The Saskatchewan Employment Act

being

Chapter S-15.1* of the *Statutes of Saskatchewan, 2013* (effective April 29, 2014) as amended by the *Statutes of Saskatchewan,* 2014, c.E-13.1 and c.27; and 2015, c.31.

*NOTE: Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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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PART XI
Coming into Force

11-1 Coming into force

CHAPTER S-15.1

An Act respecting Employment Standards, Occupational Health and Safety, Labour Relations and Related Matters and making consequential amendments to certain Acts

PART I
Preliminary Matters

Short title

1-1 This Act may be cited as *The Saskatchewan Employment Act*.

Interpretation

1-2(1) In this Act:

(a) **"board"** means the Labour Relations Board continued pursuant to section 6-92;

(b) **"business day"** means a day other than a Saturday, Sunday or holiday;

(c) **"Crown"** means the Crown in right of Saskatchewan;

(d) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(e) **"ministry"** means the ministry over which the minister presides;

(f) **"prescribed"** means prescribed in the regulations made by the Lieutenant Governor in Council.

(2) A reference in a Part to "regulations made pursuant to this Part" is to be read as a reference to regulations made pursuant to that Part and to section 9-12.

2013, c.S-15.1, s.1-2.

Crown bound

1-3 The Crown is bound by this Act.

2013, c.S-15.1, s.1-3.

Responsibilities of minister re Act

1-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to the matters governed by this Act.

(2) For the purposes of carrying out the minister's responsibilities pursuant to this Act, the minister may:

(a) collect, assimilate and publish in suitable form statistical and other information relating to conditions of labour and employment in Saskatchewan;

(b) make inquiries into and report on the labour and employment legislation in force in any jurisdiction in or outside Canada and, on the basis of those inquiries and reports, make any recommendations that the minister considers advisable with regard to the labour and employment law of Saskatchewan; and

(c) consider and report on any petition or recommendation for a change in the labour and employment law of Saskatchewan that is presented or made by a union, an employer or any other person.

2013, c.S-15.1, s.1-4.

PART II
Employment Standards

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

2-1 In this Part and in Part IV:

(a) **"corporate director"** means a director of a corporation that is an employer;

(b) **"day"** means:

(i) for the purpose of Subdivisions 2 and 3 of Division 2, any period of 24 consecutive hours; and

(ii) for any other purpose, a calendar day;

(c) **"director of employment standards"** means the director of employment standards appointed pursuant to section 2-80;

(d) **"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect an employee with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of an employee, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty but does not include:

(i) any reassignment of duties for the reasons set out in section 2-41 or subsection 2-49(4); or

(ii) any other prescribed action;

(e) **"emergency circumstance"** means a situation where there is an imminent risk or danger to a person, property or an employer's business that could not have been foreseen by the employer;

(f) **"employee"** includes:

(i) a person receiving or entitled to wages;

(ii) a person whom an employer permits, directly or indirectly, to perform work or services normally performed by an employee;

(iii) a person being trained by an employer for the employer's business;

(iv) a person on an employment leave from employment with an employer; and

(v) a deceased person who, at the relevant time, was a person described in any of subclauses (i) to (iv);

but does not include a person engaged in a prescribed activity;

(g) **"employer"** means any person who employs one or more employees and includes every agent, manager, representative, contractor, subcontractor or principal and every other person who, in the opinion of the director of employment standards, either:

(i) has control or direction of one or more employees; or

(ii) is responsible, directly or indirectly, in whole or in part, for the payment of wages to, or the receipt of wages by, one or more employees;

(h) **"employment leave"** means a leave mentioned in Subdivision 11 of Division 2 that an employee is entitled to;

(i) **"employment standards officer"** means a person appointed as an employment standards officer pursuant to section 2-81;

(j) **"hourly wage"** means an amount an employee earns or is deemed to earn in an hour as determined in the prescribed manner;

(k) **"immediate family"** means:

(i) the employee's spouse, parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister; or

(ii) the employee's spouse's parent, grandparent, child, grandchild, brother or sister or the spouse of the brother or sister;

(l) **"layoff"** means the temporary interruption by an employer of the services of an employee for a period exceeding six consecutive work days;

(m) **"minimum wage"** means the minimum wage required to be paid pursuant to section 2-16;

(n) **"modified work arrangement"** means an arrangement whereby the employer requires or permits an employee to work or to be at the employer's disposal that satisfies the requirements of section 2-19;

(o) **"overtime"** and **"overtime pay"** mean:

(i) pay at a rate of 1.5 times an employee's hourly wage; or

(ii) pay at a prescribed rate for a prescribed category of employees;

(p) **"pay instead of notice"** means an amount of money that is payable to an employee pursuant to subclause 2-61(1)(a)(ii);

(q) **"payday"** means the day on which an employee's wages are required to be paid in accordance with section 2-33;

(r) **"public holiday pay"** means an amount of money that is payable to an employee pursuant to section 2-32;

(s) **"spouse"** means, with respect to an employee:

(i) the legally married spouse of the employee; or

(ii) a person with whom the employee cohabits and has cohabited as spouses:

(A) continuously for a period of not less than two years; or

(B) in a relationship of some permanence if the person and the employee are the parents of a child;

(t) **"total wages"** means all remuneration that the employee is paid or entitled to be paid by his or her employer but does not include:

(i) bonuses payable at the discretion of the employer; or

(ii) tips or other gratuities;

(u) **"vacation pay"** means an amount of money that is payable to an employee pursuant to section 2-27;

(v) **"wages"** means salary, commission and any other monetary compensation for work or services or for being at the disposal of an employer, and includes overtime, public holiday pay, vacation pay and pay instead of notice;

(w) **"week"** means:

(i) for the purposes of sections 2-11, 2-12 and 2-17 to 2-20:

(A) the period between midnight on a Saturday and midnight on the following Saturday; or

(B) any other period of seven consecutive days that the employer has consistently used when determining the schedule of an employee; and

(ii) for all other purposes, a period of seven consecutive calendar days.

2013, c.S-15.1, s.2-1.

Meaning of permit to work

2-2 For the purposes of this Part, an employer is deemed to have permitted an employee to work within the meaning of the expression "permits to work" or "permitted to work" if the employer:

(a) knows or ought reasonably to know that the employee is working; and

(b) does not cause the employee to stop working.

2013, c.S-15.1, s.2-2.

Application of Part

2-3(1) This Part applies to all employees and employers in Saskatchewan other than:

(a) subject to subsections (2) and (3) and to the regulations made pursuant to this Part, those employees whose primary duties consist of actively engaging in farming, ranching or market gardening activities; and

(b) those employees or employers, or categories of employees or employers, excluded in the regulations made pursuant to this Part from all or portions of this Part.

(2) For the purposes of clause (1)(a), the following are deemed not to be within the meaning of farming, ranching or market gardening:

(a) the operation of egg hatcheries, greenhouses and nurseries;

(b) bush clearing operations;

(c) commercial hog operations.

(3) Section 2-68, Division 5 and section 2-87 apply to an employee employed primarily in farming, ranching or market gardening.

2013, c.S-15.1, s.2-3.

Responsibilities of minister re Part

2-4(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to employment standards and the promotion and enforcement of those standards.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting employment standards;

(b) provide assistance to employees and employers to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(c) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-4.

DIVISION 2
Conditions of Employment

Subdivision 1
General

No charge for hiring or providing information

2-5(1) No person shall request, charge or receive, directly or indirectly, from another person seeking employment a payment for:

(a) seeking employment or obtaining employment for the other person or employing the other person; or

(b) providing information about employers seeking employees.

(2) A person does not contravene this section by requesting, charging or receiving payment for any form of advertisement from the person who placed the advertisement.

(3) A payment received by a person in contravention of this section is deemed to be wages owing to the person who made it and this Part applies to the recovery of the payment.

2013, c.S-15.1, s.2-5.

Agreements not to deprive employees of benefits of Part

2-6 No provision of any agreement has any force or effect if it deprives an employee of any right, power, privilege or other benefit provided by this Part.

2013, c.S-15.1, s.2-6.

More favourable conditions prevail

2-7(1) In this section, **"more favourable"** means more favourable than provided by this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Nothing in this Part, in a regulation made pursuant to this Part or in any authorization issued pursuant to this Part affects any provision in any other Act, regulation, agreement, collective agreement or contract of services or any custom insofar as that Act, regulation, agreement, collective agreement, contract of services or custom gives any employee:

(a) more favourable rates of pay or conditions of work;

(b) more favourable hours of work;

(c) more favourable total wages; or

(d) more favourable periods of notice of layoff or termination.

(3) Without restricting the generality of subsection (2), if an employer is obligated to pay an employee for time worked on a public holiday or pay an employee overtime, no provision of any Act, regulation, agreement, collective agreement or contract of service and no custom that provides for the payment of wages for work on a public holiday or for overtime at less than 1.5 times the employee's hourly wage shall be considered more favourable to an employee.

2013, c.S-15.1, s.2-7.

Prohibition on discriminatory action

2-8(1) Unless authorized by this Part, no employer shall take discriminatory action against an employee because the employee:

(a) requests or requires the employer to comply with any right or benefit conferred on employees by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(b) requests or requires the employer to comply with any restriction or prohibition imposed on the employer by this Part, the regulations made pursuant to this Part or an authorization issued pursuant to this Part;

(c) is pregnant or is temporarily disabled because of pregnancy;

(d) has applied for or taken an employment leave or is otherwise absent from the workplace in accordance with this Part;

(e) has requested a modification of the employee's duties or a reassignment to other duties for reasons set out in section 2-41 or subsection 2-49(4);

(f) seeks or has sought the enforcement of any provision in this Part or the regulations made pursuant to this Part; or

(g) has had his or her wages seized or attached.

(2) In any prosecution alleging a contravention of subsection (1), the onus is on the employer to prove that any discriminatory action taken against the employee was taken for good and sufficient cause.

2013, c.S-15.1, s.2-8.

Action to recover wages preserved

2-9(1) Unless otherwise restricted or prohibited by this Act, an employee may bring an action to enforce any right or benefit conferred on the employee by this Part or to recover any wages required to be paid to the employee by this Part.

(2) Unless the court grants leave otherwise, no employer shall assert a right of set-off or file a counterclaim in the action brought by the employee:

(a) for a breach of the terms and conditions of employment;

(b) for the enforcement of any right or benefit conferred on the employee by this Part; or

(c) for the recovery of any wages required to be paid to the employee by this Part.

2013, c.S-15.1, s.2-9.

Employment deemed continuous

2-10 For the purposes of this Part, if a business or part of a business is sold, leased, transferred or otherwise disposed of and an employee continues to be employed at the business after the sale, lease, transfer or disposition, the employee's employment is deemed to be continuous.

2013, c.S-15.1, s.2-10.

Subdivision 2
Hours of Work

Work schedules

2-11(1) An employer shall give notice to an employee of a work schedule containing the following:

(a) the time when work begins and ends;

(b) if work is done in shifts, the time when each shift begins and ends; and

(c) the time when a meal break begins and ends.

(2) The notice required pursuant to subsection (1) must cover at least one week.

(3) If the days or times when an employee is required or permitted to work or to be at the employer's disposal change, the employer shall provide to the employee written notice of the change.

(4) The notice required pursuant to subsection (3) must:

(a) be given in a schedule that contains the information required pursuant to subsection (1) covering at least one week;

(b) be given at least one week before the start of the schedule;

(c) if the schedule mentioned in clause (a) changes after the schedule is provided as required pursuant to clause (b), be given one week before the employee is required or permitted to work or to be at the employer's disposal; and

(d) be personally given to the employee, posted in the workplace, posted online on a secure website to which the employee has access or provided in any other manner that informs the employee of the schedule.

(5) An employer may provide notice of less than one week of a variation to an employee's schedule if unexpected, unusual or emergency circumstances arise.

(6) The director of employment standards may permit a variation from the requirements of this section if the employer has obtained the written consent to the variation from the union that is the bargaining agent for the employees.

2013, c.S-15.1, s.2-11.

Overtime hours not to be required

2-12(1) Subject to subsections (2) and (3), without the consent of an employee, no employer shall require the employee to work or to be at the employer's disposal for more than:

(a) 44 hours in a week; or

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week.

(2) Subject to subsection (3), if an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, the employer shall not require the employee to work or be at the employer's disposal for more than:

(a) 44 hours in a week;

(b) in a week that contains a public holiday, 44 hours reduced by eight hours for each public holiday in that week; or

(c) the hours in a week as set out in the modified work arrangement or averaging authorization.

(3) Subsections (1) and (2) do not apply if unexpected, unusual or emergency circumstances arise.

2013, c.S-15.1, s.2-12.

Required period of rest

2-13(1) Subject to subsection (2), no employer shall require or permit an employee to work or to be at the employer's disposal for periods that are scheduled so that the employee does not have a period of eight consecutive hours of rest in any day.

(2) Subsection (1) does not apply in emergency circumstances.

(3) Subject to subsections (4) to (6), an employer shall grant one day off every week to an employee who usually works or is at the disposal of the employer for 20 hours or more in a week.

(4) Subsection (3) does not apply to any prescribed workplace or prescribed category of employers or employees.

(5) In prescribed workplaces with more than 10 employees, or for prescribed categories of employees, an employer shall grant to employees in the workplace or to the category of employees two consecutive days off every week.

(6) On receipt of a written application from an employer and the employees or a representative of the employees, the director of employment standards may:

(a) issue a written authorization exempting the employer from subsection (3); and

(b) impose any conditions that the director considers appropriate on the written authorization issued pursuant to clause (a).

2013, c.S-15.1, s.2-13.

Meal breaks

2-14(1) Subject to subsections (2) and (4), an employer shall provide to an employee an unpaid meal break that is of at least 30 minutes' duration within every five consecutive hours of work.

(2) An employer is not required to grant a meal break pursuant to subsection (1):

(a) in unexpected, unusual or emergency circumstances; or

(b) if it is not reasonable for an employee to take a meal break.

(3) If the employer does not grant the meal break mentioned in subsection (1) and the employee works five or more consecutive hours, the employer shall permit an employee to eat while working.

(4) An employer shall provide to an employee an unpaid meal break at a time or times necessary for medical reasons.

2013, c.S-15.1, s.2-14.

Subdivision 3
Obligation to Pay Wages

Total wages

2-15 Subject to this Part, an employer shall pay an employee his or her total wages payable in accordance with the terms and conditions of:

(a) the employee's employment contract; or

(b) if the employer is bound by a collective agreement, the collective agreement.

2013, c.S-15.1, s.2-15.

Minimum wage

2-16(1) An employer shall pay an employee:

(a) at least the prescribed minimum wage for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal; and

(b) at least the prescribed minimum sum when the employee reports for duty.

(2) Subject to subsection (3), if an employer pays an employee on any basis other than by the hour, the employer is deemed to have satisfied clause (1)(a) if the employer has, for the period covered by the payday, paid the employee an amount at least equal to the amount TP calculated in accordance with the following formula:

TP = MW x HW

where:

MW is the prescribed minimum wage; and

HW is the number of hours or parts of an hour in which the employee is required or permitted to work or to be at the employer's disposal during the period covered by the payday.

(3) An employer shall not include in the calculation made pursuant to subsection (2) any payment the employer made to the employee for the purposes of:

(a) annual vacation pay;

(b) any pay required pursuant to clause (1)(b) for an amount exceeding the time worked;

(c) the premium component of overtime and public holiday pay; or

(d) public holiday pay.

2013, c.S-15.1, s.2-16.

Overtime pay

2-17(1) An employer shall pay an employee overtime pay for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal that exceeds the hours determined in accordance with sections 2-18, 2-19 and 2-20.

(2) When calculating overtime pay, an employer:

(a) is not required to include any meal break allowed to an employee if:

(i) notice of the meal break is given in accordance with section 2-11; and

(ii) the employee is not at the disposal of the employer during the meal break;

(b) shall not take into account any time the employee works or is at the employer's disposal on a public holiday;

(c) shall reduce the time when overtime is payable by eight hours for each public holiday occurring in a week; and

(d) shall pay to the employee the greater of:

(i) the total of overtime pay required pursuant to this Subdivision that is calculated on a daily basis; and

(ii) the total of overtime pay required pursuant to this Subdivision that is calculated on a weekly basis.

2013, c.S-15.1, s.2-17.

Overtime pay after eight hours and 40 hours

2-18(1) Unless an employee is working in accordance with a modified work arrangement or in accordance with an averaging authorization that satisfies the requirements of section 2-20, an employer shall pay the employee overtime for each hour or part of an hour in which the employer requires or permits the employee to work or to be at the employer's disposal for more than:

(a) 40 hours in a week; or

(b) either of:

(i) eight hours in a day if the employer schedules the employee's work in accordance with clause (2)(a); or

(ii) 10 hours in a day if the employer schedules the employee's work in accordance with clause (2)(b).

(2) For the purposes of determining the 40 hour per week maximum pursuant to subsection (1), the employer may require or permit the employee to work or be at the employer's disposal for either:

(a) eight hours in a day for no more than five days in a week; or

(b) 10 hours in a day for no more than four days in a week.

(3) Notwithstanding section 2-7 or subsections (1) and (2), in the prescribed circumstances and subject to the prescribed conditions, an employer and an employee may agree that the employee may bank overtime hours.

(4) Notwithstanding section 2-17, subsection (1) of this section and section 2-19, but subject to subsection (5), an employer shall pay an employee overtime if:

(a) the employee works, on average, fewer than 30 hours per week; and

(b) the employer requires or permits the employee to work or to be at the employer's disposal for more than eight hours in a day.

(5) If employees have a union as their bargaining agent and the employer and the union have agreed respecting the number of hours in a day or week that are to be worked before overtime is paid:

(a) subsection (4) does not apply to those employees; and

(b) the employer shall pay those employees overtime in accordance with the agreement.

2013, c.S-15.1, s.2-18; 2014, c.27, s.3.

Modified work arrangement

2-19(1) Subject to subsection (2), an employer shall pay an employee overtime for each hour or part of an hour in which the employer requires or permits an employee to work or to be at the employer's disposal that exceeds:

(a) the prescribed hours of work; or

(b) with respect to employees who have a union as their bargaining agent, the hours as agreed to by the employer and the union.

(2) Subsection (1) applies if the employer requires the employee to be at the employer's disposal for more than 40 hours in week.

(3) The agreement mentioned in clause (1)(b) must require the payment of overtime if the hours an employee is required or permitted to work or to be at the employer's disposal exceed on average 40 hours per week.

(4) If the agreement mentioned in clause (1)(b) does not satisfy the requirements of subsection (3), the employer shall pay overtime in accordance with section 2-18.

2013, c.S-15.1, s.2-19.

Authorization re overtime

2-20(1) An employer may apply in writing to the director of employment standards for an authorization to pay overtime in accordance with the provisions set out in the authorization.

(2) On receipt of an application pursuant to subsection (1), the director of employment standards may issue the written authorization applied for if the director is satisfied that the requirement of subsection (4) is met and that it is appropriate to do so.

(3) If the director of employment standards issues a written authorization pursuant to subsection (2), the director:

(a) shall determine when the employer is required to pay overtime to an employee; and

(b) may impose any conditions that the director considers appropriate on the written authorization.

(4) The director of employment standards may only issue a written authorization if the number of hours an employee is required or permitted to work or to be at the employer's disposal without being paid overtime does not exceed, on average, 40 hours in a week.

(5) The employer shall provide notice of the written authorization to every employee who will be working in accordance with the written authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

(6) No employer who receives an authorization pursuant to this section shall fail to:

(a) pay overtime in accordance with the terms and conditions of the authorization; or

(b) comply with any conditions imposed on the authorization by the director of employment standards.

(7) Subject to subsections (8) to (12), the director of employment standards may, at any time, cancel an authorization issued pursuant to this Part if the director is satisfied that:

(a) a condition of the authorization has been breached; or

(b) the authorization is no longer necessary or advisable.

(8) Before cancelling an authorization pursuant to subsection (7), the director of employment standards shall:

(a) give the employer to whom the authorization has been issued written notice of the director's intention to cancel the authorization and the reasons for the proposed cancellation; and

(b) provide the employer with an opportunity to make written representations, within 30 days after the notice mentioned in clause (a) is served, as to why the authorization should not be cancelled.

(9) The director of employment standards is not required to give an oral hearing to any employer to whom notice has been given pursuant to clause (8)(a).

(10) After the expiry of the period mentioned in clause (8)(b), the director of employment standards shall provide a written decision to the employer.

(11) The director of employment standards is not required to comply with subsections (8) to (10) if the employer requests that the authorization be cancelled.

(12) The employer shall provide to every employee who was working in accordance with the authorization notice of the cancellation of the authorization by:

(a) personally giving it to the employee;

(b) posting it in the workplace;

(c) posting it online on a secure website to which the employee has access; or

(d) providing it in any other manner that informs the employee of the notice.

2013, c.S-15.1, s.2-20.

Subdivision 4
Discrimination in Pay Prohibited

No discrimination in pay

2-21(1) No employer shall pay an employee of one sex at a rate of pay less than the rate paid to an employee of another sex if:

(a) they are employed by the employer for similar work that is performed in the same workplace under similar working conditions; and

(b) the performance of the work requires similar skill, effort and responsibility.

(2) Subsection (1) does not apply if a payment differential is made pursuant to a seniority system or merit system.

(3) No employer shall reduce the rate of pay of any employee in order to comply with this section.

(4) If an employer has contravened subsection (1), the employer is not, after that contravention, entitled to reduce the rate of pay to which an employee is entitled on the grounds that the work is subsequently performed only by employees of the same sex.

(5) No employer shall pay an employee a different rate of pay on the basis of any prohibited ground, as defined in *The Saskatchewan Human Rights Code*, unless *The Saskatchewan Human Rights Code* permits the different rate of pay.

2013, c.S-15.1, s.2-21.

Subdivision 5
Special Rules for Certain Firefighters

Regulations re hours and conditions of work for firefighters

2-22 The Lieutenant Governor in Council may make regulations:

(a) authorizing the establishment of firefighter platoons for prescribed categories of employers;

(b) authorizing the employers mentioned in clause (a):

(i) to require firefighters to work 24 consecutive hours in prescribed circumstances; and

(ii) to determine other conditions of work for firefighters.

2013, c.S-15.1, s.2-22.

