

**2001**

**CHAPTER 6**

An Act to amend *The Labour Standards Act*

(Assented to June 14, 2001)

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, 2001*.

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

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

**Section 28 amended**

**3** **Subsection 28(1) is amended by striking out “14 days” and substituting “four weeks”.**

**Section 29.1 amended**

**4(1) Subsection 29.1(1) is amended:**

**(a) by striking out “and” after clause (a); and**

**(b) by adding the following after clause (a):**

“(a.1) is a parent of a newborn child or a newly adopted child; and”.

**(2) Subsections 29.1(2) and (3) are repealed and the following substituted:**

“(2) Subject to subsection (5), parental leave consists of the period described in subsection (2.1) to be taken during the 12 weeks before the estimated date of birth or the estimated date on which the child is to come into the employee’s care, as the case may be, or the 52 weeks following the actual date of birth or the actual date on which the child comes into the employee’s care.

“(2.1) The period of parental leave to which an employee is entitled is:

(a) not more than 34 consecutive weeks in the case of an employee who is entitled to maternity leave pursuant to Part IV or adoption leave pursuant to section 29.2; and

(b) not more than 37 consecutive weeks in the case of an employee who is not entitled to maternity leave pursuant to Part IV or adoption leave pursuant to section 29.2.

“(3) An employer shall, on application, grant to an employee who fails to comply with clause (1)(b) parental leave commencing on a day within three weeks after the date of birth of the child or the day on which the child comes into the employee’s care, as the case may be, for the period described in clause (2.1)(a) or (b)”.

**Transitional**

5(1) In this section, “**eligible employee**” means an employee who:

- (a) is a parent of a child who:
  - (i) was born on or after December 31, 2000 but before the coming into force of section 4 of this Act; or
  - (ii) came into an employee’s care on or after December 31, 2000 but before the coming into force of section 4 of this Act; and
- (b) on the coming into force of section 4 of this Act, is taking, or whose spouse, as defined in section 29.3 of *The Labour Standards Act*, is taking, with respect to that child:
  - (i) maternity leave pursuant to Part IV of *The Labour Standards Act*;
  - (ii) adoption leave pursuant to section 29.2 of *The Labour Standards Act*; or
  - (iii) parental leave pursuant to section 29.1 of *The Labour Standards Act* as that section existed before the coming into force of section 4 of this Act.

(2) An employer shall grant an extended leave in accordance with subsections (3) and (4) to an eligible employee if the employee gives the employer written notice of the employee’s intention to take extended leave as soon as possible before the end of the leave mentioned in clause (1)(b).

(3) Extended leave consists of the period described in subsection (4) that:

- (a) ends not later than 52 weeks following the date of birth or the day on which the child comes into the employee’s care, as the case may be; and
- (b) is taken consecutively with any leave mentioned in clause (1)(b).

(4) The period of extended leave to which an employee is entitled is:

- (a) not more than 34 consecutive weeks in the case of an employee who is taking leave mentioned in subclause (1)(b)(i) or (ii);
- (b) not more than 34 consecutive weeks less the total of any parental leave taken in the case of an employee taking leave mentioned in subclause (1)(b)(iii) who has also taken leave mentioned in subclause (1)(b)(i) or (ii);
- (c) not more than 37 consecutive weeks in the case of an employee whose spouse is taking leave mentioned in subclause (1)(b)(i) or (ii); and
- (d) not more than 37 consecutive weeks less the total of any parental leave taken in the case of an employee taking leave mentioned in subclause (1)(b)(iii) who was not entitled to leave mentioned in subclause (1)(b)(i) or (ii).

(5) Section 26, subsection 27(3) and section 28 of *The Labour Standards Act* apply, with any necessary modification, to extended leave pursuant to this section.

**Coming into force**

6 This Act comes into force on assent.