to a client with respect to the month in which an application is made, as calculated pursuant to subsection 20(1), and thereafter on a monthly basis, as recalculated pursuant to subsection 20(2), while the client remains eligible.

(2) Subject to subsection (3), the SES benefit will be paid to a client only by direct deposit to an account of the client with a chartered bank, trust company or credit union.

(3) A program manager may approve payment directly by cheque to a client:

(a) where the client is unable to obtain an account with a chartered bank, trust company or credit union; or

(b) in other exceptional circumstances where the program manager considers it appropriate to do so.

(4) A written statement of benefits will be provided to a client on request.

3 Jly 98 cS-8 Reg 3 s22.

Termination of entitlement

23 A client's entitlement to receive payments of the SES benefit terminates where:

(a) as a result of a change in income, composition of the family unit or another factor that affects eligibility, the client is determined to be no longer eligible for the SES benefit; or

(b) the client fails:

(i) to complete a quarterly report within the period mentioned in subsection 19(3);

(ii) in the case of a client who is required to report income from farming or self-employment at the end of a month pursuant to section 16:

(A) to complete a monthly income report within the period mentioned in subsection 19(3); or

(B) to file a return of income pursuant to the *Income Tax Act* (Canada) before the end of June of the calendar year that follows the first calendar year of operation of the farm or business from which the income is obtained;

(iii) to comply with a request for information in accordance with subsection 19.1(1) or (3); or

(iv) to meet the requirements of section 17 within the period mentioned in subsection 19(3).

3 Jly 98 cS-8 Reg 3 s23; 7 Jly 2000 SR 45/2000 s7; 1 Jun 2001 SR 31/2001 s13.

Notice of termination

24 Where a client's entitlement to receive payments of the SES benefit is terminated for a reason described in section 23, written notice will be given to the client that the client's entitlement to payments of the SES benefit is terminated.

3 Jly 98 cS-8 Reg 3 s24.

Effects of termination

25 Where a client's entitlement to receive payments of the SES benefit is terminated, no further payments of the SES benefit will be made to the client unless:

- (a) on an appeal pursuant to section 36 or 38, it is determined that the client is eligible to receive the SES benefit; or
- (b) the client re-establishes his or her entitlement to receive the SES benefit pursuant to section 26.

3 Jly 98 cS-8 Reg 3 s25.

Reinstatement

26(1) A client whose SES benefit is terminated pursuant to section 23 or who withdraws from the program must request reinstatement if he or she wishes to re-establish his or her entitlement to receive the SES benefit.

(2) Subject to subsection (3), a request for reinstatement is to be made by telephone, and the information necessary for determining the eligibility of the client for reinstatement is to be confirmed by telephone.

(3) Where, in the opinion of a program manager, exceptional circumstances exist, the program manager may permit:

- (a) a person other than the client to request reinstatement on behalf of a family unit; or
- (b) a client to request reinstatement in writing.

(4) Where a client's request for reinstatement is granted:

- (a) the consents given by the client and the client's spouse, if any, pursuant to clause 10(3)(b) are deemed to be valid; and
- (b) the client must provide income information pursuant to section 11 before payment of the SES benefit will resume.

3 Jly 98 cS-8 Reg 3 s26.

Part III
Calculation of Income and SES Benefit

Interpretation of Part**27** In this Part:

- (a) **“benefit month”** means the calendar month for which the SES benefit is being calculated;
- (b) **“eligible income”** means eligible income calculated in accordance with section 30;
- (c) **“farming and self-employment income”** means farming and self-employment income calculated in accordance with section 29.

3 Jly 98 cS-8 Reg 3 s27.

Employment income - when received

27.1 Where an individual receives employment income on a day other than the regular pay date, the employment income is deemed to be employment income received in the month in which the regular pay date would have occurred.

1 Jun 2001 SR 31/2001 s14.

Income received as lump sum

28(1) Subject to subsection (2) and section 29, income in the form of a lump sum payment is apportioned, commencing with the month in which the payment is received, over a number of months equal to the length of the period to which the payment relates, to a maximum of 12 months.

(2) Income in the form of a lump sum payment with respect to an obligation in arrears is included in the calculation of income in the month in which it is received.

7 Jly 2000 SR 45/2000 s8.

Calculation of farming and self-employment income

29(1) In the case of an individual who has filed a return of income pursuant to the *Income Tax Act* (Canada) for the preceding taxation year, the farming and self-employment income of the individual for a month is the amount FSE, calculated in accordance with the following formula:

$$FSE = P \times \frac{G}{N}$$

where:

P is either 0.40 or 0.25, whichever results in the determination of the greater combined benefit calculated in accordance with subsection (1.1);

G is the total of all amounts of gross income from farming and self-employment reported in the return of income for the preceding taxation year; and

N is the number of months in the preceding taxation year in which the individual was engaged in farming or self-employment.

