

2005

CHAPTER 16

*An Act to amend *The Labour Standards Act**

(Assented to May 27, 2005)

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, 2005*.

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

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

Section 61 amended

3 **Subsection 61(1) is amended by adding** “or from a decision of the director made pursuant to subsection 62.4(2.1)” **after** “wage assessments”.

Section 62 amended

4(1) Subsection 62(1) is repealed and the following substituted:

“(1) Any of the following may serve a notice of appeal on the registrar of appeals within 21 days after the date of service of a wage assessment or a decision of the director pursuant to subsection 62.4(2.1), as the case may be:

- (a) an employer or corporate director who disputes liability for the amount set out in a wage assessment;
- (b) an employee who disputes the amount set out in a wage assessment;
- (c) an employer or employee who disputes a decision of the director pursuant to subsection 62.4(2.1)”.

(2) Subsection 62(3) is repealed and the following subsections substituted:

“(3) If the appellant is an employer or a corporate director, the employer or corporate director must deposit with the registrar of appeals:

- (a) in the case of an appeal from a wage assessment, the amount set out in the wage assessment or any other amount that is prescribed in the regulations; or
- (b) in any other case, the amount that is prescribed in the regulations.

“(3.1) Subsection (3) does not apply if moneys have been paid to the registrar of appeals pursuant to a third party demand”.

(3) Subsection 62(4) is repealed and the following substituted:

“(4) On the final determination of an appeal, the deposit mentioned in subsection (3):

- (a) shall be returned to the employer or corporate director if the determination is in favour of the employer or corporate director;
- (b) in the case of an appeal from a wage assessment, shall be applied to the wage claims of the employees if the determination is in favour of the employees; or
- (c) in any other case, shall be retained by the director”.

(4) Subclause 62(5)(c)(iv) is amended by adding “or decision of the director pursuant to subsection 62.4(2.1)” after “the wage assessment”.

(5) Subsection 62(6) is amended by adding “or decision of the director pursuant to subsection 62.4(2.1)” after “wage assessment”.

(6) Subsection 62(7) is amended by striking out “The copy” and substituting “In the case of an appeal from a wage assessment, the copy”.

Section 62.2 amended

5 Clause 62.2(1)(a) is amended:

(a) in subclause (i) by adding “or confirm the decision of the director pursuant to subsection 62.4(2.1)” after “the wage assessment”; and

(b) in subclause (ii):

(i) by striking out “or” after paragraph (A);

(ii) by striking out “and” after paragraph (B) and substituting “or”; and

(iii) by adding the following after paragraph (B):

“(C) revoke the decision of the director; and”.

Section 62.3 amended

6(1) Subsection 62.3(1) is amended by adding “or a decision of the director pursuant to subsection 62.4(2.1)” after “a wage assessment”.

(2) Subsection 62.3(2) is amended by adding “or a decision of the director pursuant to subsection 62.4(2.1)” after “a wage assessment”.

(3) Clause 62.3(4)(a) is amended by adding “or the decision of the director pursuant to subsection 62.4(2.1)” after “the wage assessment”.

Section 62.4 amended**7(1) The following subsection is added after subsection 62.4(2):**

“(2.1) The director may issue a decision:

(a) that an employer has not complied with section 74 and, in the decision, order the employer to do one or more of the following:

(i) comply with section 74;

(ii) restore the employee to his or her previous position;

(iii) pay any wages that the employee has lost as a result of the employer’s failure to comply; or

(b) that an employer has complied with section 74”.

(2) Subsection 62.4(3) is amended by striking out “A certificate issued pursuant to subsection (1) or (2)” and substituting “A certificate or a decision issued pursuant to subsection (1), (2) or (2.1)”.

(3) The following subsection is added after subsection 62.4(4):

“(5) A decision filed pursuant to subsection (3) has the same force and effect as if it were a judgment obtained in the Court of Queen’s Bench”.

Section 74 amended

8(1) Subsection 74(1) is amended in the portion preceding clause (a) by adding “, take any reprisal against” after “threaten to discharge”.

(2) The following subsection is added after subsection 74(2):

“(3) In this section, ‘lawful authority’ means:

(a) any police or law enforcement agency with respect to an offence within its power to investigate;

(b) any person whose duties include the enforcement of federal or provincial law with respect to an offence within his or her power to investigate; or

(c) any person directly or indirectly responsible for supervising the employee”.

Coming into force

9 This Act comes into force on assent.