Subdivision 6
Annual Vacation

Interpretation for Subdivision

2-23 In this Subdivision:

(a) an employee is considered to have completed a year of employment if the employee has worked for the employer or been in the employer's service for a period of 52 consecutive weeks and during that period:

(i) the employee has not for more than 26 consecutive weeks resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks:

(A) with the consent of the employer; or

(B) on an employment leave; and

(b) an employee is considered to have completed 10 years of employment if the employee has worked for the employer or been in the employer's service for a period of 10 consecutive years or more and during that period:

(i) the employee has not for more than 26 consecutive weeks in any year resigned, been terminated, been laid off or been absent from work; or

(ii) the employee was absent for more than 26 consecutive weeks in any year:

(A) with the consent of the employer; or

(B) on an employment leave.

2013, c.S-15.1, s.2-23.

Annual vacation periods and common date

2-24(1) Every employee is entitled:

(a) subject to clause (b), to an annual vacation of three weeks after the completion of each year of employment with an employer; and

(b) to an annual vacation of four weeks after the completion of 10 years of employment with an employer and after the completion of each subsequent year of employment with that employer.

(2) An employer may use a common date for calculating vacation entitlement of all employees but only if the common date does not result in a reduction of any employee's rights pursuant to this Subdivision.

2013, c.S-15.1, s.2-24.

Manner of taking vacation

2-25(1) If an employee is entitled to an annual vacation pursuant to section 2-24:

(a) the employer shall permit the employee to take the entire vacation within 12 months after the date on which the employee becomes entitled to it; or

(b) the employer shall permit the employee to take the entire vacation to which the employee is entitled:

(i) in one continuous and uninterrupted period; or

(ii) in a manner other than one continuous and uninterrupted period, if:

(A) the vacation periods are not less than one week in length;

(B) the employee provides the employer with written notice of the lengths of time the employee proposes for the vacation periods; and

(C) the notice is provided not later than the employee's vacation entitlement date.

(2) Subject to section 2-26, an employer may require all employees, or all employees in part of a workplace, to take their vacation at a time when the employer has closed all or part of the workplace but only if those vacation periods are not less than one week in length.

2013, c.S-15.1, s.2-25.

Notice of vacation period

2-26 If an employer and employee or union representing the employee cannot agree on the time when the employee is to take his or her vacation, the employer shall give to the employee who is entitled to a vacation pursuant to section 2-24 not less than four weeks' written notice of the commencement of the employee's vacation period or each of the employee's vacation periods, as the case may be.

2013, c.S-15.1, s.2-26.

Vacation pay

2-27(1) An employee is to be paid vacation pay in the following amounts:

(a) if the employee is entitled to a vacation pursuant to clause 2-24(1)(a), three fifty-seconds of the employee's wages for the year of employment or portion of the year of employment preceding the entitlement to the vacation;

(b) if the employee is entitled to an annual vacation pursuant to clause 2-24(1)(b), four fifty-seconds of the employee's wages for the year of employment preceding the entitlement to the vacation.

(2) With respect to an employee who is entitled to a vacation pursuant to section 2-24 but who does not take that vacation, the employer shall pay the employee's vacation pay not later than 11 months after the day on which the employee becomes entitled to the vacation.

(3) The employer shall pay vacation pay to the employee in an amount calculated according to the length of vacation leave taken:

(a) at the employee's request, before the employee takes the vacation; or

(b) on the employee's normal payday.

(4) An employer shall reimburse the employee for any monetary loss suffered by the employee as a result of the cancellation or postponement of the vacation if:

(a) the employee has scheduled a period of vacation at a time agreed to by the employer; and

(b) the employer does not permit the employee to take the vacation as scheduled.

(5) A monetary loss mentioned in subsection (4) is deemed to be wages owing and this Part applies to the recovery of that monetary loss.

2013, c.S-15.1, s.2-27.

When public holiday occurs during a vacation

2-28 If one or more public holidays set out in section 2-30 occur during the period of any vacation that an employee has been permitted by the employer to take pursuant to this Part:

(a) the period of that vacation must be increased by one working day with respect to each public holiday; and

(b) the employer shall pay to the employee, in addition to the vacation pay that the employee is entitled to receive, the wages that the employee is entitled to be paid for each public holiday.

2013, c.S-15.1, s.2-28.

Payment of vacation pay on ending of employment

2-29(1) If the employment of an employee ends, the employer shall pay to the employee the vacation pay to which the employee is entitled pursuant to this Part within 14 days after the day on which the employment ends.

(2) If the employment of an employee ends, the employee is entitled to vacation pay calculated in accordance with section 2-27 on the wages earned by the employee with respect to which the employee has not previously been paid vacation pay.

(3) Subsection (2) applies whether or not an employee has completed a year of employment.

2013, c.S-15.1, s.2-29.

Subdivision 7
Public Holidays

Public holidays

2-30(1) In this section:

(a) **"Family Day"** means the third Monday in February;

(b) **"Saskatchewan Day"** means the first Monday in August.

(2) For the purposes of this Part, the following are public holidays in Saskatchewan:

(a) New Year's Day;

(b) Family Day;

(c) Good Friday;

(d) Victoria Day;

(e) Canada Day;

(f) Saskatchewan Day;

(g) Labour Day;

(h) Thanksgiving Day;

(i) Remembrance Day;

(j) Christmas Day.

(3) In this Part, a reference to a public holiday is a reference to one of the days mentioned in subsection (2) or to a day substituted for that day in accordance with section 2-31.

2013, c.S-15.1, s.2-30.

Substituting another day for a public holiday

2-31 An employer may substitute another day for a public holiday:

(a) in workplaces where a union is the bargaining agent, if the union agrees in writing to substitute another specified day for the public holiday; or

(b) in workplaces where no union is the bargaining agent, if the day that is substituted:

(i) meets the prescribed conditions; or

(ii) is approved by the director of employment standards subject to any terms and conditions set by the director.

2013, c.S-15.1, s.2-31.

Public holiday pay

2-32(1) An employer shall pay an employee for every public holiday an amount equal to:

(a) 5% of the employee's wages, not including overtime pay, earned in the four weeks preceding the public holiday; or

(b) an amount calculated in the prescribed manner for a prescribed category of employees.

(2) For the purposes of subsection (1), an employer shall include in the calculation of an employee's wages:

(a) vacation pay with respect to vacation the employee actually takes in the four weeks preceding the public holiday; and

(b) public holiday pay in an amount required pursuant to subsection (1) if another public holiday occurs in the four-week period mentioned in clause (1)(a).

(3) If an employee works on a public holiday, an employer shall pay the employee the total of:

(a) the amount calculated in accordance with subsection (1); and

(b) for each hour or part of an hour in which the employee is required or permitted to work or to be at the employer's disposal:

(i) an amount calculated at a rate of 1.5 times the employee's hourly wage; or

(ii) an amount calculated in the prescribed manner for a prescribed category of employees.

2013, c.S-15.1, s.2-32.

Subdivision 8
Payment of Wages

Paydays

2-33(1) Subject to subsections (2) and (3), an employer shall:

(a) pay to an employee the total wages to which the employee is entitled up to a day not more than six days before the employee's payday; and

(b) pay the employee at least:

(i) monthly;

(ii) semi-monthly; or

(iii) every 14 days.

(2) An employer may only pay an employee on a monthly basis if the employee is paid a salary expressed as a monthly wage or a wage expressed for a period longer than a month.

(3) If the employment of an employee ends, the employer shall pay to the employee the total wages to which the employee is entitled within 14 days after the day on which the employment ends.

(4) Subsection (3) does not entitle an employer to delay payment of any portion of wages to an employee whose employment ends if the employer is required pursuant to subsection (1) to pay those wages on an earlier date.

2013, c.S-15.1, s.2-33.

Wages to be paid notwithstanding dispute

2-34(1) Subject to subsection (2), in the event of a stoppage of work as a result of a labour-management dispute, the total wages to which the employee is entitled at the time of the stoppage are payable at the time required in section 2-33.

(2) If subsection (1) applies and the director of employment standards is satisfied that an employer is prevented from paying wages on the day the wages are due because of factors beyond the employer's control, the director may authorize the employer to pay wages on another day to be specified by the director.

2013, c.S-15.1, s.2-34.

How wages are paid

2-35(1) An employer shall pay all wages to an employee:

(a) in Canadian currency;

(b) by cheque drawn on a bank, credit union or trust corporation;

(c) by deposit to the employee's account in a bank, credit union or trust corporation; or

(d) by a prescribed means.

(2) Subject to subsection (3), all wages of an employee must, at the employer's discretion, be:

(a) paid to the employee during the employee's working hours;

(b) delivered to the employee's place of residence;

(c) sent to the employee by mail in an envelope addressed to the employee's place of residence; or

(d) deposited into a bank, credit union or trust corporation account of the employee's choice.

(3) If an employee is at the time fixed for payment of the employee's wages absent from the place where the wages are payable, the employer shall immediately send the employee's pay by registered mail to the employee's last address known to the employer.

(4) Any agreement between an employer and employee that allows for payment of wages in any other manner than that set out in subsection (1) is void.

(5) No employer shall issue a cheque in payment of wages that is not honoured.

2013, c.S-15.1, s.2-35.

Deductions and special clothing

2-36(1) Except as permitted or required pursuant to this Act, any other Act or any Act of the Parliament of Canada, an employer shall not, directly or indirectly:

(a) make any deductions from the wages that would be otherwise payable to the employee;

(b) require that any portion of the wages be spent in a particular manner; or

(c) require an employee to return to the employer the whole or any part of any wages paid.

(2) In addition to deductions permitted or required pursuant to law, an employer may deduct from an employee's wages:

(a) employee contributions to pension plans or registered retirement savings plans;

(b) employee contributions to other benefit plans;

(c) charitable donations voluntarily made by the employee;

(d) voluntary contributions by the employee to savings plans or the purchase of bonds;

(e) initiation fees, dues and assessments to a union that is the bargaining agent for the employee;

(f) voluntary employee purchases from the employer of any goods, services or merchandise; and

(g) deductions for purposes or categories of purposes that are specified pursuant to subsection (3).

(3) For the purposes of clause (2)(g), the Lieutenant Governor in Council may specify purposes and categories of purposes by regulation or by special order in a particular case.

(4) No employer shall require an employee to purchase special clothing that identifies the employer's establishment.

(5) An employer who requires an employee to wear a special article of clothing that identifies the employer's establishment shall provide that special article of clothing free of cost to the employee.

2013, c.S-15.1, s.2-36.

Statement of earnings required

2-37(1) An employer shall provide a statement of earnings to an employee:

(a) on every payday; and

(b) when making payments of wage adjustments.

(2) A statement of earnings required pursuant to subsection (1) must:

(a) clearly set out:

(i) the name of the employee;

(ii) the beginning and ending dates of the period for which the payment of wages is being made;

(iii) the number of hours of work for which payment is being made for each of wages, overtime and hours worked on a public holiday;

(iv) the rate or rates of wages;

(v) the amount paid for each of wages, overtime and public holiday pay and work on a public holiday, vacation pay and pay instead of notice;

(vi) the employment or category of employment for which payment of wages is being made;

(vii) the amount of total wages;

(viii) an itemized statement of any deductions from wages being made; and

(ix) the actual amount of the payment being made; and

(b) be in a form that:

(i) is separate from, or readily detachable from, any form of cheque or other type of voucher issued in the payment of wages; or

(ii) if an employee is provided with an electronic statement, permits the employee to print off a copy of the statement of earnings.

(3) Unless the contrary is established, wages and other amounts that are not included in a statement pursuant to subsection (2) are deemed not to have been paid.

2013, c.S-15.1, s.2-37.

Subdivision 9
Additional Obligations of Employer

Employer to keep record of wages, hours worked, etc.

2-38(1) No employer shall fail to keep:

(a) records showing the particulars of every unwritten contract dealing with wages or other monetary benefits to which any employee is entitled;

(b) a copy of every written contract or other document dealing with wages or other monetary benefits to which any employee is entitled; and

(c) records showing the following with respect to each employee:

(i) the full name, sex, date of birth and residential address of the employee;

(ii) the name or a brief description of the job or position of the employee;

(iii) the rate of wages of the employee expressed in terms of wages per hour, day, week, month or other period;

(iv) the total wages paid to the employee for each week or other pay period;

(v) the time when the employee's work begins and ends each day and the time when any meal breaks allowed to the employee each day begin and end;

(vi) the total number of hours worked by the employee each day and each week as well as the total number of hours each day and each week that the employee is required to be at the disposal of the employer;

(vii) every deduction made from the wages of the employee for any purpose whatever and the purpose for which each deduction was made;

(viii) the date of each payment of wages to the employee;

(ix) the date of commencement of the employee's employment and, if applicable, the date the employment ends;

(x) the date on which the employee becomes entitled to each vacation;

(xi) the dates on which each vacation period is taken by the employee;

(xii) the amount paid to the employee with respect to each vacation to which the employee is entitled and the date of payment;

(xiii) the amount paid to the employee with respect to each public holiday and the date of payment;

(xiv) if applicable, the amount paid to the employee on the ending of the employment and the date of payment;

(xv) any other prescribed matters or matters that the minister may require.

(2) Every employer shall provide the records mentioned in subsection (1) to an employment standards officer when requested by the officer.

(3) Every employer shall keep a register of every employee whose work is ordinarily performed at home setting out:

(a) the address where that work is performed; and

(b) the portion of the work performed by the employee that was performed at home.

(4) The records that an employer is required to keep pursuant to this section respecting an employee must cover the most recent five years of the employee's employment.

(5) If an employee's employment ends, the employer shall retain the records mentioned in subsection (4) for a period of two years after the date on which the employee's employment ended.

(6) An employee's employment is deemed not to have ended for the purposes of subsection (5) if the employee is employed again by the employer within six months after the date on which the employment of the employee ended.

(7) The records required by this section may be incorporated in any wage record that the employer is required to keep pursuant to any other Act.

2013, c.S-15.1, s.2-38.

Provision of benefits

2-39 If an employer provides a benefit to employees who work at least 30 hours per week or any other prescribed number of hours, the employer shall provide benefits in accordance with the regulations made pursuant to this Part to all prescribed categories of employees.

2013, c.S-15.1, s.2-39.

Protection of employees for illness or injury

2-40(1) Subject to subsections (2) to (4), except for just cause unrelated to injury or illness, no employer shall take discriminatory action against an employee because of absence:

(a) due to the illness or injury of the employee; or

(b) due to the illness or injury of a member of the employee's immediate family who is dependent on the employee.

(2) Subsection (1) only applies if:

(a) the employee has been in the employer's service for more than 13 consecutive weeks before the absence;

(b) the absence does not exceed:

(i) a total of 12 days in a calendar year, in the case of illness or injury that is not serious; or

(ii) 12 weeks in a period of 52 weeks, in the case of serious illness or injury; and

(c) the employee, if requested in writing by the employer, provides the employer with a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury or certifying the illness or injury of the member of the employee's immediate family, as the case may be.

(3) The protection afforded by subclause (2)(b)(i) does not apply if it can be demonstrated that the employee has a record of chronic absenteeism and there is no reasonable expectation of improved attendance.

(4) The period of absence permitted pursuant to subclause (2)(b)(ii) must be extended to 26 weeks in a period of 52 weeks if the employee is receiving compensation pursuant to *The Workers' Compensation Act, 1979*.

(5) Nothing in this section limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code*.

2013, c.S-15.1, s.2-40.

Employer must reassign employee or modify employee's duties

2-41 An employer shall modify an employee's duties or reassign the employee to other duties if:

(a) the employee becomes disabled and the disability would unreasonably interfere with the performance of the employee's duties; and

(b) it is reasonably practicable to do so.

2013, c.S-15.1, s.2-41.

Employer not to take discriminatory action

2-42(1) 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 this Act, another Act or an Act of the Parliament of Canada with respect to an offence within his or her power to investigate; or

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

(2) No employer shall take discriminatory action against an employee because the employee:

(a) has reported or proposed to report to a lawful authority any activity that is or is likely to result in an offence pursuant to an Act or an Act of the Parliament of Canada; or

(b) has testified or may be called on to testify in an investigation or proceeding pursuant to this Act, another Act or an Act of the Parliament of Canada.

(3) Subsection (2) does not apply if the actions of an employee are frivolous or vexatious.

2013, c.S-15.1, s.2-42.

Subdivision 10
General Rules re Employment Leave

Entitlement to apply for employment leave

2-43 An employee who has been in an employer's service for more than 13 consecutive weeks is entitled to an employment leave in accordance with this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-43.

Employer to grant employment leave

2-44 No employer shall fail to grant an employee an unpaid employment leave when required to do so by this Subdivision and Subdivision 11.

2013, c.S-15.1, s.2-44.

Human rights not affected

2-45 Nothing in this Subdivision or Subdivision 11 limits or abrogates an employee's rights at common law or pursuant to *The Saskatchewan Human Rights Code*.

2013, c.S-15.1, s.2-45.

Notice re employment leave

2-46(1) Subject to subsection (2) and section 2-49, an employee shall provide at least four weeks' written notice to his or her employer of:

(a) the day on which the employee intends to commence an employment leave; and

(b) the day on which the employee intends to return to work from the employment leave.

(2) The obligation to provide four weeks' written notice pursuant to subsection (1) does not apply:

(a) to bereavement leave, compassionate care leave, critically ill child care leave, crime-related child death or disappearance leave and citizenship ceremony leave;

(b) if the date of commencement of the employment leave or the date of return to work from the employment leave is not known and cannot be reasonably known by the employee;

(c) with respect to the notice required for the employee's return to work, if the employment leave was for 60 days or less; or

(d) if the prescribed circumstances apply.

(3) If an employee is not required to provide four weeks' written notice in accordance with subsection (2), the employee shall provide the employer with notice as far as possible in advance of the date the employee intends to commence the employment leave or of the date the employee intends to return to work, as the case may be.

2013, c.S-15.1, s.2-46.

Medical evidence

2-47(1) If an employment leave involves a medical issue and the employer so requires, the employee shall provide written evidence in the form of a certificate from a duly qualified medical practitioner as to the reason for the leave or the extension of the leave.

(2) If an employment leave requires the verification of other circumstances and if the employer so requires, the employee shall provide written evidence to verify those circumstances, in the prescribed manner.

2013, c.S-15.1, s.2-47.

Length of service, rights of recall, benefits and reinstatement

2-48(1) An employee continues to accrue seniority, service for the purposes of subclause 2-23(a)(ii) or (b)(ii) and rights of recall while on an employment leave or a combination of employment leaves for the length of the employment leave or combination of employment leaves to a maximum of 52 weeks.

(2) Subject to subsection (3) and to the provisions of a prescribed benefit plan, an employee continues to be entitled to participate in the prescribed benefit plan while on an employment leave or combination of employment leaves, for the length of the leave or leaves, if the employee pays the contributions required by the prescribed benefit plan.

(3) The requirement in subsection (2) for the employee to pay the contributions required by the prescribed benefit plan does not apply to a bereavement leave or a citizenship ceremony leave.

(4) At the expiration of an employment leave and subject to subsection (5), an employer shall reinstate an employee to the same job the employee held before going on employment leave, without any loss of accrued seniority or benefits or reduction in rate of pay.

(5) An employer may reinstate an employee, without any loss of accrued seniority or benefits or reduction in rate of pay, to a job comparable to that held by the employee before going on employment leave:

(a) if the employment leave was for more than 60 days; or

(b) if prescribed circumstances exist.

2013, c.S-15.1, s.2-48.

Subdivision 11
Employment Leave

Maternity leave

2-49(1) Subject to subsections (2) and (7), an employee who is pregnant is entitled to a maternity leave of 18 weeks commencing at any time during the period of 12 weeks preceding the estimated date of birth, and no later than the date of birth.

(2) If the actual date of birth is later than the estimated date of birth, the employee is entitled to not less than six weeks' leave after the actual date of birth.

(3) An employee may extend the leave for a further period of six weeks if the employee is unable for medical reasons to return to work after the expiration of the maternity leave.

(4) An employer shall modify an employee's duties or reassign the employee to other duties, without a decrease in wages or benefits, to accommodate a pregnancy if:

(a) the employee's duties or pregnancy would be unreasonably interfered with; and

(b) it is reasonably practicable to do so.

(5) An employer may require an employee to commence maternity leave not more than 12 weeks before the estimated date of birth if:

(a) the pregnancy of the employee would unreasonably interfere with the performance of the employee's duties; and

(b) no opportunity exists to modify the employee's duties or to reassign the employee to other duties.

(6) An employee whose pregnancy terminates on a date not more than 12 weeks before the estimated date of birth due to a miscarriage or a stillbirth may take a leave pursuant to this section.

(7) An employer shall grant a maternity leave in accordance with subsection (8) to an employee who:

(a) has failed to comply with clause 2-46(1)(a) but is otherwise entitled to maternity leave; and

(b) has not provided her employer with a certificate of a duly qualified medical practitioner certifying that there are bona fide medical reasons that require the employee to cease work immediately.

(8) Subject to subsection (2), the maternity leave to which an employee is entitled pursuant to subsection (7) is to consist of a period not exceeding 14 weeks commencing at any time during the period of eight weeks preceding the estimated date of birth.

2013, c.S-15.1, s.2-49.

Adoption leave

2-50 An employee is entitled to an adoption leave of 18 weeks commencing on the date on which the child comes into the employee's care or becomes available for adoption if the employee is to be the primary caregiver of the adopted child during the period of the leave.

2013, c.S-15.1, s.2-50.

Parental leave

2-51(1) An employee who is a parent of a newborn child or a newly adopted child is entitled to a parental leave of not more than:

(a) 34 weeks, if the employee has taken a maternity leave or an adoption leave; or

(b) 37 weeks, in other cases.

(2) A parental leave must be taken during the period of:

(a) 12 weeks preceding 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; and

(b) 52 weeks following the actual date of birth or the actual date on which the child comes into the employee's care.

(3) If clause (1)(a) applies, the employee shall take the parental leave consecutive to the maternity leave or adoption leave, as the case may be.

2013, c.S-15.1, s.2-51.

Organ donation leave

2-52(1) In this section, **"organ donation"** means a surgical procedure that involves the removal of an organ or tissue from the employee for the purpose of its being transplanted into another individual.

(2) Subject to subsection (3), an employee is entitled to a leave for organ donation for the period, as certified by a duly qualified medical practitioner, required for the organ donation and recovery from the procedure.

(3) The maximum leave for an organ donation and recovery is 26 weeks.

2013, c.S-15.1, s.2-52.

Reserve force service leave

2-53(1) In this section:

(a) **"reserve force"** means the reserve force as defined in the *National Defence Act* (Canada);

(b) **"service"** means training with the reserve force and active service with the reserve force, including regular and emergency deployment.

(2) Subject to subsection (3), an employee is entitled to a reasonable period of leave for the employee's period of service with the reserve force.

(3) The leave pursuant to this section must meet the prescribed requirements.

2013, c.S-15.1, s.2-53.