(1.1) The combined benefit of an individual is the amount CB calculated in accordance with the following formula:

$$CB = SES + RHS + DHS$$

where:

SES is the amount of the SES benefit to which the individual would be entitled pursuant to section 32 if the individual is eligible to receive that benefit;

RHS is the amount of the RHS benefit to which the individual would be entitled pursuant to *The Rental Housing Supplement Regulations* if the individual is eligible to receive that benefit; and

DHS is the amount of the disability housing supplement to which the individual would be entitled pursuant to *The Disability Housing Supplement Regulations*, if the individual is eligible to receive that benefit.

(2) In the case of an individual who has not filed a return of income pursuant to the *Income Tax Act* (Canada) for the preceding taxation year, the farming and self-employment income of the individual for a month is an amount FSE calculated in accordance with the following formula:

$$FSE = P \times G$$

where:

P is either 0.40 or 0.25, whichever results in the calculation of the greater combined benefit for the month calculated in accordance with subsection (1.1); and

G is the individual's gross income from farming and self-employment in the previous month.

(3) Where a farm or business operated by an individual is incorporated, the individual's farming and self-employment income will be determined as a share of the gross amount of income of the corporation that is proportionate to the number of shares in the corporation owned by the individual.

3 Jly 98 cS-8 Reg 3 s29; 1 Jne 2001 SR 31/2001 s15; 15 Apr 2005 SR 29/2005 s3.

Eligible income

30 With respect to a benefit month, eligible income is the amount E, calculated in accordance with the following formula:

$$E = EM + FSE + M$$

where:

EM is the total employment income of the applicant or client and the spouse, if any, of the applicant or client for the previous month;

FSE is the total farming and self-employment income of the applicant or client and the spouse, if any, of the applicant or client for the previous month; and

M is the total maintenance income of the applicant or client and the spouse, if any, of the applicant or client for the previous month.

3 Jly 98 cS-8 Reg 3 s30.

Family income

31(1) With respect to a benefit month, family income is the amount F, calculated in accordance with the following formula:

$$F = E + EI + CPP + WC$$

where:

E is the eligible income of the applicant or client and the spouse, if any, of the applicant or client for the previous month;

EI is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits pursuant to Parts I and II of the *Employment Insurance Act* (Canada), but not including allowances pursuant to Part II of that Act;

CPP is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits, other than orphan's benefits, pursuant to the *Canada Pension Plan* or the *Quebec Pension Plan*; and

WC is the total of all amounts received by the applicant or client and the spouse, if any, of the applicant or client in the previous month as benefits pursuant to *The Workers' Compensation Act, 2013* or similar legislation of another jurisdiction.

(2) An amount received pursuant to clause 103(1)(d) of *The Workers' Compensation Act, 2013* is not considered a benefit pursuant to that Act for the purpose of determining the amount WC in subsection (1).

3 Jly 98 cS-8 Reg 3 s31; 7 Jly 2000 SR 45/2000 s9; 1 Jun 2001 SR 31/2001 s16; 9 May 2003 SR 33/2003 s4; 12 Aug 2016 SR 66/2016 s5.

Calculation of SES benefit

32(1) Subject to subsection (6), the SES benefit of an applicant or client for a benefit month is the amount SES, if it is positive, calculated in accordance with the following formula:

$$SES = (B^{18} - R^{18}) + (B^{13} - R^{13})$$

where:

B^{18} is the basic amount for children under 18 years of age, determined pursuant to subsection (2);

R^{18} is the amount of the reduction for children under 18 years of age, determined pursuant to subsection (3);

B^{13} is the basic amount for children under 13 years of age, determined pursuant to subsection (4); and

R^{13} is the amount of the reduction for children under 13 years of age, determined pursuant to subsection (5).

(2) The basic amount for children under 18 years of age is the amount B^{18} , if it is positive, calculated in accordance with the following formula:

$$B^{18} = A^{18} \times (E - \$125)$$

where:

A^{18} is:

- (a) 0.25 in the case of an eligible family unit with one child;
- (b) 0.30 in the case of an eligible family unit with two children;
- (c) 0.35 in the case of an eligible family unit with three children;
- (d) 0.40 in the case of an eligible family unit with four children; and
- (e) 0.45 in the case of an eligible family unit with five or more children;

E is the eligible income of the applicant or client and the spouse, if any, of the applicant or client for the previous month; and

B^{18} does not exceed:

- (a) \$250 in the case of an eligible family unit with one child;
- (b) \$300 in the case of an eligible family unit with two children;
- (c) \$350 in the case of an eligible family unit with three children;
- (d) \$400 in the case of an eligible family unit with four children; and
- (e) \$450 in the case of an eligible family unit with five or more children.

