

2007

CHAPTER 14

An Act to amend *The Labour Standards Act*

(Assented to April 26, 2007)

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, 2007*.

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

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

New section 80.1

3 **The following section is added after section 80:**

“Service with reserve force

80.1(1) In this section and in section 84:

- (a) ‘**prescribed**’ means prescribed in the regulations;
- (b) ‘**reserve force**’ means the reserve force as defined in the *National Defence Act* (Canada);
- (c) ‘**service**’ means active service with the reserve force or training with the reserve force.

(2) Subject to the regulations, an employee who has volunteered for service and, as a result, is required to be absent from his or her employment is entitled to an unpaid leave of absence for the employee’s period of service if the employee:

- (a) on or before the prescribed deadline, gives his or her employer notice of his or her intention to take an unpaid leave of absence, including the date that the leave will begin and the anticipated date of return to work; and
- (b) if his or her employer so requests, provides to his or her employer a certificate from an official with the reserve force that:
 - (i) states that the employee is a member of the reserve force and is required for service; and
 - (ii) if possible, specifies the anticipated dates for the period of service.

(3) An employee who takes an unpaid leave of absence pursuant to this section shall, on or before the prescribed deadline preceding the date the employee intends to return to work, give notice to his or her employer of his or her intention to return to work.

(4) If required to do so by his or her employer, an employee shall provide a notice required by this section in writing.

- (5) An employer shall:
- (a) on receiving notice pursuant to subsection (2), grant to the employee a reasonable unpaid leave of absence from employment with the employer for that period that may be necessary for the employee to complete the employee's period of service; and
 - (b) on receiving notice pursuant to subsection (3) and completion of the leave, allow the employee to continue employment without loss of any privilege connected with seniority.
- (6) For the purposes of clause (5)(b), seniority is to be determined at the date the unpaid leave of absence began.
- (7) If an employer is convicted of contravening this section:
- (a) for failing to grant an unpaid leave of absence, the convicting judge may, in addition to any other penalty imposed for the offence, order the employer to immediately allow the employee any unpaid leave of absence for which notice has been given by the employee; or
 - (b) for failing to allow an employee to continue employment after the employee has, pursuant to this section, been given an unpaid leave of absence, the convicting judge shall order the employer:
 - (i) to allow the employee to continue his or her former employment under the same terms and conditions in which the employee was formerly employed; and
 - (ii) to pay the employee the wages the employee would have earned if the employee had continued his or her employment after the expiration of his or her leave of absence".

Section 84 amended

4 The following clauses are added after clause 84(1)(m):

- "(m.1) prescribing the deadline by which an employee must give notice to his or her employer of his or her intention to take an unpaid leave of absence pursuant to subsection 80.1(2);
- "(m.2) prescribing the deadline by which an employee must give notice to his or her employer of his or her intention to return to work pursuant to subsection 80.1(3);
- "(m.3) prescribing limits on the period of service for which an employee is entitled to an unpaid leave of absence pursuant to section 80.1;
- "(m.4) prescribing classes of training with the reserve force for which an employee is not entitled to an unpaid leave of absence pursuant to section 80.1".

Coming into force

- 5** This Act comes into force on assent.