Nomination, candidate and public office leave

2-54(1) An employee is entitled to a leave:

(a) to seek nomination as a candidate for a municipal, provincial or federal election or an election for a board of education or the Conseil scolaire fransaskois, for a reasonable period;

(b) to be a candidate for a municipal, provincial or federal election or an election for a board of education or the Conseil scolaire fransaskois, for a reasonable period; or

(c) if the employee has been elected to a municipal, provincial or federal government or a board of education or the Conseil scolaire fransaskois, for the period during the employee's term of office that may be necessary.

(2) Subsection 2-48(2) applies to an employee on a leave pursuant to subsection (1) for a maximum of 52 weeks.

2013, c.S-15.1, s.2-54.

Bereavement and compassionate care leave

2-55(1) An employee is entitled to a bereavement leave of five days in the case of the death of a member of the employee's immediate family.

(2) The leave mentioned in subsection (1) must be taken within the period commencing one week before and ending one week after the funeral relating to the death with respect to which the leave is granted.

2013, c.S-15.1, s.2-55.

Compassionate care

2-56(1) In this section, **"member of the employee's family"** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to a compassionate care leave of up to eight weeks to provide care or support to a member of the employee's family who has a serious medical condition with a significant risk of death within 26 weeks from the date the leave commences.

(3) In a period of 52 weeks, an employee is not entitled to take more than two compassionate care leaves pursuant to subsection (2).

(4) An employee's compassionate care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the family member;

(b) on the termination of the 26-week period mentioned in that subsection; or

(c) on the death of the employee's family member.

2013, c.S-15.1, s.2-56.

Critically ill child care leave

2-57(1) In this section, **"critically ill child"** means a critically ill child within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to critically ill child care leave of up to 37 weeks to provide care and support to his or her critically ill child.

(3) An employee's critically ill child care leave pursuant to subsection (2) ends:

(a) if the employee is no longer providing care or support to the child;

(b) 52 weeks from the date the medical certificate is issued;

(c) on the termination of the 37-week period mentioned in subsection (2); or

(d) on the death of the employee's child.

2013, c.S-15.1, s.2-57.

Crime-related child death or disappearance leave

2-58(1) In this section:

(a) **"child"** means a person who is under 18 years of age;

(b) **"crime"** means an offence pursuant to the *Criminal Code*, other than an offence prescribed by the regulations made pursuant to paragraph 209.4(f) of the *Canada Labour Code*.

(2) An employee is entitled to crime-related child death or disappearance leave of up to 104 weeks if a child of the employee dies and it is probable, considering the circumstances, that the child died as a result of a crime.

(3) An employee is entitled to a leave pursuant to this section of up to 52 weeks if a child of the employee disappears and it is probable, considering the circumstances, that the child's disappearance is a result of a crime.

(4) An employee is not entitled to a leave pursuant to this section if the employee is charged with the crime or if it is probable, considering the circumstances, that the child was a party to the crime.

(5) If an employee takes a leave pursuant to this section and the circumstances that made it probable that the child died or disappeared as a result of a crime change and it no longer seems probable that the child died or disappeared as a result of a crime, the employee's entitlement to the leave ends on the day on which it no longer seems probable.

(6) If an employee takes a leave pursuant to this section and the employee is subsequently charged with the crime, the employee's entitlement to the leave ends on the day on which the employee is charged.

(7) Subject to subsection (9), if an employee takes a leave pursuant to subsection (3) and the child is found within the 52-week period that begins in the week the child disappears, the employee is entitled:

(a) to remain on leave for 14 days after the day the child is found, if the child is found alive; or

(b) to take 104 weeks of leave from the day the child disappeared, if the child is found dead, whether or not the employee is still on leave when the child is found.

(8) An employee may take a leave pursuant to subsection (2) only during the 104-week period that begins in the week the child dies.

(9) Subject to subsection (7), an employee may take a leave pursuant to subsection (3) only during the 52-week period that begins in the week the child disappears.

2013, c.S-15.1, s.2-58.

Citizenship ceremony leave

2-59 An employee is entitled to a leave of one day to attend a citizenship ceremony to receive a certificate of citizenship.

2013, c.S-15.1, s.2-59.

Subdivision 12
Layoff and Termination

Notice required

2-60(1) Except for just cause, no employer shall lay off or terminate the employment of an employee who has been in the employer's service for more than 13 consecutive weeks without giving that employee written notice for a period that is not less than the period set out in the following Table:

Table

Employee's Period of Employment	**Minimum Period of Written Notice**
more than 13 consecutive weeks but one year or less	one week
more than one year but three years or less	two weeks
more than three years but five years or less	four weeks
more than five years but 10 years or less	six weeks
more than 10 years	eight weeks

(2) In subsection (1), **"period of employment"** means any period of employment that is not interrupted by more than 14 consecutive days.

(3) For the purposes of subsection (2), being on vacation, an employment leave or a leave granted by an employer is not considered an interruption in employment.

(4) After giving notice of layoff or termination to an employee of the length required pursuant to subsection (1), the employer shall not require an employee to take vacation leave as part of the notice period required pursuant to subsection (1).

2013, c.S-15.1, s.2-60.

Payments in case of layoffs or terminations

2-61(1) If an employer lays off or terminates the employment of an employee, the employer shall pay to the employee, with respect to the period of the notice required pursuant to section 2-60:

(a) if the employer is not bound by a collective agreement that applies to the employee, the greater of:

(i) the sum earned by the employee during that period of notice; and

(ii) a sum equivalent to the employee's normal wages for that period; or

(b) if the employer is bound by a collective agreement that applies to the employee, the entitlements provided for in the collective agreement.

(2) For the purposes of subsection (1), if the wages of an employee, not including overtime pay, vary from week to week, the employee's normal wages for one week are deemed to be the equivalent of the employee's average weekly wage, not including overtime pay, for the 13 weeks the employee worked preceding:

(a) the date on which the notice of layoff or termination was given; or

(b) if no notice of the layoff or termination was given:

(i) the date on which the employee was laid off or terminated; or

(ii) a date determined in the prescribed manner.

(3) If an employer lays off or terminates the employment of an employee at a remote site, the employer shall provide transportation without cost for the employee to the nearest point where regularly scheduled transportation services are available.

2013, c.S-15.1, s.2-61.

Notice of group termination

2-62(1) In addition to the requirements of section 2-60 but subject to subsection (3), an employer who intends to terminate the employment of 10 or more employees in a workplace within any four-week period shall give written notice of that intention, in accordance with subsection (2), to each of the following:

(a) the minister;

(b) each employee whose employment will be terminated;

(c) if applicable, a union that is the bargaining agent of any employees whose employment will be terminated.

(2) The written notice required pursuant to subsection (1):

(a) must specify:

(i) the number of employees whose employment will be terminated;

(ii) the effective date or dates of their terminations; and

(iii) the reasons for the terminations; and

(b) must be given within the prescribed period.

(3) The notice required pursuant to subsection (1) may be given concurrently with the notice required pursuant to section 2-60.

2013, c.S-15.1, s.2-62.

Employee notice re termination

2-63(1) Subject to subsection (2), an employee who has been employed by the employer for at least 13 consecutive weeks must give the employer written notice of at least two weeks stating the day on which the employee is ending his or her employment.

(2) Subsection (1) does not apply if:

(a) there is an established custom or practice in any industry respecting the termination of employment that is contrary in whole or in part to subsection (1);

(b) an employee terminates employment because the employee's personal health or safety would be in danger if the employee continued to be employed by the employer;

(c) the contract of employment is or has become impossible for the employee to perform by reason of unforeseeable or unpreventable causes beyond the control of the employee;

(d) the employee is temporarily laid off;

(e) the employee is laid off after refusing an offer by the employer of reasonable alternative work;

(f) the employee is employed under an agreement by which the employee may elect either to work or not to work for a temporary period when requested to work by the employer; or

(g) the employee terminates the employment because of a reduction in wage rate, overtime rate, vacation pay, public holiday pay or termination pay.

2013, c.S-15.1, s.2-63.

DIVISION 3
Priority of Wages

Interpretation of Division

2-64 In this Division:

(a) **"purchase-money security interest"** means:

(i) a security interest that is taken or reserved by a seller of personal property to secure payment of all or part of its sale price; or

(ii) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the personal property, to the extent that the value is applied to acquire those rights;

(b) **"security interest"** means an interest in property that secures payment or performance of an obligation.

2013, c.S-15.1, s.2-64.

Wages accruing or due to be held in trust

2-65(1) Notwithstanding any other Act, an employer of an employee shall hold all of the employee's total wages due or accruing due to the employee in trust for the employee for the payment of those wages in the manner and at the time provided pursuant to this Part and the regulations made pursuant to this Part.

(2) If total wages are not held in trust as required pursuant to subsection (1), the employer is deemed to hold an amount equal to the amount of the total wages in trust for the employee.

2013, c.S-15.1, s.2-65.

Security interest on wages accruing or due

2-66(1) Wages due or accruing due to an employee are deemed to be secured by a security interest on the property and assets of the employee's employer, whether or not that property or those assets are subject to other security interests.

(2) Subject to subsection (6), the security interest for wages mentioned in subsection (1) is payable in priority to any other claim or right in the property or assets, including any claim or right of the Crown, without registration or other perfection of the deemed security interest for wages.

(3) Without limiting the generality of subsection (2), the priority mentioned in that subsection extends over every security interest, lien, charge, enforcement charge, judgment, encumbrance, mortgage, assignment, including an assignment of book debts, debenture or other security, whether perfected within the meaning of *The Personal Property Security Act, 1993* or not, made or given, accepted or issued before or after the wages accrued due.

(4) Notwithstanding subsection (2), the charge mentioned in that subsection does not take priority over the following:

(a) a purchase-money security interest that is:

(i) taken before the wages' accruing due; and

(ii) registered in accordance with the requirements of *The Personal Property Security Act, 1993*;

(b) a mortgage of real property granted by an employer before the wages' accruing due;

(c) the interest of a seller pursuant to an agreement for sale of real property or pursuant to a mortgage back arrangement or the interest of a person who gives value for the purpose of enabling an employer to acquire rights in real property, to the extent that the value is applied to acquire those rights.

(5) Without limiting the application of subsections (1) to (3), a security interest for wages may be registered in the Personal Property Registry continued pursuant to *The Personal Property Security Act, 1993*.

(6) The payment priority set out in subsection (2) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

2013, c.S-15.1, s.2-66.

Employees wages paid if assets of employer are insufficient

2-67(1) Subject to subsection (2), if an employer has failed or neglected to hold wages in trust as provided by section 2-65 and the assets of the employer are not sufficient to pay in full the trust moneys owing to each of the employees, the employees shall share amongst themselves the assets of the employer on a *pro rata* basis.

(2) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by this section or sections 2-65 and 2-66 until the claims for wages of the other employees of the corporation have been satisfied.

2013, c.S-15.1, s.2-67.

Corporate directors liable for wages

2-68(1) Subject to subsection (2), notwithstanding any other provision of this Act or any other Act, the corporate directors of an employer are jointly and severally liable to an employee for all wages due and accruing due to the employee but not paid while they are corporate directors.

(2) The maximum amount of a corporate director's liability pursuant to subsection (1) to an employee is six months' wages of the employee.

(3) Subject to subsections (4) and (5), a corporate director's liability pursuant to this section is payable in priority to any other unsecured claim or right in the corporate director's property or assets, including any claim or right of the Crown.

(4) The payment priority set out in subsection (3) is subject to section 15.1 of *The Enforcement of Maintenance Orders Act, 1997*.

(5) A corporate director who is an employee of the corporation is not entitled to the benefit provided to employees by subsection (3).

2013, c.S-15.1, s.2-68.

Responsibility of certain employers and contractors re wages of subcontractor's employees

2-69(1) If an employer or a contractor contracts with any other person for the performance of all or part of the employer's or contractor's work, the employer or contractor shall provide by the contract that the employees of that other person must be paid the wages to which they are entitled according to law.

(2) If the other person mentioned in subsection (1) fails to pay the wages as mentioned in that subsection, the employer or contractor, as the case may be, is liable to the employees to the extent of the work performed under the contract as if the employees were employed by the employer or contractor.

2013, c.S-15.1, s.2-69.

DIVISION 4
Demand on Third Party and Moneys Owing to Crown

Demand

2-70(1) In this Division and in Division 5:

(a) **"employer"** includes a corporate director of an employer who is liable for wages pursuant to section 2-68;

(b) **"third party"** means a person who has been served with a demand;

(c) **"wages"** includes interest calculated in accordance with the regulations made pursuant to this Part.

(2) Subject to the regulations made pursuant to this Part, the director of employment standards may serve a demand on a person if the director has knowledge or reasonable grounds to believe or suspects that:

(a) an employer has failed or is likely to fail to pay wages to an employee as required by this Part; and

(b) the person on whom the demand is served is or is about to become indebted to or liable to pay money to the employer.

(3) Subject to subsection (4), a demand must require the payment of the lesser of:

(a) the amount owed by a third party to the employer; and

(b) the amount specified in the demand.

(4) The amount required by a demand to be paid to the director of employment standards must not exceed the director's estimate of the total amount of all wage claims against the employer.

(5) If a demand is served on a third party in relation to a debt or account that is owned by the employer and one or more other persons as joint or joint and several owners, each co-owner is deemed to own an equal and separate share in the debt or account.

(6) Service of a demand on a third party:

(a) binds, to the extent of the amount set out in the demand, any debt or account due when the demand is served or accruing due while the demand is in force:

(i) to the employer from the third party; or

(ii) if subsection (5) applies, to the employer from the third party, to the extent outlined in subsection (5); and

(b) requires the third party to inform the director of employment standards within the period or periods set out in the demand whether any money is owing to the employer or will become owing to the employer during the period of the demand.

(7) Subject to subsection (8), if a debt or account mentioned in subclause (6)(a)(ii) is attached by the demand:

(a) the third party shall promptly inform the director of employment standards of the following:

(i) that the debt or account is co-owned by the employer and one or more other persons as joint or joint and several owners;

(ii) the names of and contact information for all persons who are co-owners of the debt or account; and

(b) the third party shall promptly inform all persons having co-ownership of the debt or account of the demand.

(8) The director of employment standards, the employer or any person identified by the third party as a co-owner may, within 15 business days after the seizure of the debt or account, apply to the Court of Queen's Bench for an order of the court:

(a) determining one or both of the following:

(i) that the portion of the debt or account attributable to the employer or to the person identified by the third party as a co-owner is greater or less than the amount determined in accordance with subsection (5);

(ii) that the employer or any person identified by the third party as a co-owner is not a co-owner of the debt or account; and

(b) determining any other matter and doing any other thing that the court considers necessary or appropriate.

(9) The onus is on the person who brings the application pursuant to subsection (8) to establish:

(a) that the share in the debt or account is other than that set out in subsection (5); or

(b) that the employer or other person is not a co-owner of the debt or account.

(10) The director of employment standards may serve a demand pursuant to this section notwithstanding that:

(a) the director has not issued a wage assessment against the employer; or

(b) a wage assessment has been issued and:

(i) the appeal period has not expired; or

(ii) the person against whom the wage assessment was issued has commenced an appeal and:

(A) the appeal is still pending; or

(B) the appeal has been dismissed in whole or in part.

(11) Unless it is revoked by the director of employment standards, a demand remains in force for:

(a) 90 days after the day on which the demand is served; or

(b) any longer period that the director may specify in the demand.

(12) The director of employment standards may serve a further demand on the same third party.

(13) Any money paid to the director of employment standards by the third party extinguishes the liability of the third party:

(a) to the employer, to the extent of the payment and the employer's interest; and

(b) if the amount paid exceeds the interest of the employer, to a co-owner to the extent of the excess payment and the co-owner's interest.

(14) If a third party is served with a demand and subsequently discharges any liability to the employer or fails to comply with the demand, the third party is liable to the director of employment standards to the extent of the lesser of:

(a) the amount of liability discharged to the employer; and

(b) the amount specified in the demand.

(15) The amount mentioned in clause (14)(a) or (b) may be recovered from the third party by the director of employment standards by:

(a) filing a certificate in accordance with section 2-77, and that section applies, with any necessary modification, to that certificate; or

(b) issuing a demand in accordance with this section, and this section applies, with any necessary modification, to that demand.

2013, c.S-15.1, s.2-70.

Demand re moneys owing by the Crown and public agencies

2-71(1) In this section, **"Crown"** includes a ministry, department, agency, board and other body of the Government of Saskatchewan and a Crown corporation.

(2) A demand pursuant to section 2-70 may be served on the Crown.

(3) Subsections 2-70(14) and (15) do not apply to the Crown.

(4) For the purposes of applying section 2-70 to the Crown, only the following amounts owed by the Crown are subject to seizure:

(a) subject to subsection (5), amounts due to a person for commercial goods or services acquired by the Crown in the ordinary course of business;

(b) amounts due to a person pursuant to *The Saskatchewan Medical Care Insurance Act*;

(c) amounts due to a person as remuneration for employment.

(5) Without limiting the generality of subsection (4), the following amounts are not subject to seizure:

(a) amounts due to any person pursuant to a funding agreement for the delivery of programs funded by the Crown;

(b) payments made pursuant to *The Saskatchewan Assistance Act*;

(c) grants by the Crown made pursuant to any Act;

(d) amounts due by the Crown to a municipality.

2013, c.S-15.1, s.2-71.

How moneys received by the director are to be handled

2-72(1) If the director of employment standards receives moneys pursuant to a demand that is served after a wage assessment is issued, the director shall:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on;

(b) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(c) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(2) Subject to subsection (3), if the director of employment standards issues a demand before issuing a wage assessment against the employer, the director shall, promptly after receiving moneys pursuant to the demand:

(a) if the employer and the employees agree on the amount of the unpaid wages owing to the employees, pay to the employees the amount agreed on; and

(b) if the employer and the employees do not agree on the amount of the unpaid wages owing to the employees, issue a wage assessment against the employer and:

(i) if the employer does not appeal the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, after the expiration of the appeal period; or

(ii) if the employer appeals the wage assessment, pay to the employees the amount of their outstanding wages, or a *pro rata* share if the amount received is not sufficient to pay the full amount, on the final determination of the appeal.

(3) Subsection (2) does not apply to a demand issued in accordance with clause 2-70(15)(b) or subsection 2-92(4).

2013, c.S-15.1, s.2-72.

Dispute of liability of person who received demand

2-73(1) If a third party who receives a demand issued in accordance with subsection 2-70(2) disputes his or her liability to an employer, the third party may apply to a judge of the Court of Queen's Bench to set aside the demand.

(2) On an application pursuant to subsection (1), the Court of Queen's Bench may determine the following with respect to the third party who received the demand:

(a) whether the person is under a legal obligation to honour the demand;

(b) whether the person is entitled to set off a claim or obligation against the money or liability seized;

(c) the amount the person is liable to pay in response to the demand and the time within which payment must be made.

2013, c.S-15.1, s.2-73.

DIVISION 5
Wage Assessments, Appeals, Certificates, Collections

Wage assessments

2-74(1) In this Division, **"adjudicator"** means an adjudicator selected pursuant to subsection 4-3(2).

(2) Subject to subsection (4), if the director of employment standards has knowledge or has reasonable grounds to believe or suspects that an employer has failed or is likely to fail to pay wages as required pursuant to this Part, the director may issue a wage assessment against either or both of the following:

(a) the employer;

(b) subject to subsection (3), a corporate director.

(3) The director of employment standards may only issue a wage assessment against a corporate director if the director has knowledge or has reasonable grounds to believe or suspects that the corporate director is liable for wages in accordance with section 2-68.

(4) The amount of a wage assessment that the director of employment standards may assess is to be reduced by an amount that the director is satisfied that the employee earned or should have earned during the period when the employer or corporate director was required to pay the employee the wages.

(5) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (4).

(6) If the director of employment standards has issued a wage assessment pursuant to subsection (2), the director shall cause a copy of the wage assessment to be served on:

(a) the employer or corporate director named in the wage assessment; and

(b) each employee who is affected by the wage assessment.

(7) A wage assessment must:

(a) indicate the amount claimed against the employer or corporate director;

(b) direct the employer or corporate director to, within 15 business days after the date of service of the wage assessment:

(i) pay the amount claimed; or

(ii) commence an appeal pursuant to section 2-75; and

(c) in the case of a wage assessment issued after money has been received from a third party pursuant to a demand issued pursuant to Division 4, set out the amount paid to the director of employment standards by the third party.

(8) The director of employment standards may, at any time, amend or revoke a wage assessment.

2013, c.S-15.1, s.2-74.

Commencement of appeal to adjudicator

2-75(1) Any of the following may appeal a wage assessment:

(a) an employer or corporate director who disputes liability or the amount set out in the wage assessment;

(b) an employee who disputes the amount set out in the wage assessment.

(2) An appeal pursuant to this section must be commenced by filing a written notice of appeal with the director of employment standards within 15 business days after the date of service of a wage assessment.

(3) The written notice of appeal filed pursuant to subsection (2) must:

(a) set out the grounds of the appeal; and

(b) set out the relief requested.

(4) If the appellant is an employer or a corporate director, the employer or corporate director shall, as a condition of being eligible to appeal the wage assessment, deposit with the director of employment standards the amount set out in the wage assessment or any other prescribed amount.

(5) The amount mentioned in subsection (4) must be deposited before the expiry of the period during which an appeal may be commenced.

(6) Subsections (4) and (5) do not apply if moneys that meet the amount of the wage assessment or the prescribed amount have been paid to the director of employment standards pursuant to a demand mentioned in section 2-70.

(7) An appeal filed pursuant to subsection (2) is to be heard by an adjudicator in accordance with Part IV.

(8) On receipt of the notice of appeal and deposit required pursuant to subsection (4), the director of employment standards shall forward to the adjudicator:

(a) a copy of the wage assessment; and

(b) a copy of the written notice of appeal.

(9) The copy of the wage assessment provided to the adjudicator in accordance with subsection (8) is proof, in the absence of evidence to the contrary, that the amount stated in the wage assessment is due and owing, without proof of the signature or official position of the person appearing to have signed the wage assessment.

(10) On the final determination of an appeal, the amount deposited pursuant to subsection (4):

(a) must be returned if the employer or corporate director is found not to be liable for the wages; or

(b) must be applied to the wage claims of the employees if the determination is in favour of the employees in whole or in part and, if there is any part of the amount remaining after being applied to those wage claims, the remaining amount must be returned to the employer or corporate director.

2013, c.S-15.1, s.2-75.

Hearings for certain claims

2-76(1) In this section, **"proceeding"** includes a proceeding authorized by another Act, a civil proceeding or a grievance under a collective agreement.

