

2004

CHAPTER 40

An Act to amend *The Labour Standards Act*

(Assented to June 17, 2004)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Labour Standards Amendment Act, 2004*.

R.S.S. 1978, c.L-1 amended

2 *The Labour Standards Act* is amended in the manner set forth in this Act.

Section 13.2 amended

3 **Subsection 13.2(1) is amended by striking out** “by the Minimum Wage Board pursuant to clause 15(4)(c)” **and substituting** “pursuant to clause 15.1(1)(c)”.

Section 14 amended

4 **Section 14 is amended by striking out** “In this Part ‘board’” **and substituting** “In this Part, except in clause 15.1(1)(d), ‘board’”.

New sections 15 and 15.1

5 **Section 15 is repealed and the following substituted:**

“Minimum Wage Board appointment and powers

15(1) There shall continue to be a board, called the Minimum Wage Board, to be appointed by the Lieutenant Governor in Council and consisting of five persons, one of whom shall be appointed chairperson and at least two of whom shall be females.

(2) Three members of the board constitute quorum.

(3) The members of the board hold office during pleasure.

(4) The board shall review the minimum wage and make recommendations to the minister respecting the minimum wage at least once every two years.

(5) The board may review and make recommendations to the minister respecting matters and things pertaining to or in any way connected with the subject matter of section 15.1.

(6) The board may make inquiries and investigations respecting matters and things pertaining to or in any way connected with the subject matter of this Part, and the members of the board shall, for that purpose, have all the powers conferred upon commissioners under sections 3 and 4 of *The Public Inquiries Act*.

“Regulations for employment

15.1(1) The Lieutenant Governor in Council may make regulations:

- (a) determining which employees in any class of employment are full-time employees and fixing the minimum wage that shall be paid to full-time employees in any class of employment;
- (b) determining which employees in any class of employment are part-time employees, fixing the minimum wage that shall be paid to part-time employees in any class of employment and limiting the number or proportion of employees in any establishment who may be paid as part-time employees;
- (c) fixing the period in any day within which the hours of work of employees in any class of employment shall be confined;
- (d) if board, whether full or partial, is furnished by an employer to an employee, fixing the maximum price to be charged or the maximum deduction to be made for board from the wages of the employee by the employer;
- (e) if living quarters, permanent or temporary, are furnished by an employer to an employee, whether or not the quarters are self-contained and whether or not the employer retains general possession and custody, fixing the maximum price to be charged or the maximum deduction to be made for the living quarters from the wages of the employee by the employer;
- (f) subject to any relevant Act of the Legislature, fixing the minimum age at which employees may be employed in any class of employment;
- (g) subject to subsection 48(1.1), requiring every employer in any class of employment to furnish to each of his or her employees, at such time or times and in such form and detail as may be required, a written statement of the wages and deductions from wages of the employee;
- (h) requiring every employer in any class of employment to provide, repair and launder without charge to his or her employee any uniform or special article of wearing apparel that the employer requires the employee to wear;
- (i) requiring that, if an employer grants a rest period to an employee, the employee shall be deemed to have worked during the whole of the period;
- (j) requiring that, if an employee or a member of a class of employees is required or permitted to finish work between the hours of half past twelve o'clock in the morning and seven o'clock in the morning local time, the employer shall provide the employee with free transportation to the employee's place of residence;
- (k) defining any word or expression used in this Part but not defined in this Act.

(2) Every provision in a regulation made pursuant to subsection (1), unless the contrary is specifically provided therein, shall apply to every employee in any establishment with respect to which the regulation applies, whether the employee is paid on an hourly, daily, weekly, fortnightly, monthly or yearly basis, or on a piece-work or other incentive basis, or on a combination of any of those bases, or on any other basis.

(3) A regulation made pursuant to subsection (1) may be of general application or may be restricted to establishments in any specified area or areas.

(4) Every regulation made pursuant to subsection (1) shall name a date on which it comes into force that is at least 14 days after the date it is published in the Gazette”.

Section 16 amended

6 Section 16 is amended by striking out “15” and substituting “15.1”.

Section 44.2 amended

7 Section 44.2 is amended:

(a) in subclause (1)(b)(i) by adding “subject to subsection (1.2),” before “in the case of”; and

(b) by adding the following subsections after subsection 44.2(1):

“(1.1) Notwithstanding subsection (1) and subject to subsection (1.2), except for just cause, no employer shall dismiss, suspend, lay off, demote or discipline an employee because of absence if for the period of absence the employee is receiving benefits or is in the waiting period for benefits pursuant to section 23.1 of the *Employment Insurance Act* (Canada).

“(1.2) If subsections (1) and (1.1) both apply, the combined periods of absence must not exceed 16 weeks in a period of 52 weeks”.

Coming into force

8 This Act comes into force on assent.