(3) The reduction for children under the age of 18 is the amount R^{18} , if it is positive, calculated in accordance with the following formula:

$$R^{18} = 0.20 \times (F - \$1,820)$$

where F is the family income of the applicant or client and the spouse, if any, of the applicant or client for the previous month.

(4) The basic amount for children under 13 years of age is the amount B^{13} , if it is positive, calculated in accordance with the following formula:

$$B^{13} = A^{13} \times (E - \$125)$$

where:

A^{13} is:

- (a) 0.0625 in the case of an eligible family unit with one child under the age of 13;
- (b) 0.075 in the case of an eligible family unit with two children under the age of 13;
- (c) 0.0875 in the case of an eligible family unit with three children under the age of 13;

(d) 0.1 in the case of an eligible family unit with four children under the age of 13; and

(e) 0.1125 in the case of an eligible family unit with five or more children under the age of 13;

E is the eligible income of the applicant or client and the spouse, if any, of the applicant or client for the previous month; and

B¹³ does not exceed:

(a) \$62.50 in the case of an eligible family unit with one child under the age of 13;

(b) \$75 in the case of an eligible family unit with two children under the age of 13;

(c) \$87.50 in the case of an eligible family unit with three children under the age of 13;

(d) \$100 in the case of an eligible family unit with four children under the age of 13; and

(e) \$112.50 in the case of an eligible family unit with five or more children under the age of 13.

(5) The reduction for children under the age of 13 is the amount R¹³, if it is positive, calculated in accordance with the following formula:

$$R^{13} = 0.05 \times (F - \$1,820)$$

where F is the family income of the applicant or client and the spouse, if any, of the applicant or client for the previous month.

(6) If the total of the family income and other income of an applicant or client and the spouse, if any, of the applicant or client is \$4,500 or more in a month, the amount of the SES benefit is zero.

17 Feb 2017 SR 8/2017 s4.

Part IV Appeals

Interpretation of Part

33 In this Part:

(a) **“adjudicator”** means the adjudicator appointed pursuant to section 37;

(b) **“appellant”** means a person who:

(i) appeals a decision to a program manager or designate pursuant to section 36; or

(ii) appeals a decision of a program manager or designate to an adjudicator pursuant to section 38.

3 Jly 98 cS-8 Reg 3 s33.

Advice re right to appeal

34(1) A program manager shall advise clients in writing of their right to appeal decisions described in subsection 35(1).

(2) A program manager shall advise applicants orally or by supplying them with a brochure of their right to appeal a decision with respect to an assessment of their eligibility.

3 Jly 98 cS-8 Reg 3 s34.

Grounds for appeal

35(1) Appeals may be made only with respect to oral or written decisions relating to the following matters:

- (a) assessment of eligibility;
- (b) calculation of the SES benefit;
- (b.1) suspension of payment of the SES benefit;
- (c) termination of entitlement to receive the SES benefit;
- (d) overpayments.

(2) For the purposes of clause (1)(b) and subsection 36(1), payment of the SES benefit is deemed to be a decision with respect to the calculation of the SES benefit, and the date of payment is deemed to be the date of the decision.

(3) Subject to subsection (4), an appeal may be commenced only by a client or by a person with authority pursuant to an Act or a court order to act on behalf of a client.

(4) An appeal may be commenced with respect to the assessment of eligibility by an applicant or by a person with authority pursuant to an Act or a court order to act on behalf of an applicant.

3 Jly 98 cS-8 Reg 3 s35; 7 Jly 2000 SR 45/2000
s10.

Appeal to program manager

36(1) An appellant may appeal a decision mentioned in subsection 35(1) to a program manager or a program manager's designate by submitting to the program manager a written notice of appeal within 30 days after the date of the decision.

(2) An appellant must provide any written documentation in support of the appeal when submitting the notice of appeal.

(3) Within 20 days after receiving a notice of appeal, a program manager or designate shall:

- (a) consider the appeal and make a decision; and
- (b) mail to the appellant a copy of the decision together with written reasons for the decision.

3 Jly 98 cS-8 Reg 3 s36.

Adjudicator

37(1) The minister shall appoint an adjudicator for the purpose of considering and determining appeals pursuant to section 38.