(2) This section applies to a complaint by an employee that an employer has:

(a) failed to comply with the obligation to pay equal pay in accordance with section 2-21; or

(b) acted contrary to section 2-42.

(3) On receipt of a complaint pursuant to subsection (2), the director of employment standards may assign an employment standards officer to investigate the complaint.

(4) If the employment standards officer assigned pursuant to subsection (3) advises the director of employment standards that there is merit to the complaint, the director may:

(a) attempt to resolve the complaint; or

(b) refer the complaint to an adjudicator to be heard in accordance with Part IV.

(5) Notwithstanding subsection (3), the director of employment standards may refuse to investigate or deal with a complaint if the director is of the opinion that, having regard to all the circumstances of the complaint, a hearing of the complaint is not warranted.

(6) The director of employment standards may, at any time after a complaint is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding.

(7) Notwithstanding any other provision of this Part or Part IV, there is no appeal of a decision of the director of employment standards taken pursuant to subsection (5) or (6).

2013, c.S-15.1, s.2-76.

Director's certificate

2-77(1) Subject to subsection (2), the director of employment standards may issue a certificate setting out the amount of wages owed to employees if:

(a) a period of 15 business days has elapsed after the date of service of a wage assessment and no notice of appeal has been served on the director in accordance with section 2-75; or

(b) the adjudicator, the board or the Court of Appeal has upheld all or a portion of the wage assessment.

(2) The amount of wages owing set out in a certificate issued pursuant to subsection (1) must be the amount that is:

(a) set out in the wage assessment or is the portion of that amount that remains to be paid to the employees;

(b) acknowledged in writing as owing by the employer or corporate director; or

(c) awarded by an adjudicator, the board or the Court of Appeal.

(3) The director of employment standards may issue a certificate setting out the amount of a third party's liability to the director pursuant to subsection 2-70(14).

2013, c.S-15.1, s.2-77.

Filing certificate in Court of Queen's Bench

2-78(1) A certificate issued pursuant to section 2-77 may be filed with a local registrar of the Court of Queen's Bench.

(2) A certificate filed pursuant to subsection (1) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt.

2013, c.S-15.1, s.2-78.

Enforcement of judgment

2-79 The director of employment standards may take the actions the director considers appropriate to enforce a judgment against an employer, corporate director or third party or to collect moneys owing to the Crown pursuant to this Part.

2013, c.S-15.1, s.2-79.

DIVISION 6
General

Subdivision 1
Administration

Director of employment standards

2-80(1) The minister shall appoint an employee of the ministry as director of employment standards.

(2) The director of employment standards may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Act or any other Act.

(3) The director of employment standards may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.2-80.

Appointment of employment standards officers

2-81(1) The minister may appoint any employees of the ministry or category of employees of the ministry as employment standards officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

2013, c.S-15.1, s.2-81.

Written credentials for employment standards officers

2-82 The minister shall provide each employment standards officer with written credentials of the officer's appointment, and the employment standards officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.2-82.

Inspection

2-83(1) Subject to subsection (5), an employment standards officer may enter any premises, place of employment, workplace or other place where records of employment are kept and conduct an inspection for the purpose of:

(a) making an inquiry in response to a complaint of an employee; or

(b) determining whether there is compliance with this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1).

(2) An inspection may be conducted at any reasonable time.

(3) When conducting an inspection in accordance with subsection (1) or enforcing a certificate, decision, order or judgment for wages, an employment standards officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(c) require any person to deliver any information and records that the officer considers necessary to ascertain whether this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) are being or have been complied with:

(i) within a period stated by the officer;

(ii) at a place designated by the officer; and

(iii) in a form acceptable to the officer;

(d) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(e) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records;

(f) subject to subsection (6), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given.

(4) Without limiting the generality of subsection (3), for the purposes of enforcing a judgment for wages, an employment standards officer may demand from any person, including a judgment debtor, the Crown or any other public body, any information that pertains to the judgment debtor and that is within the knowledge of, or is in any records in the possession or control of, the person, the judgment debtor, the Crown or public body, as the case may be, including:

(a) the legal name of the judgment debtor;

(b) the location and address of the judgment debtor;

(c) any place of employment and work arrangements of the judgment debtor;

(d) the wages, salary and other income of the judgment debtor;

(e) the assets of the judgment debtor and any property in which the judgment debtor may have an interest and any relevant information about those assets or that property;

(f) any other information that may reasonably assist with enforcing the judgment.

(5) An employment standards officer shall not enter a private dwelling without a warrant issued pursuant to section 2-84 unless the occupant of the dwelling consents to the entry.

(6) An employment standards officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.2-83.

Investigations

2-84(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, premises or vehicle named in the warrant;

(b) stop and search any vehicle;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1);

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an employment standards officer may:

(a) enter at any time and search any place, premises or vehicle named in the warrant;

(b) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1); and

(c) remove, for the purpose of making copies, any records examined pursuant to this section.

(3) Subject to subsection (4), an employment standards officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result in the loss, removal or destruction of evidence.

(4) An employment standards officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.2-84.

Fee re wage assessments

2-85(1) If the director of employment standards issues a wage assessment pursuant to section 2-74 against an employer or a corporate director and the wage assessment is not appealed or is upheld on appeal, the person against whom the wage assessment is issued is liable to pay to the Crown a fee in the prescribed amount.

(2) If a person who is liable to pay the fee mentioned in subsection (1) fails to pay that fee within the prescribed time, the director of employment standards may issue a certificate setting out the amount of the fee.

(3) A certificate issued pursuant to subsection (2) may be filed with a local registrar of the Court of Queen's Bench.

(4) A certificate 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 for the recovery of a debt.

(5) Without restricting the application of section 2-79, for the purposes of enforcing a certificate issued pursuant to this section, the director of employment standards may issue a demand in accordance with section 2-70, and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-85.

Compliance audits and audit fees

2-86(1) If the director of employment standards is satisfied that an employer has been regularly breaching the provisions of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director may require that a compliance audit be conducted:

(a) by an employment standards officer; or

(b) by a person who the director is satisfied has the necessary skills to conduct the audit.

(2) Section 2-83 applies, with any necessary modification, to a compliance audit conducted in accordance with this section.

(3) If the compliance audit discloses multiple breaches of the requirements imposed on employers by this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1), the director of employment standards may charge the employer:

(a) a prescribed amount for an audit conducted by an employment standards officer; or

(b) the amount charged by the person appointed in accordance with clause (1)(b).

(4) Section 2-85 applies, with any necessary modification, to the enforcement of the amount charged pursuant to this section.

2013, c.S-15.1, s.2-86.

Director has standing as representative of employees

2-87(1) The director of employment standards:

(a) has standing to represent any or all employees of an employer:

(i) in proceedings respecting an appeal of a wage assessment or a hearing mentioned in sections 2-75 and 2-76 before an adjudicator, the board or a court;

(ii) in proceedings pursuant to any other Act or any Act of the Parliament of Canada with respect to claims for unpaid wages; and

(b) may apply to a court to intervene in proceedings involving claims by or against employees, if in the opinion of the director the proceedings raise an issue of general importance to the rights and responsibilities of employers or employees.

(2) Subsection (1) does not require the director of employment standards to represent employees in any proceedings.

(3) In exercising the power set out in subsection (1), the director of employment standards shall act in a reasonable manner.

2013, c.S-15.1, s.2-87.

Negotiation and settlement by director of employment standards

2-88 Notwithstanding any other provision of this Part, the director of employment standards may:

(a) negotiate and settle any difference pursuant to this Part between:

(i) an employer or corporate director; and

(ii) an employee; and

(b) receive moneys on behalf of the employee in settlement of the difference mentioned in clause (a).

2013, c.S-15.1, s.2-88.

Time limits for claims to director of employment standards

2-89(1) A claim pursuant to this Part with respect to unpaid wages must be made to the director of employment standards:

(a) within 12 months after the last day on which payment of wages was to be made to an employee and the employer failed to make the payment; or

(b) if employment with the employer has ended, within 12 months after the last day on which any final payment of wages was to be made to the employee.

(2) Recovery of wages pursuant to this Part is limited:

(a) to wages that became payable in the 12 months preceding the day on which the claim was made to the director of employment standards; or

(b) if the employment with the employer has ended, to wages that became payable within the last 12 months of employment with that employer.

(3) Other than with respect to a claim mentioned in subsection (1), a complaint respecting an alleged contravention of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any Acts or regulations mentioned in subsection 2-81(1) must be made to the director of employment standards within 12 months after the date on which the complainant knew or, in the opinion of the director, ought reasonably to have known about the alleged contravention.

2013, c.S-15.1, s.2-89.

Director of employment standards to keep records of moneys paid pursuant to this Part

2-90(1) The director of employment standards shall keep a record of:

(a) all moneys paid to the director by employers and corporate directors, and all moneys received, pursuant to demands and actions to enforce payments pursuant to this Part; and

(b) all moneys paid by the director to employees, employers or corporate directors.

(2) If money received by the director of employment standards on behalf of an employee has not been paid to the employee concerned because the director has been unable to ascertain the whereabouts of the employee, and the employee does not claim it within a period of two years after the date of its receipt by the director, the money, on the order of the minister:

(a) becomes the property of the Crown; and

(b) must be paid into the general revenue fund.

2013, c.S-15.1, s.2-90.

Posting of documents

2-91(1) The director of employment standards may require that an employer post in a workplace all or a portion of this Part, the regulations made pursuant to this Part, any authorization issued pursuant to this Part or any other documents that the director considers appropriate.

(2) No employer shall fail to comply with a requirement imposed on the employer pursuant to subsection (1).

2013, c.S-15.1, s.2-91.

Enforcement of extraprovincial judgments

2-92(1) Notwithstanding any other Act, the director of employment standards may file a certified copy of a final order or judgment for the payment of wages made by any court or statutory authority in any other province or territory of Canada in the office of a local registrar of the Court of Queen's Bench.

(2) A copy of any order made by a court or statutory authority mentioned in subsection (1) purporting to be certified as a true copy by the presiding officer, judge or secretary of the court or statutory authority is admissible in evidence as proof of the order without proof of the appointment or signature of the person so certifying.

(3) On being filed pursuant to subsection (1), the final order or judgment is enforceable in the same manner as any other judgment or order of the Court of Queen's Bench.

(4) For the purpose of enforcing orders or judgments mentioned in subsection (3), the director of employment standards may issue demands in accordance with section 2-70 and that section applies, with any necessary modification, for the purposes of this section.

2013, c.S-15.1, s.2-92.

Application to set aside filed orders and judgment

2-93(1) If an order or judgment has been filed pursuant to section 2-92, the person against whom the order or judgment was made may apply to the Court of Queen's Bench to have the filing set aside.

(2) An application pursuant to subsection (1) must be made within:

(a) one month after the person against whom the order or judgment was made has had notice of the filing; or

(b) any further time that the Court of Queen's Bench may allow pursuant to subsection (3).

(3) On an application by the person against whom the order or judgment was made and on any terms it considers just and equitable, the Court of Queen's Bench may extend the time within which an application may be made pursuant to subsection (1).

(4) An order to extend the time may be made pursuant to subsection (3) notwithstanding that the time within which an application pursuant to subsection (1) may be made expired before an application for extension was made pursuant to subsection (3).

(5) On an application pursuant to subsection (1), the Court of Queen's Bench may set aside the filing of the order or judgment if the court is satisfied that:

(a) the court or statutory authority in the other province or territory did not have territorial competence over the person against whom the order or judgment was made; or

(b) the order or judgment was obtained by fraud.

(6) If, on an application pursuant to subsection (1) it is established to the satisfaction of the Court of Queen's Bench that an appeal is pending in the other jurisdiction, the court may make any order that it considers appropriate.

2013, c.S-15.1, s.2-93.

***The Pension Benefits Act, 1992* to prevail**

2-94 If there is a conflict between any provision of this Part and *The Pension Benefits Act, 1992* or any regulations made pursuant to that Act, that Act or those regulations prevail.

2013, c.S-15.1, s.2-94.

Subdivision 2
Offences and Penalties

Offences

2-95(1) No person shall:

(a) in the case of an employer:

(i) fail to pay an employee:

(A) the wages owing to the employee in the time and manner required pursuant to this Part, the regulations made pursuant to this Part or any authorization issued pursuant to this Part; or

(B) the total wages to which the employee is entitled in accordance with the employee's contract of employment or with a collective agreement that applies to the employee;

(ii) take discriminatory action against an employee for any reason prohibited by this Part;

(iii) make a deduction from wages that is not authorized or allowed by this Part or the regulations made pursuant to this Part;

(iv) fail to keep true and accurate records as required pursuant to this Part or the regulations made pursuant to this Part;

(v) fail to provide a statement of earnings to an employee that satisfies the requirements of this Part or the regulations made pursuant to this Part; or

(vi) fail to provide records in the time and manner required by an employment standards officer;

(b) intentionally delay or obstruct the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of employment standards or an employment standards officer in the exercise of his or her powers or the performance of his or her duties;

(d) fail to comply with any provision of this Part, any regulations made pursuant to this Part or any authorization issued pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) subject to clause (b), to a fine of not more than $10,000; and

(b) in the case of an offence that is committed within six years after the person is convicted of any offence:

(i) to a fine of not more than $25,000 for a second offence; and

(ii) to a fine of not more than $50,000 for a third or subsequent offence.

2013, c.S-15.1, s.2-95.

Order to pay wages or deliver records and information

2-96(1) Subject to subsection (3), if a person is convicted of an offence respecting the failure to pay wages, the convicting court may, in addition to any fine imposed by the court, order the person to pay the unpaid employee the amount of the wages to which the employee is entitled:

(a) immediately; or

(b) on those terms and conditions that the court directs.

(2) If an employer is convicted of an offence for failing to keep or deliver up for inspection any records or information as required or directed, the convicting judge may, in addition to any fine imposed, order the employer to immediately prepare and deliver to the director of employment standards those records or that information.

(3) The convicting court may reduce the amount of an award pursuant to this section by an amount that the convicting court is satisfied that the employee earned or should have earned during the period when the employer or corporate director was required to pay the employee the wages.

(4) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (3).

2013, c.S-15.1, s.2-96.

Additional powers of convicting court

2-97(1) If an employer is convicted of failure to grant an employment leave or of failure to reinstate an employee in his or her former employment after the employment leave, the convicting court may, in addition to any other penalty imposed for the offence, order the employer:

(a) if the conviction is for failure to grant an employment leave, to immediately grant to the employee the leave that the employer ought to have granted; or

(b) if the conviction is for failing to reinstate an employee in his or her former employment after the employee has been granted employment leave:

(i) to reinstate the employee in his or her former employment under the same terms and conditions in which he or she was formerly employed; and

(ii) to pay to the employee his or her wages retroactive to the date that the convicting judge determines that the employee ought to have been reinstated in his or her former employment pursuant to this Part.

(2) If an employer is convicted of failure to modify duties or reassign an employee because of the employee's disability or pregnancy, the convicting court may, in addition to any other penalty imposed for the offence, order the employer to reassign the employee to other duties or to modify the employee's duties so as to accommodate the employee's disability or pregnancy in a reasonable manner.

(3) If an employer is convicted of taking discriminatory action against an employee contrary to section 2-42, the convicting court may, in addition to any other penalty imposed, order the employer:

(a) to reinstate the employee in his or her former employment under the same terms and conditions in which he or she was formerly employed; and

(b) to pay to the employee his or her wages retroactive to the date that the discriminatory action was taken against the employee.

2013, c.S-15.1, s.2-97.

Limitation on prosecutions

2-98 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.2-98.

DIVISION 7
Regulations

Regulations for Part

2-99 The Lieutenant Governor in Council may make regulations:

(a) exempting any employer or category of employers from any or all of the provisions of this Part, conditionally or unconditionally;

(b) exempting any employee or category of employees from any or all of the provisions of this Part, conditionally or unconditionally;

(c) prescribing the period, if any, during which a regulation made pursuant to clause (a) or (b) applies;

(d) imposing terms and conditions applicable to any employer or employee or category of employers or employees exempted pursuant to clause (a) or (b), including terms and conditions prescribing the number of hours that an employee or category of employees may be required or permitted to work or to be at the disposal of his or her employer without the employer being required to pay the employee or category of employees additional wages pursuant to Subdivision 2 of Division 2;

(e) for the purposes of clause 2-1(f), prescribing activities:

(f) for the purposes of clause 2-3(1)(a), prescribing provisions of this Part that apply or do not apply to employees, employers or categories of employees or employers;

(g) for the purposes of section 2-16:

(i) prescribing the amount of the minimum wage or prescribing the manner in which the minimum wage is to be determined; and

(ii) prescribing the minimum sum to be paid when an employee reports for duty or prescribing the manner in which that minimum sum is to be determined;

(g.1) subject to any other Act, fixing the minimum age at which employees may be employed in any class of employment;

(g.2) 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;

(g.3) 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;

(g.4) fixing the maximum price to be charged to an employee by an employer, or the maximum deduction from the wages of an employee to be made by an employer, for living quarters in circumstances where the employer furnishes permanent or temporary living quarters to an employee:

(i) whether or not the living quarters are self-contained; and

(ii) whether or not the living quarters are in the general possession and custody of the employer;

(g.5) 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;

(h) authorizing the director of employment standards to conduct a vote of employees before issuing an authorization pursuant to this Part;

(i) governing the provision of benefits to eligible employees pursuant to section 2-39;

(j) prescribing benefit plans for the purposes of subsection 2-48(2);

(k) for the purposes of clause 2-62(2)(b), prescribing the period within which notice of group termination must be given;

(l) prescribing the amount of money that an appellant must deposit with the director of employment standards for the purposes of subsection 2-75(4);

(m) for the purposes of section 2-85, prescribing:

(i) the amount of fees payable or the manner of determining those fees; and

(ii) the time within which the fees must be paid;

(n) governing and requiring the keeping of records by employers for the purposes of this Part;

(o) respecting the determination of the cash value of board and lodging received by an employee from his or her employer;

(p) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.2-99; 2014, c.27, s.4.

DIVISION 8
Transitional

Transitional

2-100(1) In this section, **"former Act"** means *The Labour Standards Act* as that Act existed on the day before the coming into force of this section.

(2) Subject to subsection (3), any written authorization that was in force pursuant to the former Act remains in force for the period of the authorization or until the director of employment standards amends or cancels the authorization in accordance with section 2-20.

(3) The Lieutenant Governor in Council may make regulations prescribing a maximum period during which an authorization mentioned in subsection (2) continues in force.

(4) An employer who is paying wages with the frequency and in the manner authorized by section 46 of the former Act shall, on or before July 1, 2018, pay wages with the frequency and in the manner required pursuant to this Part.

2013, c.S-15.1, s.2-100.

PART III
Occupational Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

3-1(1) In this Part and in Part IV:

(a) **"biological substance"** means a substance containing living organisms, including infectious micro-organisms, or parts of organisms or products of organisms in their natural or modified forms;

(b) **"chemical substance"** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour, other than a biological substance;

(c) **"chief mines inspector"** means the chief mines inspector appointed pursuant to section 3-5;

(d) **"chief occupational medical officer"** means the chief occupational medical officer appointed pursuant to section 3-4;

(e) **"competent"** means possessing knowledge, experience and training to perform a specific duty;

(f) **"compliance undertaking"** means a compliance undertaking entered into pursuant to section 3-38;

(g) **"contractor"** means a person who, or a partnership or group of persons that, pursuant to one or more contracts:

(i) directs the activities of one or more employers or self-employed persons involved in work at a place of employment; or

(ii) subject to subsection (3), retains an employer or self-employed person to perform work at a place of employment;

(h) **"director of occupational health and safety"** means the director of occupational health and safety appointed pursuant to section 3-3;

(i) **"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:

(i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or

(ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:

(A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;

(B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or

(C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);

(j) **"employer"** means, subject to section 3-29, a person, firm, association or body that has, in connection with the operation of a place of employment, one or more workers in the service of the person, firm, association or body;

(k) **"equipment"** means any mechanical or non-mechanical article or device, and includes any machine, tool, appliance, apparatus, implement, service or utility, but does not include the personal property owned by an individual unless that property is used in the carrying on of an occupation;

(l) **"harassment"** means any inappropriate conduct, comment, display, action or gesture by a person:

(i) that either:

(A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or

(B) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and

(ii) that constitutes a threat to the health or safety of the worker;

(m) **"notice of contravention"** means a notice of contravention served pursuant to section 3-38;

(n) **"occupation"** means employment, business, calling or pursuit;

(o) **"occupational health and safety"** means:

(i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers;

(ii) the prevention among workers of ill health caused by their working conditions;

(iii) the protection of workers in their employment from factors adverse to their health;

(iv) the placing and maintenance of workers in working environments that are adapted to their individual physiological and psychological conditions; and

(v) the promotion and maintenance of a working environment that is free of harassment;

(p) **"occupational health and safety representative"** means an occupational health and safety representative designated pursuant to section 3-24;

(q) **"occupational health and safety service"** means a service organized in or near a place of employment for the purposes of:

(i) protecting workers against any health or safety hazard that may arise out of their work or the working conditions under which it is carried on;

(ii) contributing to the workers' physical and mental adjustment in their employment and their assignment to jobs for which they are suited; and

(iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being in the workers;

(r) **"occupational health committee"** means an occupational health committee established pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part;

(s) **"occupational health officer"** means a person appointed as an occupational health officer pursuant to section 3-6;

(t) **"owner"** includes:

(i) a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of any lands or premises used or to be used as a place of employment; and

(ii) any person who acts for or on behalf of a person mentioned in subclause (i) as that person's agent or delegate;

(u) **"physician"** means a duly qualified medical practitioner;

(v) **"place of employment"** means any plant in or on which one or more workers or self-employed persons work, usually work or have worked;

(w) **"plant"** includes any premises, site, land, mine, water, structure, fixture or equipment employed or used in the carrying on of an occupation;

(x) **"practicable"** means possible given current knowledge, technology and invention;

(y) **"prime contractor"** means the person who is the prime contractor in accordance with section 3-13;

(z) **"reasonably practicable"** means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;

(aa) **"registered nurse"** means a nurse registered pursuant to *The Registered Nurses Act, 1988*;

(bb) **"self-employed person"** means a person who is engaged in an occupation but is not in the service of an employer;

(cc) **"structure"** includes any building, support for equipment, factory, road, dam, bridge, waterway, dock, railway or excavation;

(dd) **"supervisor"** means an individual who is authorized by an employer to oversee or direct the work of the employer's worker;

(ee) **"supplier"** means, unless otherwise stated, a person who supplies, sells, offers or exposes for sale, leases, distributes or installs any biological substance or chemical substance or any plant to be used at a place of employment;

(ff) **"train"** means to give information and explanation to a worker with respect to a particular subject-matter and to require a practical demonstration that the worker has acquired knowledge or skill related to the subject-matter;

(gg) **"worker"** means:

(i) an individual, including a supervisor, who is engaged in the service of an employer; or

(ii) a member of a prescribed category of individuals;

but does not include an inmate, as defined in *The Correctional Services Act, 2012*, of a correctional facility as defined in that Act who is participating in a work project or rehabilitation program within the correctional facility;

(hh) **"worksite"** means an area at a place of employment where a worker works or is required or permitted to be present.

(2) In this Part:

(a) if a provision refers to any matter or thing that an employer is required to do in relation to workers, the provision applies to workers who are in the service of that employer, unless the context requires otherwise; and

(b) if a provision refers to any matter or thing that an employer is required to do in relation to a place of employment, the provision applies to every place of employment of that employer, unless the context requires otherwise.

(3) For the purposes of subclause (1)(g)(ii), a person, partnership or group of persons is considered to be a contractor only if that person, partnership or group of persons knows or ought reasonably to know the provisions of this Part and the regulations made pursuant to this Part respecting the work or the place of employment at the time of retaining the employer or self-employed person to perform work at a place of employment.

(4) To constitute harassment for the purposes of paragraph (1)(l)(i)(B), either of the following must be established:

(a) repeated conduct, comments, displays, actions or gestures;

(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

(5) For the purposes of paragraph (1)(l)(i)(B), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

2013, c.S-15.1, s.3-1.

Responsibilities of minister re Part

3-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to occupational health and safety and to advancing and improving occupational health and safety in the workplace.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting occupational health and safety;

(b) either alone or in conjunction with the Workers' Compensation Board and the minister responsible for the administration of *The Public Health Act, 1994*, prepare and maintain occupationally related injury and illness statistics respecting workers and self-employed persons;

(c) provide assistance to persons concerned with occupational health and safety and provide services to assist occupational health committees, occupational health and safety representatives, employers, workers and self-employed persons in maintaining reasonable standards for the protection of the health and safety of workers and self-employed persons;

(d) promote or conduct studies and research projects in connection with issues relating to the health and safety of workers;

(e) encourage or conduct educational programs including seminars and courses of training for promoting the health and safety of workers and for improving the qualifications of persons involved in the promotion of occupational health and safety; and

(f) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-2.

DIVISION 2
Administration

Appointment of director of occupational health and safety

3-3(1) The minister shall appoint an employee of the ministry as director of occupational health and safety.

(2) The director of occupational health and safety may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of occupational health and safety may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.3-3.

Appointment of chief occupational medical officer

3-4 The minister shall appoint as chief occupational medical officer a physician who has training or experience in occupational health.

2013, c.S-15.1, s.3-4.

Appointment of chief mines inspector

3-5 The minister shall appoint as chief mines inspector a professional engineer or professional geoscientist who holds a valid licence pursuant to *The Engineering and Geoscience Professions Act*, or who is eligible for a licence pursuant to that Act, and who has training or experience in the mining industry.

2013, c.S-15.1, s.3-5.

Appointment of occupational health officers

3-6(1) The minister may appoint any employees of the ministry or category of employees of the ministry as occupational health officers for the purpose of enforcing this Part, the regulations made pursuant to this Part and any other prescribed Acts and prescribed regulations.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) The director of occupational health and safety, the chief occupational medical officer and the chief mines inspector have all of the powers and authority and all of the protection of occupational health officers and any other powers that may be conferred on them by this Part or the regulations made pursuant to this Part.

(4) The minister may enter into an agreement with the government of any province or territory of Canada or with the Government of Canada specifying the terms and conditions under which a person employed by the government of that province or territory or the Government of Canada may, for the purposes of this Part, act as an occupational health officer in Saskatchewan.

(5) On any terms and conditions that the minister considers necessary, the minister may consent to have an occupational health officer carry out health and safety inspections or other work on behalf of the government of another province or territory of Canada or on behalf of the Government of Canada.

2013, c.S-15.1, s.3-6.

Written credentials for occupational health officers

3-7 The minister shall provide each occupational health officer with written credentials of the officer's appointment, and the occupational health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-7.

DIVISION 3
Duties

General duties of employer

3-8 Every employer shall:

(a) ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer's workers;

(b) consult and cooperate in a timely manner with any occupational health committee or the occupational health and safety representative at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work;

(c) make a reasonable attempt to resolve, in a timely manner, concerns raised by an occupational health committee or occupational health and safety representative pursuant to clause (b);

(d) ensure, insofar as is reasonably practicable, that the employer's workers are not exposed to harassment with respect to any matter or circumstance arising out of the workers' employment;

(e) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part;

(f) ensure that:

(i) the employer's workers are trained in all matters that are necessary to protect their health, safety and welfare; and

(ii) all work at the place of employment is sufficiently and competently supervised;

(g) if the employer is required to designate an occupational health and safety representative for a place of employment, ensure that written records of meetings with the occupational health and safety representative are kept and are readily available at the place of employment;

(h) ensure, insofar as is reasonably practicable, that the activities of the employer's workers at a place of employment do not negatively affect the health, safety or welfare at work of the employer, other workers or any self-employed person at the place of employment; and

(i) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-8.

General duties of supervisors

3-9 Every supervisor shall:

(a) ensure, insofar as is reasonably practicable, the health and safety at work of all workers who work under the supervisor's direct supervision and direction;

(b) ensure that workers under the supervisor's direct supervision and direction comply with this Part and the regulations made pursuant to this Part;

(c) ensure, insofar as is reasonably practicable, that all workers under the supervisor's direct supervision and direction are not exposed to harassment at the place of employment;

(d) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(e) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-9.

General duties of workers

3-10 Every worker while at work shall:

(a) take reasonable care to protect his or her health and safety and the health and safety of other workers who may be affected by his or her acts or omissions;

(b) refrain from causing or participating in the harassment of another worker;

(c) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-10.

General duties of self-employed persons

3-11 Every self-employed person shall:

(a) conduct his or her undertaking in such a way as to ensure, insofar as is reasonably practicable, that the self-employed person and workers employed on or about the same place of employment who may be affected by the undertaking are not thereby exposed to risks to their health and safety;

(b) cooperate with any other person exercising a duty imposed by this Part or the regulations made pursuant to this Part; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-11.

General duties of contractors

3-12 Every contractor shall:

(a) ensure, insofar as is reasonably practicable, that each of the following that is not in the direct and complete control of an employer or self-employed person under contract with the contractor is safe for, without risk to the health of, and adequate with regard to facilities for the welfare of, all employers, workers or self-employed persons at the place of employment:

(i) every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(ii) every work process or procedure carried on at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person;

(b) post any prescribed notice in a conspicuous location at every place of employment or worksite where an employer, employer's worker or self-employed person works pursuant to a contract between the contractor and the employer or self-employed person; and

(c) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-12.

General duties of prime contractors at certain multi-employer worksites

3-13(1) Every worksite must have a prime contractor if the worksite:

(a) has multiple employers or self-employed persons; and

(b) meets the prescribed circumstances.

(2) The prime contractor for a worksite mentioned in subsection (1) is to be determined in the prescribed manner.

(3) The prime contractor for a worksite shall carry out the prescribed activities.

2013, c.S-15.1, s.3-13.

General duties of owners

3-14 Every owner of any plant used as a place of employment shall:

(a) ensure, insofar as is reasonably practicable, that any area of the plant or activity occurring in or on an area of the plant that is not in the direct and complete control of any contractor, employer or self-employed person who works or employs one or more workers who work in or on the plant:

(i) is maintained or is carried on in compliance with this Part and the regulations made pursuant to this Part; and

(ii) does not endanger the health or safety of any contractor, employer, worker or self-employed person who works in or on the plant; and

(b) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-14.

General duties of suppliers

3-15 Every supplier shall:

(a) ensure, insofar as is reasonably practicable, that any biological substance or chemical substance or any plant supplied by the supplier to any owner, contractor, employer, worker or self-employed person for use in or at a place of employment:

(i) is safe when used in accordance with the instructions provided by the supplier; and

(ii) complies with the requirements of this Part and the regulations made pursuant to this Part;

(b) in the prescribed circumstances:

(i) provide written instruction respecting the safe use of equipment that is supplied by the supplier to be used in or at a place of employment by workers; and

(ii) provide notice when equipment supplied does not or will not likely comply with a prescribed standard when used at a place of employment by workers;

(c) if the supplier has responsibility under a leasing agreement to maintain equipment, maintain that equipment in a safe condition and in compliance with the regulations made pursuant to this Part and any applicable orders issued pursuant to those regulations; and

(d) comply with this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-15.

Duty to provide information

3-16(1) In this section, **"required information"**:

(a) means any information that an employer, contractor, owner or supplier knows or may reasonably be expected to know and that:

(i) may affect the health or safety of any person who works at a place of employment; or

(ii) is necessary to identify and control any existing or potential hazards with respect to any plant or any process, procedure, biological substance or chemical substance used at a place of employment; and

(b) includes any prescribed information.

(2) Subject to section 3-17 and Division 7, every employer shall keep readily available all required information and provide that information to the following at a place of employment:

(a) the occupational health committee;

(b) the occupational health and safety representative;

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) Subject to Division 7, every contractor shall provide all required information to:

(a) every employer and self-employed person with whom the contractor has a contract; and

(b) any occupational health committee established by the contractor.

(4) Subject to Division 7, every owner of a plant used as a place of employment shall provide all required information to every contractor, every employer who employs workers who work in or on the plant and every self-employed person who works in or on the plant.

(5) Subject to Division 7, every supplier shall provide prescribed written instructions and any other prescribed information to every employer to whom the supplier supplies any prescribed biological substance, chemical substance or plant.

2013, c.S-15.1, s.3-16.

Exemption

3-17(1) Subject to Division 7, an employer, owner, contractor or supplier may apply for an exemption from the requirements of subsection 3-16(2), (3), (4) or (5), as the case may be, with respect to information that contains trade secrets of the applicant by submitting a written request to the director of occupational health and safety.

(2) After consultation with any interested persons that the director of occupational health and safety considers appropriate, the director may exempt an applicant pursuant to subsection (1) from the requirements of subsection 3-16(2), (3), (4) or (5) with respect to information that contains trade secrets of the applicant.

(3) An exemption pursuant to subsection (2):

(a) must be in writing; and

(b) may be made subject to any terms and conditions that, in the opinion of the director of occupational health and safety, are necessary to secure the health or safety of the workers.

2013, c.S-15.1, s.3-17.

Provision of information to medical personnel

3-18(1) An employer shall, as soon as possible in the circumstances, provide any information exempted pursuant to subsection 3-17(2) that is in the possession of the employer to any physician or registered nurse who requests the information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

(2) A physician or registered nurse to whom information is provided pursuant to subsection (1) shall:

(a) use the information only for the purpose for which it is provided; and

(b) keep confidential any information specified by the employer as confidential information.

2013, c.S-15.1, s.3-18.

Duty to provide occupational health and safety service

3-19(1) The minister may designate in writing a place of employment or a category of places of employment as requiring an occupational health and safety service, having regard to:

(a) the type of work being carried on;

(b) the number of workers employed; and

(c) the degree of hazard at the place or places of employment.

(2) An employer operating at a place of employment designated pursuant to subsection (1) shall establish and maintain an occupational health and safety service for the place of employment.

(3) The minister may specify in writing the services that are to be provided by the occupational health and safety service for a designated place of employment.

(4) The establishment and continued operation of an occupational health and safety service is subject to the direction of the minister.

(5) Nothing in this section is to be interpreted as limiting or replacing the duties or requirements imposed on employers and workers by this Part or the regulations made pursuant to this Part, including any duties related to occupational health committees or occupational health and safety representatives.

2013, c.S-15.1, s.3-19.

Duty to provide occupational health and safety programs

3-20(1) An employer at a prescribed place of employment shall establish and maintain an occupational health and safety program or a prescribed part of an occupational health and safety program in accordance with the regulations made pursuant to this Part.

(2) An occupational health and safety program at a prescribed place of employment must be established and designed in consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(3) An occupational health and safety program must include all prescribed documents, information and matters.

(4) An occupational health and safety program at a prescribed place of employment must be in writing and must be made available, on request, to the occupational health committee, the occupational health and safety representative, the workers or an occupational health officer.

(5) If the work at a place of employment is carried on pursuant to contracts between a contractor and two or more employers, the contractor shall coordinate the occupational health and safety programs of all employers at the place of employment.

(6) The director of occupational health and safety may order an employer to develop an occupational health and safety program for a place of employment if the director considers it to be in the interests of the health, safety and welfare of the employer's workers based on the criteria set out in subsection (8).

(7) An order issued pursuant to subsection (6) must be in writing.

(8) In making an order pursuant to subsection (6), the director of occupational health and safety shall consider the following criteria:

(a) the frequency of occupationally related injuries and illnesses at the place of employment;

(b) the number and nature of the notices of contravention relating to the place of employment and the history of compliance with those orders and with compliance undertakings;

(c) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-20.

Duty re policy statement on violence and prevention plan

3-21(1) An employer operating at a prescribed place of employment where violent situations have occurred or may reasonably be expected to occur shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement and prevention plan required pursuant to subsection (1) must include any prescribed provisions.

2013, c.S-15.1, s.3-21.

DIVISION 4
Occupational Health Committees and Occupational Health and Safety Representatives

Establishment of committees

3-22(1) Subject to the regulations made pursuant to this Part, at every place of employment where 10 or more workers of one employer work, the employer shall:

(a) establish an occupational health committee at the place of employment; and

(b) designate persons as members of the occupational health committee in accordance with this section.

(2) An occupational health committee must consist of at least two and no more than 12 persons.

(3) At least half of the members of an occupational health committee must represent workers other than workers connected with the management of the place of employment.

(4) No person who represents workers shall be designated as a member of an occupational health committee unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers whom the person would represent on the committee, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-22.

Director may order additional or new occupational health committees

3-23(1) Notwithstanding section 3-22, but subject to subsections (2) to (4) and the regulations made pursuant to this Part, the director of occupational health and safety may order an employer or contractor to establish:

(a) an additional occupational health committee if, in the opinion of the director, the place of employment would be better served by more than one committee; or

(b) an occupational health committee to protect the health, safety and welfare of the workers if an occupational health committee is not otherwise required.

(2) An order issued pursuant to subsection (1) must be in writing.

(3) In an order issued pursuant to this section, the director of occupational health and safety may specify the composition, practice and procedures of the occupational health committee.

(4) In making an order pursuant to this section, the director of occupational health and safety shall consider the following criteria:

(a) the nature of the work performed at the place of employment;

(b) any request to establish an occupational health committee made by an employer, a prime contractor, a worker or a union representing workers at the place of employment;

(c) the frequency of occupationally related injuries and illnesses at the place of employment or in the industry with which the place of employment is associated;

(d) any additional criteria that the director considers appropriate to protect the health, safety and welfare of workers.

2013, c.S-15.1, s.3-23.

Designation of representatives

3-24(1) Subject to the regulations made pursuant to this Part, at each prescribed place of employment where fewer than 10 workers of one employer work, the employer shall designate a person as the occupational health and safety representative for those workers.

(2) No person may be designated as an occupational health and safety representative unless the person:

(a) has been elected from the place of employment for that purpose by the workers whom the person would represent;

(b) has been appointed from the place of employment in accordance with the constitution or the bylaws of the union of which the workers are members; or

(c) if more than one union represents the workers that the person would represent as an occupational health and safety representative, has been appointed for that purpose from the place of employment pursuant to an agreement among all of those unions.

2013, c.S-15.1, s.3-24.

Duty to post names

3-25(1) A person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part shall post the names of the members of the committee in a conspicuous location at every place of employment of workers represented by the committee.

(2) An employer who is required to designate an occupational health and safety representative pursuant to section 3-24 shall post the name of the representative in a conspicuous location at every place of employment of workers represented by the representative.

2013, c.S-15.1, s.3-25.

General concern of committees and representatives

3-26 An occupational health committee and an occupational health and safety representative shall have a continuing concern with respect to the health, safety and welfare at a place of employment of workers represented by the committee or the representative.

2013, c.S-15.1, s.3-26.

Duties of committees

3-27(1) The duties of an occupational health committee are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to establish, promote and recommend the means of delivery of occupational health and safety programs for the education and information of workers;

(d) to maintain records with respect to the duties of the committee pursuant to this section;

(e) to investigate any matter mentioned in section 3-31;

(f) to receive, consider and resolve matters respecting the health and safety of workers;

(g) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) An employer or contractor shall ensure that the duties of the occupational health committee imposed by this Part or the regulations made pursuant to this Part are not diminished by any other committee established within the place of employment by the employer or contractor.

2013, c.S-15.1, s.3-27.

Duties of representatives

3-28(1) The duties of an occupational health and safety representative are the following:

(a) to participate in the identification and control of health and safety hazards in or at the place of employment;

(b) to cooperate with the occupational health and safety service, if any, established for the place of employment;

(c) to receive and distribute to workers information regarding health and safety;

(d) to receive, consider and resolve matters respecting the health and safety of workers;

(e) to carry out any other duties that are specified in this Part or the regulations made pursuant to this Part.

(2) The occupational health and safety representative shall perform his or duties in consultation with the employer.

2013, c.S-15.1, s.3-28.

Reference of matters to occupational health officer

3-29(1) In this section, **"employer"** means any person who is required to establish an occupational health committee pursuant to section 3-22 or 3-23 or the regulations made pursuant to this Part or to designate an occupational health and safety representative pursuant to section 3-24.

(2) If an employer does not resolve an issue or address a concern raised by an occupational health committee or an occupational health and safety representative with respect to the health, safety and welfare of the workers at a place of employment, the employer shall provide written reasons for not resolving the issue or addressing the concern to the committee or to the representative.

(3) If the parties cannot resolve an issue or address a concern after the provision of written reasons by the employer pursuant to subsection (2), any of the following may refer the matter to an occupational health officer:

(a) the employer;

(b) the occupational health committee;

(c) a member of the occupational health committee;

(d) the occupational health and safety representative.

(4) If a matter is referred to an occupational health officer pursuant to subsection (3), the officer may:

(a) determine that there is no issue or concern and inform the person who referred the matter of the determination;

(b) endeavour to mediate an acceptable resolution of the matter and, if the matter cannot be resolved, give written reasons to the employer and to the occupational health committee or the occupational health and safety representative, as the case may be, why the matter cannot be resolved; or

(c) issue a notice of contravention in accordance with this Part.

(5) Nothing in this section limits the right of a worker to refer any matter respecting occupational health and safety directly to an occupational health officer.

2013, c.S-15.1, s.3-29.

Provision of reports by occupational health officer

3-30 If an occupational health officer provides an employer with a report or other communication related to the health and safety of workers, the occupational health officer shall, at the same time, provide a copy of the report or communication to:

(a) the occupational health committee;

(b) the occupational health and safety representative; or

(c) if there is no occupational health committee and no occupational health and safety representative, the employer's workers.

2013, c.S-15.1, s.3-30.

DIVISION 5
Right to Refuse Dangerous Work; Discriminatory Action

Right to refuse dangerous work

3-31 A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

(a) sufficient steps have been taken to satisfy the worker otherwise; or

(b) the occupational health committee has investigated the matter and advised the worker otherwise.

2013, c.S-15.1, s.3-31.

Investigation by occupational health officer

3-32 If there is no occupational health committee at a place of employment or if the worker or the employer is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b):

(a) the worker or the employer may request an occupational health officer to investigate the matter; and

(b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2).

2013, c.S-15.1, s.3-32.

Decision of occupational health officer

3-33(1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the employer requiring the appropriate remedial action.

(2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer shall, in writing:

(a) advise the employer and the worker of that decision; and

(b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-33.

Other workers not to be assigned

3-34 If a worker has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the employer, in writing, of:

(a) the refusal and the reasons for the refusal;

(b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and

(c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31.

2013, c.S-15.1, s.3-34.

Discriminatory action prohibited

3-35 No employer shall take discriminatory action against a worker because the worker:

(a) acts or has acted in compliance with:

(i) this Part or the regulations made pursuant to this Part;

(ii) Part V or the regulations made pursuant to that Part;

(iii) a code of practice issued pursuant to section 3-84; or

(iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;

(b) seeks or has sought the enforcement of:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;

(e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;

(f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;

(g) is about to testify or has testified in any proceeding or inquiry pursuant to:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;

(i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;

(j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or

(k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part.

2013, c.S-15.1, s.3-35.

Referral to occupational health officer

3-36(1) A worker who, on reasonable grounds, believes that the employer has taken discriminatory action against him or her for a reason mentioned in section 3-35 may refer the matter to an occupational health officer.

(2) If an occupational health officer decides that an employer has taken discriminatory action against a worker for a reason mentioned in section 3-35, the occupational health officer shall serve a notice of contravention requiring the employer to:

(a) cease the discriminatory action;

(b) reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) subject to subsection (5), pay to the worker any wages that the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) If an occupational health officer decides that no discriminatory action has been taken against a worker for any of the reasons set out in section 3-35, the occupational health officer shall advise the worker of the reasons for that decision in writing.

(4) If discriminatory action has been taken against a worker who has acted or participated in an activity described in section 3-35:

(a) in any prosecution or other proceeding taken pursuant to this Part, there is a presumption in favour of the worker that the discriminatory action was taken against the worker because the worker acted or participated in an activity described in section 3-35; and

(b) the onus is on the employer to establish that the discriminatory action was taken against the worker for good and sufficient other reason.

(5) The amount of money that an occupational health officer may require to be paid pursuant to clause (2)(c) is to be reduced by an amount that the officer is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(6) The employer has the onus of establishing the amount of the reduction mentioned in subsection (5).

2013, c.S-15.1, s.3-36.

Order to reinstate worker wrongfully discriminated against

3-37(1) If an employer is convicted of taking discriminatory action against a worker contrary to any provision of this Part, the convicting judge shall order the employer:

(a) to cease the discriminatory action;

(b) to reinstate the worker to his or her former employment on the same terms and conditions under which the worker was formerly employed;

(c) subject to subsection (2), to pay to the worker any wages the worker would have earned if the worker had not been wrongfully discriminated against; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(2) The amount of wages that are ordered to be paid pursuant to clause (1)(c) must be reduced by an amount that the convicting judge is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(3) The employer has the onus of establishing the amount by which an award pursuant to clause (1)(c) should be reduced in accordance with subsection (2).

2013, c.S-15.1, s.3-37.