(2) The ministry shall provide the adjudicator with any clerical and other support that is needed for carrying out the duties of the adjudicator pursuant to these regulations.

3 Jly 98 cS-8 Reg 3 s37; 28 Aug 2015 SR 71/2015 s13.

Appeal to adjudicator

38(1) An appellant may appeal a decision of a program manager or designate pursuant to clause 36(3)(a) to the adjudicator by filing a notice of appeal, together with any written submissions and materials in support of the appeal, with the ministry within 30 days after the date of the decision.

(1.1) The ministry shall promptly transmit to the adjudicator any notice of appeal filed pursuant to subsection (1), together with any written submissions and materials filed in support of the appeal.

(2) As soon as is practicable after a notice of appeal filed pursuant to subsection (1) is transmitted to the adjudicator, the adjudicator shall provide the program manager or designate with a copy of the notice of appeal and any written submissions and materials filed by the appellant.

(3) The program manager or designate shall:

(a) file any written submissions and materials in support of the decision that is the subject of the appeal within seven days after receiving a copy of the notice of appeal; and

(b) as soon as is practicable, provide the appellant with a copy of the submissions and materials mentioned in clause (a).

(4) An appeal pursuant to this section is to be based on the written submissions of the appellant and the program manager or designate.

(5) The adjudicator shall review the decision and the submissions of the parties and may require the parties to provide further information.

(6) The adjudicator shall make a decision within 20 days after the day on which the notice of appeal is transmitted to the adjudicator and provide the parties with a copy of the decision, together with written reasons for the decision.

(7) The decision of an adjudicator is final and there is no further right of appeal.

3 Jly 98 cS-8 Reg 3 s38; 9 May 2003 SR 33/2003 s5; 28 Aug 2015 SR 71/2015 s14.

Benefits to successful appellant

39(1) Where an appellant who was receiving the SES benefit prior to the commencement of an appeal pursuant to section 36 is successful on the appeal or on a further appeal pursuant to section 38, and it is determined that the appellant is entitled to receive the SES benefit in an amount greater than the amount actually received, the appellant is entitled to receive a payment in an amount equal to the difference between the total of the amounts actually received and the total of the amounts to which the appellant is determined to be entitled.

(2) Where an appellant whose application for the SES benefit was refused is successful on an appeal pursuant to section 36 or on a further appeal pursuant to section 38, and it is determined that the appellant is entitled to receive the SES benefit, the appellant is entitled to receive a payment in an amount equal to the total of the amounts of the SES benefit that the appellant would have received if the appellant's application for the SES benefit had been approved.

3 Jly 98 cS-8 Reg 3 s39.

Part V
General

Overpayments

40(1) Overpayments will be deducted from the next regular payment.

(2) Subject to subsection (3), if the amount of an overpayment exceeds the amount of the SES benefit payable in the next regular payment, the remainder of the overpayment will be recovered by deduction from succeeding regular payments until the entire amount of the overpayment is recovered.

(3) Where, in the opinion of the program manager, exceptional circumstances exist, the program manager may reduce the rate at which overpayments are recovered from a client.

3 Jly 98 cS-8 Reg 3 s40; 4 Dec 98 SR 84/98 s2.

40.1 Repealed. 28 Aug 2015 SR 71/2015 s15.

Certain amounts not income

40.2 Any amount received by a client in the form of a rebate, grant or allowance from the Government of Canada or the Government of Saskatchewan for the purpose of alleviating hardship resulting from high utility costs shall not be considered as income for the purposes of these regulations.

25 Nov 2005 SR 121/2005 s2; 28 Aug 2015 SR 71/2015 s16.

Transitional – applications, eligibility for SES benefit**40.3** Notwithstanding any other provision of these regulations:

- (a) an application for the SES benefit received by the minister before January 16, 2024 is to be considered by the minister on the basis of these regulations as they existed on the day before the coming into force of *The Employment Supplement Amendment Regulations, 2023*;
- (b) if the application mentioned in clause (a) is approved by the minister, the applicant, or an individual on whose behalf the application was made, is to be provided an SES benefit in accordance with these regulations; and
- (c) the minister shall not consider any application for the SES benefit that is received by the minister after January 15, 2024.

8 Dec 2023 SR 114/2023 s5.

Coming into force

- 41(1) Subject to subsection (2), these regulations come into force on July 1, 1998.
- (2) If these regulations are filed with the Registrar of Regulations after July 1, 1998, these regulations come into force on the day on which they are filed with the Registrar of Regulations but are retroactive and are deemed to have been in force on and from July 1, 1998.

3 Jly 98 cS-8 Reg 3 s41.