DIVISION 6
Compliance Undertakings and Notices of Contravention

Compliance undertakings and notices of contravention

3-38(1) An occupational health officer shall act pursuant to subsection (2) if the occupational health officer is of the opinion that a person:

(a) is contravening any provision of this Part or the regulations made pursuant to this Part; or

(b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the occupational health officer shall:

(a) subject to subsection (4), require the person to enter into a compliance undertaking; or

(b) serve a notice of contravention on the person.

(3) For the purposes of subsection (2):

(a) a compliance undertaking must:

(i) be in writing and in the form approved by the director of occupational health and safety;

(ii) contain a description by the occupational health officer of the action to be undertaken by the person; and

(iii) contain the person's signed commitment to:

(A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the occupational health officer in the compliance undertaking; and

(B) provide a progress report in accordance with section 3-43; and

(b) a notice of contravention must:

(i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;

(ii) state the reasons for the occupational health officer's opinion; and

(iii) require the person to remedy the contravention within a period specified by the occupational health officer in the notice of contravention.

(4) An occupational health officer shall not allow a person to enter into a compliance undertaking if a provision of this Part or the regulations made pursuant to this Part requires that a notice of contravention be issued.

(5) An occupational health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:

(a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 3-43; or

(b) in the opinion of the occupational health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

2013, c.S-15.1, s.3-38.

Directions to remedy contravention

3-39 A notice of contravention may include directions as to the measures to be taken to remedy the contravention to which the notice relates, and the directions must, if practicable, give the person on whom the notice is served a choice of different ways of remedying the contravention.

2013, c.S-15.1, s.3-39.

Contravention involving risk to health or safety

3-40 If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a risk to the health or safety of a worker, the occupational health officer may direct in the notice of contravention that any activity to which the notice of contravention relates shall not be carried on after the period specified in the notice or until the contravention specified in the notice has been remedied, whichever occurs first.

2013, c.S-15.1, s.3-40.

Contravention involving serious risk to health or safety

3-41(1) If an occupational health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a serious risk to the health or safety of a worker, the occupational health officer shall, in the notice of contravention, require the cessation of work that involves a serious risk to workers arising from that contravention until the requirement to cease work has been withdrawn by an occupational health officer.

(2) Notwithstanding subsection (1), if an occupational health officer requires the immediate cessation of any work at or the evacuation of workers from a place of employment or a worksite pursuant to subsection (1), the person on whom the notice of contravention is served may, subject to any direction given by the occupational health officer, carry out or cause workers to carry out the activities or measures necessary to remedy the contravention.

2013, c.S-15.1, s.3-41.

Copy of compliance undertaking or notice of contravention

3-42 If a person enters into a compliance undertaking or an occupational health officer serves a notice of contravention on any person, the occupational health officer shall:

(a) if there is an occupational health committee or an occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, provide the occupational health committee or the occupational health and safety representative with a copy of the compliance undertaking or notice of contravention; or

(b) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post a copy of the compliance undertaking or notice of contravention in a conspicuous location at that place of employment.

2013, c.S-15.1, s.3-42.

Progress report

3-43 Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the occupational health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

2013, c.S-15.1, s.3-43.

Reassignment to alternative work

3-44 If an occupational health officer has served on an employer a notice of contravention that includes a requirement mentioned in section 3-41, the employer shall assign to alternative work, without loss of pay, his or her workers who are no longer able to work at a worksite with respect to which the notice of contravention applies until the workers are permitted by an occupational health officer to resume their work at the worksite.

2013, c.S-15.1, s.3-44.

Withdrawals of certain requirements

3-45 An occupational health officer may withdraw any requirement for the cessation of work mentioned in section 3-41 that is included in a notice of contravention if the occupational health officer is satisfied that the contravention with respect to which the cessation of work was required has been remedied.

2013, c.S-15.1, s.3-45.

Notices of contravention that do not take immediate effect

3-46 If a notice of contravention that is not to take immediate effect has been served:

(a) the notice may be withdrawn by an occupational health officer at any time before the end of the period specified in the notice; or

(b) the period specified pursuant to clause (a) may be extended or further extended by an occupational health officer at any time except when an appeal against the notice is pending.

2013, c.S-15.1, s.3-46.

DIVISION 7
Workplace Hazardous Materials Information System

Interpretation of Division

3-47 In this Division:

(a) **"appeal board"** means an appeal board appointed pursuant to subsection 43(1) of the *Hazardous Materials Information Review Act* (Canada) in relation to appeals relating to the provisions of the *Hazardous Products Act* (Canada);

(b) **"concentration"** means concentration as expressed in the prescribed manner;

(c) **"hazardous product"** means any product, mixture, material or substance that is classified in accordance with the regulations made pursuant to subsection 15(1) of the *Hazardous Products Act* (Canada) in a category or subcategory of a hazard class listed in Schedule 2 of that Act;

(d) **"label"** means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged;

(e) **"pictogram"** means a graphical composition that includes a symbol along with other graphical elements, such as a border or background colour;

(f) **"pure substance"** means a substance that is composed mainly of a single biological or chemical ingredient;

(g) **"safety data sheet"** means a safety data sheet as defined in the regulations;

(h) **"supplier"** means a supplier as defined in the *Hazardous Products Act* (Canada).

2015, c.31, s.3.

Employer's duties re substances and hazardous products

3-48 Without restricting the generality of section 3-8 or limiting the duties of an employer pursuant to this Part and the regulations made pursuant to this Part, but subject to any prescribed exemptions, every employer shall, with respect to every place of employment controlled by that employer:

(a) ensure that concentrations of biological substances and chemical substances in the place of employment are controlled in accordance with prescribed standards;

(b) ensure that all biological substances and chemical substances in the place of employment are stored, handled and disposed of in the prescribed manner;

(c) ensure that all biological substances and chemical substances in the place of employment, other than hazardous products, are identified in the prescribed manner;

(d) subject to section 3-50, ensure that each hazardous product in the place of employment or each container in the place of employment in which a hazardous product is contained:

(i) has a label that discloses all applicable prescribed information applied to it; and

(ii) has all applicable prescribed pictograms displayed on it in the prescribed manner; and

(e) subject to section 3-50, make available to the employer's workers, to the prescribed extent and in the prescribed manner, a safety data sheet with respect to each hazardous product in the place of employment that discloses:

(i) if the hazardous product is a pure substance, the biological or chemical identity of the hazardous product and, if the hazardous product is not a pure substance, the biological or chemical identity of any ingredient of it that is a hazardous product and the concentration of that ingredient;

(ii) the biological or chemical identity of any ingredient of the hazardous product that the employer has reasonable grounds to believe may be harmful to a worker and the concentration of that ingredient;

(iii) the biological or chemical identity of any ingredient of the hazardous product of which the toxicological properties are not known to the employer and the concentration of that ingredient; and

(iv) any prescribed information with respect to the hazardous product.

2015, c.31, s.3.

Information re hazardous product

3-49 As soon as is practicable in the circumstances, an employer shall provide, with respect to any hazardous product in a place of employment controlled by the employer, any information mentioned in clause 3-48(e) that is in the possession of the employer to any physician or registered nurse who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a worker in an emergency.

2015, c.31, s.3.

Exemption from disclosure

3-50(1) In accordance with subsections (2) and (3), an employer who is required, pursuant to the regulations, to disclose any of the following information on a label or safety data sheet may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information:

(a) in the case of a material or substance that is a hazardous product:

(i) the chemical name of the material or substance;

(ii) the number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the material or substance; and

(iii) the chemical name of any impurity, solvent or stabilizing additive that:

(A) is present in the material or substance;

(B) is classified in a category or subcategory of a health hazard class pursuant to the *Hazardous Products Act* (Canada); and

(C) contributes to the classification of the material or substance in the health hazard class pursuant to that Act;

(b) in the case of an ingredient that is in a mixture that is a hazardous product:

(i) the chemical name of the ingredient;

(ii) the identification number assigned to a chemical substance by the Chemical Abstracts Service Division of the American Chemical Society, or any other unique identifier, of the ingredient; and

(iii) the concentration or concentration range of the ingredient;

(c) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;

(d) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade name or brand name;

(e) information about a hazardous product, other than the product identifier, that constitutes a means of identification; and

(f) information that could be used to identify a supplier of a hazardous product.

(2) Subject to section 3-49, an employer described in subsection (1) may, if the employer considers that information to be confidential business information, claim an exemption from the requirement to disclose that information in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(3) A claim for an exemption pursuant to subsection (2) may, in the discretion of the Minister of Health for Canada, be heard and determined by an occupational health officer or employee of that Minister in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(4) An appeal by a claimant or any affected party of a decision pursuant to subsection (3) may, in the discretion of the Minister of Health for Canada, be heard and determined by an appeal board in the same manner and subject to the same terms and conditions as if the employer were an employer to whom the *Canada Labour Code* applies.

(5) The director of occupational health and safety may publish in *The Saskatchewan Gazette* any notice respecting a claim for exemption or an appeal that would be required pursuant to the *Hazardous Materials Information Review Act* (Canada) to be published in the *Canada Gazette* as if the employer were an employer to whom the *Canada Labour Code* applies.

2015, c.31, s.3.

Information confidential

3-51(1) Subject to subsections (2) and (3), no employee of the ministry and no other person who assists in the administration of this Part shall, during his or her employment or after the termination of his or her appointment or services, reveal any manufacturing or trade secrets that may come to the knowledge of the employee or other person in the course of his or her duties, except for the purposes of this Part and the regulations made pursuant to this Part or as required by law.

(2) For the purposes of subsection (3), **'confidential information'** means:

(a) information that, before the determination of a claim pursuant to section 16 of the *Hazardous Materials Information Review Act* (Canada), is claimed to be confidential business information:

(i) pursuant to section 3-50, by an employer manufacturing or using a hazardous product; or

(ii) pursuant to the *Hazardous Materials Information Review Act* (Canada), by a supplier as defined in the *Hazardous Products Act* (Canada); or

(b) information with respect to which, pursuant to section 16 of the *Hazardous Materials Information Review Act* (Canada):

(i) a claim or portion of a claim for exemption pursuant to section 11 of the *Hazardous Materials Information Review Act* (Canada) has been determined to be valid; and

(ii) compliance with the provisions of the *Hazardous Products Act* (Canada) or the *Canada Labour Code* has not been ordered.

(3) Confidential information is privileged and, notwithstanding any other Act or law, shall not be disclosed to any other person unless the specific disclosure has been expressly authorized by an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) or the appeal board, if:

(a) for the purposes of the administration or enforcement of this Part, the information:

(i) is communicated to the Government of Saskatchewan or any agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada); or

(ii) is obtained by the Government of Saskatchewan or an agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) or an order or decision of the appeal board through the inspection of or access to any book, record, writing or other document, of the Minister of Health for Canada or appeal board; or

(b) the information is obtained by any person for the purposes of or through the administration or enforcement of this Part, the *Hazardous Products Act* (Canada) or the *Hazardous Materials Information Review Act* (Canada).

2013, c.S-15.1, s.3-51; 2015, c.31, s.3.

DIVISION 8
Appeals

Interpretation of Division

3-52(1) In this Division:

(a) **"adjudicator"** means an adjudicator appointed pursuant to Part IV;

(b) **"decision"** includes:

(i) a decision to grant an exemption;

(ii) a decision to issue, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and

(iii) any other determination or action of an occupational health officer that is authorized by this Part.

(2) In this Division and in Part IV, **"person who is directly affected by a decision"** means any of the following persons to whom a decision of an occupational health officer is directed and who is directly affected by that decision:

(a) a worker;

(b) an employer;

(c) a self-employed person;

(d) a contractor;

(e) a prime contractor;

(f) an owner;

(g) a supplier;

(h) any other prescribed person or member of a category of prescribed persons;

but does not include any prescribed person or category of prescribed persons.

2013, c.S-15.1, s.3-52.

Appeal of occupational health officer decision

3-53(1) A person who is directly affected by a decision of an occupational health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

(3) The written notice of appeal must:

(a) set out the names of all persons who are directly affected by the decision that is being appealed;

(b) identify and state the decision being appealed;

(c) set out the grounds of the appeal; and

(d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

(4) Subject to subsection (10) and section 3-54, an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.

(5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:

(a) provide notice of the appeal to persons who are directly affected by the decision; and

(b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.

(6) The written representations by a person mentioned in clause (5)(b) must be made within:

(a) 30 days after notice of appeal is provided to that person; or

(b) any further period permitted by the director of occupational health and safety.

(7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).

(8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:

(a) affirm, amend or cancel the decision being appealed; and

(b) provide written reasons for the decision made pursuant to clause (a).

(9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.

(10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:

(a) the notice of appeal;

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who are directly affected by the decision.

2013, c.S-15.1, s.3-53.

Appeals re harassment or discriminatory action

3-54(1) An appeal mentioned in subsection 3-53(1) with respect to any matter involving harassment or discriminatory action is to be heard by an adjudicator in accordance with Part IV.

(2) The director of occupational health and safety shall provide notice of the appeal mentioned in subsection (1) to persons who are directly affected by the decision.

2013, c.S-15.1, s.3-54.

Providing appeal material to adjudicator

3-55 In the case of an appeal mentioned in subsection 3-53(10) or section 3-54 that is to be heard by an adjudicator, the director of occupational health and safety shall forward to the adjudicator:

(a) the notice of appeal mentioned in subsection 3-53(2);

(b) all information in the director's possession that is related to the appeal; and

(c) a list of all persons who have been provided notice of the appeal pursuant to clause 3-53(5)(a) or subsection 3-54(2).

2013, c.S-15.1, s.3-55.

Appeal of director's decision to adjudicator

3-56(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 3-53(8) may appeal the decision to an adjudicator in accordance with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

(a) sets out the names of all persons who are directly affected by the decision being appealed;

(b) identifies and states the decision being appealed;

(c) sets out the grounds of the appeal; and

(d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

2013, c.S-15.1, s.3-56.

Decisions not stayed by appeals

3-57(1) Subject to subsections (2) and (3), the commencement of an appeal pursuant to section 3-53 or 3-56 does not stay the effect of a decision that is being appealed.

(2) The director of occupational health and safety may, on the director's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the director.

(3) An adjudicator may, on the adjudicator's own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the adjudicator.

2013, c.S-15.1, s.3-57.

Discriminatory action during appeal

3-58(1) This section applies if:

(a) a worker commences an appeal on the basis of a decision made by an occupational health officer pursuant to subsection 3-33(2);

(b) the director of occupational health and safety or an adjudicator amends the decision of the occupational health officer and decides that the act or series of acts is or was unusually dangerous to the health or safety of the worker or any other person at the place of employment; and

(c) in the opinion of the director of occupational health and safety or the adjudicator, the employer has, on or after the day on which the occupational health officer advised the employer and the worker of his or her decision pursuant to subsection 3-33(2), taken discriminatory action against the worker as a result of the worker's refusal to perform certain acts pursuant to section 3-31.

(2) In the circumstances mentioned in subsection (1), the director of occupational health and safety or the adjudicator, as the case may be, may order an employer:

(a) to cease the discriminatory action;

(b) if the discriminatory action changed the worker's employment status or the terms and conditions of the worker's employment, to reinstate the worker to his or her former employment on the same terms and conditions under which the worker was employed before the discriminatory action was taken;

(c) subject to subsection (3), if the discriminatory action adversely affected the wages of the worker, to pay to the worker any wages that the worker would have earned if the discriminatory action had not been taken against the worker; and

(d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker.

(3) The amount of money that the director of occupational health and safety or an adjudicator may award pursuant to clause (2)(c) is to be reduced by an amount that the director or adjudicator is satisfied that the worker earned or should have earned during the period when the employer was required to pay the worker the wages.

(4) The employer has the onus of establishing the amount of the reduction mentioned in subsection (3).

2013, c.S-15.1, s.3-58.

DIVISION 9
Medical Examinations and Treatment

Medical examination

3-59(1) With the consent of each worker being examined, the chief occupational medical officer may carry out or arrange to have carried out by a physician or by a qualified person at the expense of the employer any medical examinations of workers that the chief occupational medical officer considers advisable for the purposes of this Part.

(2) Medical examinations mentioned in subsection (1) may be conducted during working hours without loss in pay to the worker or workers being examined, and the employer shall:

(a) if required by the physician or other qualified person, provide suitable accommodation at the place of employment for the examinations; and

(b) otherwise facilitate the performance of the examinations.

2013, c.S-15.1, s.3-59.

Confidentiality

3-60 A physician or other qualified person who conducts a medical examination of a worker pursuant to section 3-59 shall not communicate, to the employer or to any person other than the worker or the worker's physician, any information that the physician or qualified person becomes aware of during the course of the medical examination unless the communication:

(a) is made to the chief occupational medical officer at the request of the chief occupational medical officer;

(b) is expressly authorized by the worker; or

(c) is in a form that will prevent the information from being identified with a particular person or case.

2013, c.S-15.1, s.3-60.

Power to require alternative work

3-61 If it appears to the director of occupational health and safety on the advice of the chief occupational medical officer that a worker has been overexposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his or her usual work, the director of occupational health and safety may order the employer to provide, without loss of pay to the worker, temporary alternative work that, in the opinion of the director, is suitable, for any period that the director may specify.

2013, c.S-15.1, s.3-61.

Reports to be provided by physician, hospital, etc.

3-62(1) This section applies to:

(a) a worker or self-employed person who became ill or injured while employed at a place of employment or while being otherwise engaged in an occupation; or

(b) a worker who has been examined pursuant to section 3-59.

(2) Every physician or other qualified person who is attending or who has been consulted respecting a worker or self-employed person mentioned in subsection (1) shall, on the request of the chief occupational medical officer, provide the chief occupational medical officer with any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

(3) Notwithstanding any other Act or law, if a worker or self-employed person mentioned in subsection (1) is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall, on request and without charge, provide to the chief occupational medical officer any reports concerning the condition of the worker or self-employed person that the chief occupational medical officer may require for the purposes of this Part.

2013, c.S-15.1, s.3-62.

DIVISION 10
Inspections, Inquiries and Investigations

Inspections

3-63(1) Subject to subsection (4), an occupational health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing work-related incidents, injuries or illnesses;

(b) ascertaining the cause and particulars of a work-related incident, injury or illness or of an incident that had the potential to cause a work-related incident, injury or illness;

(c) making an inquiry in response to a complaint concerning occupational health and safety; or

(d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the occupational health officer has reasonable grounds to believe that a situation exists that is or may be hazardous to workers.

(3) When conducting an inspection in accordance with subsection (1), an occupational health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to occupational health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.

(4) An occupational health officer shall not enter a private dwelling without a warrant issued pursuant to section 3-68 unless the occupant of the dwelling consents to the entry.

(5) An occupational health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.3-63.

Obtaining information

3-64(1) For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety, an occupational health officer, the chief occupational medical officer or the chief mines inspector, the director of occupational health and safety may direct any person to provide the director with any information in any form and manner and within any time that the director may specify.

(2) In the prescribed circumstances, an employer shall compile occupationally related injury and illness statistics for the place of employment.

(3) An employer shall:

(a) compile statistics in the prescribed manner; and

(b) ensure that the compilation of the statistics pursuant to clause (a) includes the prescribed matters.

(4) The statistics must be compiled and provided in a manner that protects the confidentiality of workers.

(5) The employer shall:

(a) post the statistics for the information of workers; and

(b) provide the statistics to:

(i) if there is an occupational health committee, the occupational health committee;

(ii) if there is an occupational health and safety representative, the occupational health and safety representative; or

(iii) if there is no occupational health committee or occupational health and safety representative, the workers.

2013, c.S-15.1, s.3-64.

Report re condition of plant

3-65(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk as a consequence of the condition of a plant, the director may issue a written direction to an employer, contractor, owner or supplier requiring the employer, contractor, owner or supplier:

(a) to have, at the employer's, contractor's, owner's or supplier's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer, contractor, owner or supplier shall fail to comply with a written direction issued to the employer, contractor, owner or supplier pursuant to this section.

2013, c.S-15.1, s.3-65.

Requirement to perform tests or examinations

3-66(1) If the director of occupational health and safety is of the opinion that the health and safety of a worker may be at risk from a biological substance or chemical substance at work, the director may issue a written direction to an employer or owner requiring the employer or owner:

(a) to have, at the employer's or owner's own expense, a person with the qualifications that the director may specify in the direction conduct those tests or examinations that the director may require in the direction; and

(b) to provide the director with a written report by the qualified person mentioned in clause (a) setting out the results of those tests or examinations.

(2) No employer or owner shall fail to comply with a written direction issued to the employer or owner pursuant to this section.

2013, c.S-15.1, s.3-66.

Inquiry

3-67(1) Subject to subsection (2), an occupational health officer may require any person who the occupational health officer has reasonable cause to believe possesses any information respecting a work related fatality, serious injury or allegation of harassment to attend an interview and provide full and correct answers to any questions that the occupational health officer believes it necessary to ask.

(2) An interview held pursuant to subsection (1) is to be held in the absence of persons other than:

(a) a person nominated to be present by the person being interviewed; and

(b) any other persons whom the occupational health officer may allow to be present.

(3) No person shall fail to comply with a requirement imposed on the person pursuant to this section.

2013, c.S-15.1, s.3-67.

Investigations

3-68(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out any other activities mentioned in subsection (2).

(2) With a warrant issued pursuant to subsection (1), an occupational health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle named in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4) an occupational health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) An occupational health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.3-68.

DIVISION 11
Councils, Workers' Compensation Board and Director's Decisions

Occupational Health and Safety Council

3-69(1) The Occupational Health and Safety Council is continued.

(2) The Occupational Health and Safety Council consists of a maximum of nine members, including:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) an even number of members appointed by the Lieutenant Governor in Council, half of whom represent workers and half of whom represent employers.

(3) The minister shall:

(a) from a list of nominees provided to the minister by labour organizations, recommend persons for appointment as members who represent workers; and

(b) from a list of nominees provided to the minister by employer associations, recommend persons for appointment as members who represent employers.

(4) Members of the Occupational Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(5) A majority of the members of the Occupational Health and Safety Council constitute a quorum if at least two members who represent workers and two members who represent employers are present.

2013, c.S-15.1, s.3-69.

Duties of Occupational Health and Safety Council

3-70(1) The Occupational Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Occupational Health and Safety Council shall:

(a) consider the following matters:

(i) occupational health and safety generally and the protection of workers and self-employed persons;

(ii) the appointment of advisory committees by the minister to assist in the administration of this Part;

(iii) any matter relating to occupational health and safety on which the minister seeks the opinion of the Occupational Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

(3) At the request of the minister and when a review of this Part is required by section 9-13, the Occupational Health and Safety Council shall:

(a) review the adequacy of this Part and its administration; and

(b) report its findings and recommendations to the minister.

2013, c.S-15.1, s.3-70.

Farm Health and Safety Council

3-71(1) The Farm Health and Safety Council is continued.

(2) The Farm Health and Safety Council consists of:

(a) a chairperson appointed by the Lieutenant Governor in Council; and

(b) not more than eight other members appointed by the Lieutenant Governor in Council.

(3) A majority of the members of the Farm Health and Safety Council are to be persons who operate or work on a farm.

(4) Each person appointed pursuant to subsection (2) is to be a person who:

(a) is associated with farming; and

(b) in the opinion of the Lieutenant Governor in Council, possesses particular knowledge and experience that would assist the Farm Health and Safety Council in advising on matters related to:

(i) the promotion of the health or safety of persons on farms; or

(ii) the protection of persons on farms.

(5) Members of the Farm Health and Safety Council:

(a) hold office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(6) A majority of the members of the Farm Health and Safety Council constitute a quorum if:

(a) at least half of that majority consists of members who operate or work on a farm; and

(b) at least two members who do not operate or work on a farm are present.

2013, c.S-15.1, s.3-71.

Duties of Farm Health and Safety Council

3-72(1) The Farm Health and Safety Council is to meet at the call of the minister or the chairperson, but, in any case, must meet at least once in each year.

(2) The Farm Health and Safety Council shall:

(a) consider the following matters:

(i) the promotion of the health or safety of persons on farms and the protection of persons on farms;

(ii) any matter relating to the health or safety of persons on farms or the protection of persons on farms on which the minister seeks the opinion of the Farm Health and Safety Council; and

(b) give advice or make recommendations to the minister on any matter mentioned in this subsection.

2013, c.S-15.1, s.3-72.

Certain matters re councils and administration of this Part

3-73(1) The minister may:

(a) approve, with or without modification, any recommendation made to the minister by the Occupational Health and Safety Council pursuant to section 3-70 or by the Farm Health and Safety Council pursuant to section 3-72;

(b) call a meeting of the Occupational Health and Safety Council pursuant to section 3-70 or the Farm Health and Safety Council pursuant to section 3-72;

(c) appoint advisory committees or consultants from among persons who are professionally or technically qualified to advise the minister or to assist in the administration of this Part and the regulations made pursuant to this Part;

(d) direct the director of occupational health and safety or the chief occupational medical officer, or authorize any other person, to investigate and make a special report to the minister on any matter concerning occupational health and safety; and

(e) appoint a person to conduct a public or private inquiry into any matter concerning occupational health and safety.

(2) Members of the Occupational Health and Safety Council and the Farm Health and Safety Council, members of advisory committees appointed pursuant to subsection (1), consultants and investigators appointed pursuant to subsection (1) and persons carrying out medical examinations pursuant to section 3-59 and making medical reports pursuant to section 3-62 are entitled to the following:

(a) except for those persons who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the Lieutenant Governor in Council;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

(3) Persons appointed by the minister pursuant to clause (1)(e) have all the powers of commissioners pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

2013, c.S-15.1, s.3-73; 2014, c.27, s.5.

Costs of administration of this Part

3-74(1) On or before June 30 in each year, the minister shall advise the Workers' Compensation Board of the estimated cost for that calendar year of the administration of this Part and the regulations made pursuant to this Part.

(2) On being advised of the estimated cost for a calendar year pursuant to subsection (1), the Workers' Compensation Board shall, on or before January 31 of the following year, pay into the general revenue fund with respect to those costs the sum that the minister may direct, not exceeding the actual costs of the administration of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-74.

Forwarding information to Workers' Compensation Board

3-75(1) Subject to subsection (2) and to the regulations made pursuant to this Part, the director of occupational health and safety may forward to the Workers' Compensation Board any information respecting the occupational health and safety practices of an employer or any category of employers that the director considers appropriate for the purpose of improving occupational health and safety.

(2) Not less than 14 days before information is forwarded to the Workers' Compensation Board, the director of occupational health and safety shall send to an employer who is the subject of the information a copy of the information being forwarded that has not been previously provided to the employer.

2013, c.S-15.1, s.3-75.

Director's decisions to be posted

3-76(1) The director of occupational health and safety shall cause the following documents to be posted in at least two conspicuous locations at the place of employment of every worker or self-employed person who is or may be directly affected by the exemption, decision or stay of a decision:

(a) a notice of any exemption granted by the director pursuant to subsection 3-17(2) or section 3-85;

(b) a copy of any decision of the director and the written reasons for the decision provided pursuant to subsection 3-53(8);

(c) notice of any stay by the director or an adjudicator of all or any portion of a decision pursuant to section 3-57.

(2) No person shall remove, alter, damage or deface any notice or other document posted pursuant to subsection (1) without the prior authorization of an occupational health officer or the director of occupational health and safety.

2013, c.S-15.1, s.3-76.

Promptness of decisions

3-77 A decision that is required to be made pursuant to this Part or the regulations made pursuant to this Part by an occupational health officer or the director of occupational health and safety must be made as soon as is reasonably possible.

2013, c.S-15.1, s.3-77.

DIVISION 12
Offences and Penalties

Offences

3-78 No person shall:

(a) fail to comply with any term or condition imposed on that person by a notice of contravention;

(b) intentionally obstruct the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(c) fail to reasonably cooperate with the director of occupational health and safety, the chief occupational medical officer, the chief mines inspector or an occupational health officer in the exercise of his or her powers or the performance of his or her duties;

(d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;

(e) take discriminatory action against a worker contrary to section 3-35;

(f) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or

(g) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-78.

Penalties

3-79(1) Subject to subsection (2), every person who is guilty of an offence mentioned in clause 3-78(b), (d) or (f) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $4,000.

(2) Every person who is guilty of an offence mentioned in clause 3-78(f) because of a failure by the person to comply with a decision or order of the director of occupational health and safety pursuant to section 3-53 or with a decision or order of an adjudicator is liable on summary conviction, in addition to any other fine or penalty imposed pursuant to this Act:

(a) to a fine not exceeding $10,000; and

(b) to a further fine not exceeding $1,000 for each day or portion of a day during which the offence continues.

(3) Every person who is guilty of an offence mentioned in clause 3-78(a), (e) or (g) that does not cause and is not likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (4).

(4) A person who is convicted of an offence mentioned in subsection (3) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $20,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $20,000; and

(B) to a further fine not exceeding $2,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $40,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $40,000; and

(B) to a further fine not exceeding $4,000 for each day or portion of a day during which the offence continues.

(5) Every person who is guilty of an offence mentioned in section 3-78 that does not cause but is likely to cause the death of or serious injury to a worker is liable on summary conviction to the appropriate fine set out in subsection (6).

(6) A person who is convicted of an offence mentioned in subsection (5) is liable:

(a) for a first offence:

(i) that is a single, isolated offence, to a fine not exceeding $100,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $100,000; and

(B) to a further fine not exceeding $10,000 for each day or portion of a day during which the offence continues;

(b) for a second or subsequent offence:

(i) that is a single, isolated offence, to a fine not exceeding $200,000;

(ii) that is a continuing offence:

(A) to a fine not exceeding $200,000; and

(B) to a further fine not exceeding $20,000 for each day or portion of a day during which the offence continues.

(7) Subject to subsection (9), every person who is guilty of an offence mentioned in section 3-78 that causes the death of or serious injury to a worker is liable on summary conviction to a fine not exceeding $500,000.

(8) If an individual is convicted of an offence mentioned in subsection (7), the convicting judge may, in addition to imposing a fine, order that the convicted individual be imprisoned for a term not exceeding two years.

(9) If a corporation is convicted of an offence mentioned in subsection (7), the convicting judge may order that the convicted corporation pay a fine not exceeding $1,500,000 if the convicting judge is satisfied that it is appropriate to do so having regard to:

(a) the need to achieve general deterrence;

(b) the number of previous convictions imposed on the convicted corporation;

(c) the number of previous notices of contraventions issued to, and the number of previous compliance undertakings entered into by, the convicted corporation; and

(d) the degree of responsibility of the convicted corporation, including considering the number of employees employed by the convicted corporation.

2013, c.S-15.1, s.3-79.

Onus on accused re duty or requirement

3-80 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

(a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or

(b) there was no better practicable means than was actually used to satisfy the duty or requirement.

2013, c.S-15.1, s.3-80.

Onus on accused re training of workers

3-81 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part consisting of a failure to comply with a duty or requirement related to the training of workers, the onus is on the accused to prove that the training provided met the requirements of this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.3-81.

Limitation on prosecution

3-82 No prosecution with respect to an alleged offence pursuant to this Part or to the regulations made pursuant to this Part is to be commenced after two years from the day of the commission of the alleged offence.

2013, c.S-15.1, s.3-82.

DIVISION 13
Regulations and Codes of Practice

Regulations for Part

3-83(1) The Lieutenant Governor in Council may make regulations:

(a) prescribing the standards to be established and maintained by specified persons for the protection of the health and safety of workers and self-employed persons at any place of employment;

(b) prescribing the contents of occupational health and safety programs;

(c) for the purposes of clause 3-1(1)(gg), prescribing categories of persons as workers;

(d) prescribing measures that employers must take to carry out their duties pursuant to section 3-8;

(e) for the purposes of section 3-13:

(i) prescribing the circumstances in which a prime contractor must be appointed;

(ii) prescribing the manner in which a prime contractor must be determined; and

(iii) prescribing the activities to be carried out by a prime contractor;

(f) for the purposes of clause 3-15(b):

(i) prescribing circumstances when a supplier must act in accordance with that clause; and

(ii) prescribing standards that equipment must be in compliance with;

(g) for the purposes of section 3-21:

(i) prescribing places of employment respecting which an employer shall develop and implement a written policy statement and prevention plan; and

(ii) prescribing provisions that must be included in a policy statement and prevention plan;

(h) for the purposes of section 3-23, respecting the establishment of additional occupational health committees and governing the powers of the director of occupational health and safety in ordering the establishment of additional occupational health committees;

(h.1) for the purposes of clause 3-47(g), defining data safety sheet;

(h.2) for the purposes of section 3-48, prescribing exemptions;

(h.3) for the purposes of clause 3-48(a), prescribing standards;

(h.4) for the purposes of clause 3-48(b), prescribing the manner in which biological substances and chemical substances must be stored, handled and disposed of;

(h.5) for the purposes of clause 3-48(c), prescribing the manner in which biological substances and chemical substances must be identified;

(h.6) for the purposes of clause 3-48(d), prescribing information that must be applied and prescribing pictograms and prescribing the manner in which pictograms must be displayed;

(h.7) for the purposes of clause 3-48(e), prescribing the extent to which and the manner in which safety data sheets are made available and other information respecting a hazardous product that is to be disclosed in a safety data sheet;

(i) for the purposes of subsection 3-52(2):

(i) prescribing persons or categories of persons as persons directly affected by a decision of an occupational health officer; and

(ii) prescribing persons or categories of person who are not persons directly affected by a decision of an occupational health officer;

(j) regulating or prohibiting the manufacture, supply, storage, keeping or use of any biological substance or chemical substance or any plant and the carrying on of any process, procedure or undertaking;

(k) if necessary to ensure the health and safety of workers and self-employed persons, imposing requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, demolition, testing, inspection or use of any plant;

(l) imposing requirements with respect to the marking of any plant or any articles or equipment used or made at any plant and regulating or restricting the use of specified markings;

(m) imposing requirements with respect to the testing or examination of any substance produced, used, stored or otherwise found at a place of employment;

(n) imposing requirements with respect to the labelling of, and disclosure of information respecting, any substance produced, used, stored or otherwise found at a place of employment;

(o) if necessary to ensure the health and safety of workers, regulating the employment of or requiring the provision of alternative work for:

(i) any worker sensitized to any biological substance or chemical substance in the place of employment;

(ii) any pregnant worker; or

(iii) any other person;

(p) if necessary to ensure the health and safety of workers and self-employed persons, restricting the performance of specified functions to persons possessing specified qualifications or experience;

(q) requiring the making of arrangements to promote the health of workers, including arrangements for medical examinations and health surveys;

(r) requiring the registration of workers exposed to contaminants at a place of employment;

(s) requiring the making of arrangements to:

(i) monitor the atmospheric or other conditions in which persons work;

(ii) determine and record the exposure of workers to biological substances or chemical substances, processes or physical agents at the place of employment; or

(iii) provide for the registration of workers exposed to any biological substance or chemical substance, process or physical agent at the place of employment;

(t) respecting and governing any matter affecting the conditions in which persons work, including:

(i) the structural condition and stability of places of employment;

(ii) the means of access to and exit from places of employment;

(iii) the cleanliness, temperature, lighting, ventilation, adequacy of work space, noise levels and vibrations at places of employment; and

(iv) the existence of dust and fumes at places of employment;

(u) respecting the provision of vaccinations against diseases associated with any occupation or category of occupations to any worker or worker in a category of workers who chooses to receive the vaccination;

(v) providing for minimum standards of certain welfare facilities for workers, including an adequate water supply, sanitary and washing facilities, transportation and first-aid arrangements for sick or injured workers, cloakroom accommodation, sitting facilities and lunchroom facilities;

(w) imposing requirements with respect to the provision and use in specified circumstances of protective clothing or equipment, including clothing affording protection against the hazards of work and against unusual exposure to the weather;

(x) imposing requirements with respect to the instruction, training and supervision of workers;

(y) respecting smoking or the prohibition of smoking in any place of employment, including the designation of the areas in which smoking will be permitted at a place of employment;

(z) requiring reports to be made to the director of occupational health and safety;

(aa) prescribing the contents of any report to be made to the minister;

(bb) requiring the posting, provision, availability or distribution of specified information, instructions, notices, documents, signs or posters;

(cc) prescribing any information, instructions, notices, documents, signs or posters that are to be posted, provided, made available or distributed pursuant to any provision of this Part;

(dd) imposing requirements with respect to the keeping, preservation and submission of records and other documents necessary for the administration of this Part, including:

(i) the specifications, plans and maps of any plant, process or procedure;

(ii) any document containing a description of the composition of any substance;

(iii) records of any atmospheric condition in a plant; and

(iv) records of worker exposure to a biological substance or chemical substance, process or physical agent at a place of employment;

(ee) requiring prompt notification of specified kinds of occupational injuries, illnesses and dangerous occurrences and prescribing actions to be taken or not to be taken to facilitate inquiry into and prevention of recurrences of those injuries, illnesses and dangerous occurrences and prescribing to whom notice must be given;

(ff) specifying conditions under which potentially hazardous work may be performed;

(gg) requiring notice to the director of occupational health and safety respecting any person, premises or thing employed or used in specified hazardous activities as a condition of initiating or carrying on any of those activities;

(hh) requiring the establishment of one or more occupational health committees by one or more employers, contractors or owners with respect to workers, work activities or places of employment;

(ii) imposing duties on any person required to establish an occupational health committee with respect to the selection of members, the duties and responsibilities or the operation of the occupational health committee;

(jj) respecting the composition, duties and functions of occupational health committees, the duties and functions of occupational health and safety representatives and the participation of workers in inspections, investigations and related matters;

(kk) respecting the safety of any transportation provided by any prescribed person for use by workers;

(ll) establishing and imposing requirements for any place of employment according to the type of activities carried on, the number of workers, the degree of hazard to the health and safety of workers and other persons, or the frequency and seriousness of accidents and occupational diseases at the place of employment;

(mm) prescribing places of employment or categories of places of employment at which an employer is required to develop and implement a policy statement with respect to potentially violent situations and prescribing provisions that must be incorporated in the policy statement;

(nn) respecting or prescribing the conditions under which a licence, certificate or permit may be issued, suspended or cancelled;

(oo) respecting the forwarding of information to the Workers' Compensation Board by the director of occupational health and safety pursuant to section 3-75;

(pp) prescribing additional powers of the chief mines inspector;

(qq) for the purposes of section 3-64:

(i) prescribing the circumstances in which an employer must compile, post and provide statistics;

(ii) prescribing the manner in which statistics must be compiled; and

(iii) prescribing the matters to be included in the compilation of statistics;

(rr) prescribing or governing any other matter or thing required or authorized by this Part to be prescribed or governed in the regulations;

(ss) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Part.

(2) Any regulation made pursuant to this section may be made to apply:

(a) to all persons, to one or more persons or to one or more categories of persons; or

(b) to all places of employment or worksites, to one or more places of employment or worksites or to categories of places of employment or worksites.

(3) Subject to subsection (4), no regulation made pursuant to this section comes into force until a period of not less than 60 days has elapsed after it is published in *The Saskatchewan Gazette*.

(4) Subsection (3) does not apply if, in the opinion of the Lieutenant Governor in Council:

(a) an emergency exists;

(b) a delay in the coming into force of a regulation would be contrary to the public interest; or

(c) the subject-matter of the proposed regulation is of a minor nature.

2013, c.S-15.1, s.3-83; 2015, c.31, s.4.

Codes of practice

3-84(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the director of occupational health and safety may, after any consultation with interested persons or associations that the director considers advisable:

(a) issue codes of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the director of occupational health and safety shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the director of occupational health and safety has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the director of occupational health and safety is admissible in evidence in any court without proof of the signature, appointment or authority of the director.

2013, c.S-15.1, s.3-84.

Exemptions

3-85(1) In order to meet the special circumstances in a particular case, the director of occupational health and safety may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or category of persons from any provision of the regulations made pursuant to this Part or a code of practice.

(2) An exemption pursuant to subsection (1) is to be made only if the director of occupational health and safety is satisfied that the standard of health and safety of any worker is not materially affected by the exemption.

2013, c.S-15.1, s.3-85.

DIVISION 14
Transitional

Transitional

3-86(1) In this section, **"former Act"** means *The Occupational Health and Safety Act, 1993* as that Act existed on the day before the coming into force of this section.

(2) All notices of contravention that were issued and compliance undertakings that were entered into by an employer pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued or entered into pursuant to this Part.

(3) All codes of practice that were issued by the director of occupational health and safety pursuant to section 45 of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(4) All designations, orders, exemptions and approvals granted by the director of occupational health and safety pursuant to the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been granted pursuant to this Part.

(5) The members of the Occupational Health and Safety Council and the members of the Farm Health and Safety Council immediately before the coming into force of this section are continued as members of the respective councils until new appointments are made pursuant to this Part.

2013, c.S-15.1, s.3-86.

PART IV
Appeals and Hearings re Parts II and III

Adjudicators

4-1(1) After any consultation by the minister with labour organizations and employer associations that the minister considers appropriate, the Lieutenant Governor in Council may appoint as adjudicators for the purpose of hearing appeals or conducting hearings pursuant to Parts II and III one or more individuals who possess the prescribed qualifications.

(2) An adjudicator appointed pursuant to subsection (1):

(a) holds office at pleasure for a term not exceeding three years and until a successor is appointed; and

(b) may be reappointed.

(3) If the term of an adjudicator expires after the adjudicator has begun hearing a matter but before the hearing is completed, the adjudicator may continue with the hearing as if his or her term had not expired, and the decision is effective as though he or she still held office.

(4) Adjudicators are to be paid:

(a) remuneration for their services at the rates approved by the Lieutenant Governor in Council; and

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

2013, c.S-15.1, s.4-1.

Adjudicator – duties

4-2 An adjudicator shall:

(a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;

(b) hear and decide appeals pursuant to Division 8 of Part III; and

(c) carry out any other prescribed duties.

2013, c.S-15.1, s.4-2.

Selection of adjudicator

4-3(1) The director of employment standards and the director of occupational health and safety shall inform the board of an appeal or hearing to be heard by an adjudicator.

(2) On being informed of an appeal or hearing pursuant to subsection (1), the board shall select an adjudicator.

2013, c.S-15.1, s.4-3.

Procedures on appeals

4-4(1) After selecting an adjudicator pursuant to section 4-3, the board shall:

(a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and

(b) give written notice of the time, day and place for the appeal or the hearing to:

(i) in the case of an appeal or hearing pursuant to Part II:

(A) the director of employment standards;

(B) the employer;

(C) each employee listed in the wage assessment or hearing notice; and

(D) if a claim is made against any corporate directors, those corporate directors; and

(ii) in the case of an appeal or hearing pursuant to Part III:

(A) the director of occupational health and safety; and

(B) all persons who are directly affected by the decision being appealed.

(2) An adjudicator may determine the procedures by which the appeal or hearing is to be conducted.

(3) An adjudicator is not bound by the rules of law concerning evidence and may accept any evidence that the adjudicator considers appropriate.

(4) An adjudicator may determine any question of fact that is necessary to the adjudicator's jurisdiction.

(5) A technical irregularity does not invalidate a proceeding before or by an adjudicator.

(6) Notwithstanding that a person who is directly affected by an appeal or a hearing is neither present nor represented, if notice of the appeal or hearing has been given to the person pursuant to subsection (1), the adjudicator may proceed with the appeal or the hearing and make any decision as if that person were present.

(7) *The Arbitration Act, 1992* does not apply to adjudications conducted pursuant to this Part.

2013, c.S-15.1, s.4-4.

Powers of adjudicator

4-5(1) In conducting an appeal or a hearing pursuant to this Part, an adjudicator has the following powers:

(a) to require any party to provide particulars before or during an appeal or a hearing;

(b) to require any party to produce documents or things that may be relevant to a matter before the adjudicator and to do so before or during an appeal or a hearing;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise;

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the adjudicator considers appropriate, whether admissible in a court of law or not;

(f) to conduct any appeal or hearing using a means of telecommunications that permits the parties and the adjudicator to communicate with each other simultaneously;

(g) to adjourn or postpone the appeal or hearing.

(2) With respect to an appeal pursuant to section 3-54 respecting a matter involving harassment or a discriminatory action, the adjudicator:

(a) shall make every effort that the adjudicator considers reasonable to meet with the parties affected by the decision of the occupational health officer that is being appealed with a view to encouraging a settlement of the matter that is the subject of the occupational health officer's decision; and

(b) with the agreement of the parties, may use mediation or other procedures to encourage a settlement of the matter mentioned in clause (a) at any time before or during a hearing pursuant to this section.

2013, c.S-15.1, s.4-5.

Decision of adjudicator

4-6(1) Subject to subsections (2) to (5), the adjudicator shall:

(a) do one of the following:

(i) dismiss the appeal;

(ii) allow the appeal;

(iii) vary the decision being appealed; and

(b) provide written reasons for the decision to the board, the director of employment standards or the director of occupational health and safety, as the case may be, and any other party to the appeal.

(2) If, after conducting a hearing, the adjudicator concludes that an employer or corporate director is liable to an employee or worker for wages or pay instead of notice, the amount of any award to the employee or worker is to be reduced by an amount that the adjudicator is satisfied that the employee earned or should have earned:

(a) during the period when the employer or corporate director was required to pay the employee the wages; or

(b) for the period with respect to which the employer or corporate director is required to make a payment instead of notice.

(3) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (2).

(4) If, after conducting a hearing concerned with section 2-21, the adjudicator concludes that the employer has breached section 2-21, the adjudicator may exercise the powers given to the Court of Queen's Bench pursuant to sections 31.2 to 31.5 of *The Saskatchewan Human Rights Code* and those sections apply, with any necessary modification, to the adjudicator and the hearing.

(5) If, after conducting a hearing concerned with section 2-42, the adjudicator concludes that the employer has breached section 2-42, the adjudicator may issue an order requiring the employer to do any or all of the following:

(a) to comply with section 2-42;

(b) subject to subsections (2) and (3), to pay any wages that the employee has lost as a result of the employer's failure to comply with section 2-42;

(c) to restore the employee to his or her former position;

(d) to post the order in the workplace;

(e) to do any other thing that the adjudicator considers reasonable and necessary in the circumstances.

2013, c.S-15.1, s.4-6.

Written decisions

4-7(1) An adjudicator shall deliver the written reasons for the decision required pursuant to clause 4-6(1)(b) within the following periods:

(a) with respect to an appeal or hearing pursuant to Part II, 60 days after the date the hearing of the appeal or the hearing is completed;

(b) with respect to an appeal pursuant to Part III:

(i) subject to subclause (ii), 60 days after the date the hearing of the appeal is completed; and

(ii) with respect to an appeal pursuant to section 3-54, the earlier of:

(A) one year after the date the adjudicator was selected; and

(B) 60 days after the date the hearing of the appeal is completed.

(2) Any party to a proceeding before an adjudicator may apply to the Court of Queen's Bench for an order directing the adjudicator to provide his or her decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

(4) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

2013, c.S-15.1, s.4-7.

Right to appeal adjudicator's decision to board

4-8(1) An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.

(2) A person who is directly affected by a decision of an adjudicator on an appeal pursuant to Part III may appeal the decision to the board on a question of law.

(3) A person who intends to appeal pursuant to this section shall:

(a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(4) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III, as the case may be;

(d) any exhibits filed before the adjudicator;

(e) the written decision of the adjudicator;

(f) the notice of appeal to the board;

(g) any other material that the board may require to properly consider the appeal.

(5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.

(6) The board may:

(a) affirm, amend or cancel the decision or order of the adjudicator; or

(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate.

2013, c.S-15.1, s.4-8.

Appeal to Court of Appeal

4-9(1) With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.

(2) A person, including the director of employment standards or the director of occupational health and safety, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.

(3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

2013, c.S-15.1, s.4-9.

Right of director to appeal

4-10 The director of employment standards and the director of occupational health and safety have the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator's decision before the board or the Court of Appeal; and

(b) to appeal any decision of an adjudicator or the board.

2013, c.S-15.1, s.4-10.

Power to enforce orders and decisions

4-11(1) An order of an adjudicator, the board or the Court of Appeal pursuant to this Part may be enforced in the manner authorized by this Act.

(2) An order of an adjudicator or the board may be filed in the office of a local registrar of the Court of Queen's Bench and enforced as a judgment of that court.

2013, c.S-15.1, s.4-11.

PART V
Radiation Health and Safety

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

5-1 In this Part:

(a) **"associated apparatus"** means any piece of diagnostic or therapeutic equipment using or associated with radiation that might be a mechanical or electrical hazard to any person;

(b) **"committee"** means the Radiation Health and Safety Committee continued pursuant to section 5-21;

(c) **"ionizing radiation"** means any atomic or subatomic particle or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;

(d) **"ionizing radiation equipment"** means a device capable of emitting ionizing radiation, but does not include:

(i) equipment operated at less than 15 kilovolts and not designed principally to produce useful radiation;

(ii) equipment that:

(A) is in storage, in transit or not being used; or

(B) is operated in a manner such that it cannot produce radiation;

(iii) any radioactive substance; or

(iv) any other prescribed equipment or category of equipment;

(e) **"ionizing radiation installation"** means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;

(f) **"non-ionizing radiation"** includes energy in the form of:

(i) electromagnetic waves in the frequency range below that for which ionization occurs; or

(ii) ultrasonic waves having frequencies greater than 10,000 hertz;

(g) **"non-ionizing radiation equipment"** means any equipment that is capable of emitting non-ionizing radiation;

(h) **"non-ionizing radiation installation"** means the whole or any part of a building or other place in which non-ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that non-ionizing radiation equipment;

(i) **"operator"** means a person who uses or controls the use of any radiation equipment;

(j) **"owner"** means a person having management and control of a radiation installation, radiation equipment or a radiation installation and radiation equipment;

(k) **"purchaser"** includes a lessee;

(l) **"radiation"** includes ionizing radiation and non-ionizing radiation;

(m) **"radiation equipment"** includes ionizing radiation equipment and non-ionizing radiation equipment;

(n) **"radiation health officer"** means a radiation health officer appointed pursuant to section 5-16;

(o) **"radiation installation"** includes ionizing radiation installations and non-ionizing radiation installations;

(p) **"radiation worker"** means a person who, in the course of the person's employment duties, business, professional activities, studies or training:

(i) is exposed to radiation; and

(ii) if exposure limits, exposure levels or dose limits are specified for members of the public, might receive radiation exposure in excess of those limits or levels;

(q) **"safety measures"** means measures designed for the purposes of safety in connection with the design and use of radiation installations, radiation equipment and associated apparatus;

(r) **"use"** includes construct, demonstrate, test, operate, handle, repair, service and maintain;

(s) **"vendor"** means a person who sells or leases or offers for sale or lease any radiation equipment or associated apparatus.

2013, c.S-15.1, s.5-1.

Responsibilities of minister re Part

5-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to radiation health and safety and to advancing and improving radiation health and safety in Saskatchewan.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting radiation health and safety;

(b) promote or conduct studies and research projects in connection with issues related to radiation health and safety;

(c) encourage or conduct educational programs, including seminars and courses of training, for promoting radiation health and safety;

(d) provide consulting services with respect to matters governed by this Part and the regulations made pursuant to this Part; and

(e) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

2013, c.S-15.1, s.5-2.

DIVISION 2
Ionizing Radiation

Establishment and alteration of ionizing radiation installation, installation of ionizing radiation equipment

5-3(1) In this section and sections 5-4 and 5-7, **"substantial alteration"** includes:

(a) respecting any ionizing radiation equipment that emits a primary beam outside the housing of the equipment, any alteration or change of position that causes the equipment to be capable of emitting a primary beam in any direction other than the direction for which approval was granted when the plans for the installation were approved;

(b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;

(c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and

(d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for the installation were approved.

(2) Unless a plan of the proposed installation or proposed alteration has been approved in writing by a radiation health officer, no person shall:

(a) establish or cause to be established an ionizing radiation installation for any purpose; or

(b) make or cause to be made any substantial alteration in any ionizing radiation installation.

(3) Subsection (2) does not apply to any prescribed ionizing radiation installation or prescribed substantial alteration.

(4) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (2) until the radiation health officer is satisfied that the ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

(5) No person shall use any mobile ionizing radiation equipment in any location other than one approved by a radiation health officer.

2013, c.S-15.1, s.5-3.

Statements required re ionizing radiation installations and equipment

5-4(1) Subject to subsection (2), within 25 business days after the day on which any ionizing radiation installation or ionizing radiation equipment comes under an owner's control or is substantially altered, the owner shall provide the minister with a statement setting out particulars of that installation, equipment or alteration, as the case may be.

(2) Every owner of any mobile ionizing radiation equipment shall:

(a) provide the minister with the statement mentioned in subsection (1) within the prescribed period; and

(b) if required by the minister to do so, provide the minister with an itinerary for the equipment containing any particulars that may be required by the minister within the prescribed period.

(3) On or before January 31 in each year, every owner shall provide the minister with a statement setting out particulars of all ionizing radiation installations and ionizing radiation equipment under the owner's control.

2013, c.S-15.1, s.5-4.

Manufacture and use of ionizing radiation equipment and associated apparatus

5-5(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus.

(2) The owner of any ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that:

(i) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus; and

(ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the prescribed dose limits.

(3) The operator of any ionizing radiation equipment or associated apparatus shall use or control the use of the equipment:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2013, c.S-15.1, s.5-5.

Qualifications for management, control or operation

5-6(1) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans unless the person:

(a) is qualified pursuant to an Act to provide persons with care and treatment by means of ionizing radiation equipment; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that each operator is:

(a) a duly qualified medical practitioner with specialized training in radiography;

(b) a chiropractor who is registered pursuant to *The Chiropractic Act, 1994*;

(c) a dentist, dental assistant, dental hygienist or dental therapist as defined in *The Dental Disciplines Act*;

(d) a medical radiation technologist who is registered pursuant to *The Medical Radiation Technologists Act, 2006*;

(e) subject to subsection (3), a combined laboratory and x-ray technician or technologist who possesses the qualifications necessary to become a registered, certified, active member in good standing of the Saskatchewan Association of Combined Laboratory and X-ray Technicians; or

(f) subject to subsection (3), a student who is under the direct supervision of a person who possesses the qualifications set out in clause (a), (b), (c), (d) or (e).

(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that an operator who is:

(a) described in clause (2)(e) performs only examinations that he or she has been formally trained for; or

(b) a student mentioned in clause (2)(f) performs only examinations that are within the scope of the qualifications of the person supervising the student.

(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person:

(a) is entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*; or

(b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is:

(a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*;

(b) a veterinary technologist within the meaning of *The Veterinarians Act, 1987*; or

(c) a student under the direct supervision of a person who possesses the qualifications set out in clause (a) or (b).

(6) No person shall manage or control an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals unless:

(a) the person:

(i) understands the procedures for which the equipment is to be used; and

(ii) possesses the knowledge necessary to adequately manage or control the installation or equipment and knowledge of the necessary safety procedures; or

(b) the person employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(7) An owner of an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals shall ensure that each operator:

(a) possesses any prescribed qualifications or meets any prescribed requirements; and

(b) is adequately supervised by a person who meets the requirements of clause (6)(a).

(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsection (2), (5) or (7).

2013, c.S-15.1, s.5-6.

DIVISION 3
Non-ionizing Radiation

Establishment and alteration of non-ionizing radiation installation

5-7(1) If the regulations made pursuant to this Part require the approval of plans for a non-ionizing radiation installation, no person shall establish or cause to be established a non-ionizing radiation installation or make or cause to be made any substantial alteration in any non-ionizing radiation installation until a plan of the proposed installation or proposed alteration, as the case may be, has been approved in writing by a radiation health officer.

(2) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (1) until the officer is satisfied that the non-ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

2013, c.S-15.1, s.5-7.

Statements required re equipment emitting non-ionizing radiation

5-8(1) Every owner of non-ionizing radiation equipment or a non-ionizing radiation installation shall, if required by the regulations made pursuant to this Part, provide the minister with a statement setting out any prescribed information about that equipment or installation.

(2) Every statement required pursuant to subsection (1) must be provided within the prescribed period.

2013, c.S-15.1, s.5-8.

Manufacture and use of non-ionizing radiation equipment and associated apparatus

5-9(1) In this section, **"owner"** includes:

(a) a vendor until the vendor relinquishes control of non-ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and

(b) any person who alters, repairs, services, maintains or tests non-ionizing radiation equipment or associated apparatus.

(2) The owner of any non-ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner such that the exposure of any person to non-ionizing radiation from that equipment or apparatus is limited in the prescribed manner and to the prescribed amounts.

(3) The operator of any non-ionizing radiation equipment or associated apparatus shall use or control the use of the equipment or apparatus:

(a) in compliance with the regulations made pursuant to this Part; and

(b) in a manner that satisfies the requirements of clause (2)(b).

2013, c.S-15.1, s.5-9.

Qualifications for management, control and use

5-10 No person shall manage or control, or use or control the use of, any non-ionizing radiation equipment or category of non-ionizing radiation equipment unless the person possesses the prescribed qualifications or meets the prescribed requirements.

2013, c.S-15.1, s.5-10.

DIVISION 4
Matters affecting Ionizing and Non-ionizing Radiation

Restrictions on use

5-11 No person shall use a radiation installation, radiation equipment or associated apparatus:

(a) that does not comply with the prescribed standards; or

(b) the use of which has been prohibited by a radiation health officer pursuant to clause 5-19(b).

2013, c.S-15.1, s.5-11.

Information required

5-12(1) If required to do so by the regulations made pursuant to this Part, the vendor of any radiation equipment or associated apparatus shall provide the minister with:

(a) any prescribed information respecting the equipment or apparatus or its use;

(b) the plans of the equipment or apparatus; or

(c) both the information and plans mentioned in clauses (a) and (b).

(2) The information and plans required pursuant to subsection (1) must be provided within the prescribed period.

2013, c.S-15.1, s.5-12.

Incidents or hazards

5-13 If required to do so by the regulations made pursuant to this Part, the vendor, owner or operator of any radiation equipment or associated apparatus shall notify the minister of any incident or hazard involving the equipment or apparatus, in the prescribed manner, within the prescribed period and with any prescribed particulars.

2013, c.S-15.1, s.5-13.

Records

5-14 Every owner of radiation equipment shall:

(a) keep any prescribed records respecting:

(i) the radiation equipment and its use;

(ii) the exposure of radiation workers to radiation; and

(iii) any other matter pertaining to radiation health and safety measures in relation to that equipment and to radiation workers; and

(b) produce the records mentioned in clause (a) on the request of a radiation health officer.

2013, c.S-15.1, s.5-14.

DIVISION 5
General

Use of certain fluoroscopes prohibited

5-15 No person shall use a fluoroscope as an aid in selling footwear to any person or have control of a fluoroscope intended for that use.

2013, c.S-15.1, s.5-15.

Radiation health officers, appointment and powers

5-16(1) The minister may appoint one or more employees of the ministry or categories of employees of the ministry as radiation health officers for the purposes of enforcing this Part and the regulations made pursuant to this Part.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

(3) The minister shall provide each radiation health officer with written credentials of the officer's appointment, and the radiation health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

2013, c.S-15.1, s.5-16.

Inspections

5-17(1) Subject to subsection (4), a radiation health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

(a) preventing radiation incidents or illnesses;

(b) ascertaining the cause and particulars of a radiation incident or illness or of an event that had the potential to cause a radiation incident or illness;

(c) making an inquiry in response to a complaint concerning radiation exposure; or

(d) determining whether there is compliance with this Part or the regulations made pursuant to this Part.

(2) An inspection may be conducted:

(a) at any reasonable time; or

(b) at any other time if the radiation health officer has reasonable grounds to believe that there is a radiation hazard.

(3) When conducting an inspection in accordance with subsection (1), a radiation health officer may do all or any of the following things:

(a) make any inquiry the officer considers appropriate;

(b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;

(d) take one or more persons to any place to assist the officer and may make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;

(e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;

(f) require the production of, inspect and make copies of any existing records related to training workers on matters related to radiation health and safety;

(g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;

(h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

(i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

(j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.

(4) A radiation health officer shall not enter a private dwelling without a warrant issued pursuant to section 5-18 unless the occupant of the dwelling consents to the entry.

(5) A radiation health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:

(a) make those copies as soon as is reasonably possible; and

(b) promptly return the books, records, papers or documents from which the copies were made to:

(i) the place from which they were removed; or

(ii) any other place that may be agreed to by the officer and the person who produced them.

2013, c.S-15.1, s.5-17.

Investigations

5-18(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;

(d) carry out the activities listed in subsection (2).

(2) With a warrant issued pursuant to subsection (1), a radiation health officer may:

(a) enter at any time and search any place or premises named in the warrant;

(b) stop and search any vehicle described in the warrant;

(c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;

(d) require the production of and examine any records or property that the radiation health officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;

(e) remove, for the purpose of making copies, any records examined pursuant to this section;

(f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;

(g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and

(h) seize and remove from any place or premises searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.

(3) Subject to subsection (4), a radiation health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

(a) the conditions for obtaining a warrant exist; and

(b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:

(i) in danger to human life or safety; or

(ii) in the loss, removal or destruction of evidence.

(4) A radiation health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

2013, c.S-15.1, s.5-18.

Powers of radiation health officer re repairs, alterations and servicing

5-19 If a radiation health officer finds a radiation installation, radiation equipment or associated apparatus that does not comply with this Part or the regulations made pursuant to this Part or that, in the officer's opinion, constitutes a hazard to any person, the officer may:

(a) require the owner to carry out any repairs, alterations or servicing that the officer may specify and within any time that the officer may direct; or

(b) prohibit the use of the installation, equipment or apparatus until:

(i) the repairs, alterations or servicing mentioned in clause (a) have been carried out;

(ii) an officer grants written permission; or

(iii) the repairs, alterations or servicing mentioned in clause (a) have been carried out and an officer grants written permission.

2013, c.S-15.1, s.5-19.

Services provided by minister

5-20 The minister may:

(a) provide consulting services with respect to:

(i) radiation installations;

(ii) radiation equipment;

(iii) radiation protection; and

(iv) safety measures; and

(b) provide special services, including instrument calibrations and leak testing of sealed radioactive sources.

2013, c.S-15.1, s.5-20.

Radiation Health and Safety Committee

5-21(1) Subject to subsection (2), the Radiation Health and Safety Committee is continued consisting of the following persons appointed by the minister:

(a) a diagnostic radiologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(b) a radiation oncologist nominated by The College of Physicians and Surgeons of Saskatchewan;

(c) a duly qualified medical practitioner nominated by The College of Physicians and Surgeons of Saskatchewan who, by reason of his or her being a specialist in pathology or internal medicine, has extensive knowledge of and training in haematology;

(d) a dentist or dental surgeon nominated by the College of Dental Surgeons of Saskatchewan;

(e) a medical radiation technologist nominated by the Saskatchewan Association of Medical Radiation Technologists;

(f) a veterinarian nominated by the Saskatchewan Veterinary Medical Association;

(g) a physicist experienced in radiation physics;

(h) a person with expertise in uranium radiation protection issues;

(i) one or more persons selected by the minister;

(j) the employee of the ministry responsible for supervising the provision of the services mentioned in section 5-20; and

(k) one radiation health officer.

(2) The minister shall make reasonable efforts to appoint persons to the committee who are described in clauses (1)(a) to (h) but the absence of any of those persons does not impair the power of the other members of the committee to act.

(3) A member of the committee holds office until a successor is appointed.

(4) The committee shall:

(a) advise the minister with respect to radiation health generally, safety measures and recommended codes of practice to be issued by the minister to every owner, operator and other person in Saskatchewan who may be exposed to radiation concerning radiation health, safety measures and the operation and use of radiation equipment and the use of radioactive substances;

(b) promote an educational program among all owners, operators, radiation workers and other persons who may be exposed to radiation respecting radiation dangers and the protection, in accordance with the practices recommended by the committee, of the health of owners, operators, radiation workers and other persons who may be exposed to radiation;

(c) give general direction and professional advice to radiation health officers, including direction and advice with respect to the standards to be observed by officers in approving plans for establishing radiation installations;

(d) make recommendations respecting the acquisition, operation and use of radiation equipment and associated apparatus and the use of radioactive substances;

(e) advise the minister respecting the minimum age at which a person may be employed as a radiation worker in any occupation or category of occupations;

(f) advise the minister respecting conditions to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers; and

(g) deal with any other matters relating to radiation health that the minister may refer to it.

(5) Members of the committee are entitled to the following:

(a) except for those members of the committee who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the minister;

(b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.

2013, c.S-15.1, s.5-21.

Application of radiation

5-22(1) Nothing in this Part or the regulations made pursuant to this Part limits the kind or quantity of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the direction of a person qualified pursuant to an Act to provide persons with care and treatment by means of radiation equipment.

(2) Notwithstanding subsection (1), every operator of radiation equipment shall cause adequate precautions to be taken to ensure that no person is unnecessarily exposed to radiation.

2013, c.S-15.1, s.5-22.

Offence and penalty

5-23(1) No person shall:

(a) fail to comply with an order or direction of a radiation health officer;

(b) fail to reasonably cooperate with a radiation health officer in the exercise of his or her powers or the performance of his or her duties; or

(c) contravene this Part or the regulations made pursuant to this Part.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of not more than $15,000 for each day during which the offence continues.

2013, c.S-15.1, s.5-23.

Regulations for Part

5-24 The Lieutenant Governor in Council may make regulations:

(a) generally for preventing impairment of the health of radiation workers and other persons by radiation;

(b) respecting the minimum age at which a person may be a radiation worker in any particular occupation;

(c) prescribing standards to be maintained to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers;

(d) prescribing the standards to be maintained for safety purposes in connection with the operation and use of radiation equipment and associated apparatus;

(e) prescribing standards for the inspections to be made and other measures to be taken in connection with the operation and use of radiation equipment and associated apparatus;

(f) prescribing conditions under which radiation equipment may be installed or used;

(g) requiring the development and implementation of procedures manuals with respect to any radiation equipment or radiation installation;

(h) requiring the classification and labelling of radiation equipment;

(i) requiring the display of warning signs or other signs providing information about radiation health and safety;

(j) prescribing exposure rates and dose limits for ionizing radiation to which any person or category of persons may be exposed;

(k) providing for the monitoring and control of the exposure to or dose of radiation received by any person or category of persons;

(l) classifying non-ionizing radiation equipment and forms of non-ionizing radiation;

(m) prescribing exposure limits and exposure levels for any form of non-ionizing radiation to which any person or category of persons may be exposed;

(n) requiring records to be kept by owners, operators and vendors, prescribing the periods during which records are to be kept and prescribing the nature of information to be recorded and authorizing the minister to determine the form in which those records must be kept;

(o) exempting any radiation equipment or radiation installation, temporarily or permanently, from any or all of the provisions of this Part, conditionally or unconditionally;

(p) for the purposes of subsections 5-4(2) and (3) and sections 5-8, 5-12 and 5-13, prescribing periods within which statements, itineraries, notices, information, plans or other things mentioned in those sections must be provided or submitted;

(q) prescribing any matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(r) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.5-24.

Codes of practice

5-25(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the minister may, after any consultation with the committee and any other interested persons or associations that the minister considers advisable:

(a) issue any code of practice; and

(b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the minister shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the minister has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the minister is admissible in evidence in any court without proof of the signature, appointment or authority of the minister.

2013, c.S-15.1, s.5-25.

Transitional

5-26(1) In this section, **"former Act"** means *The Radiation Health and Safety Act, 1985* as that Act existed on the day before the coming into force of this section.

(2) A person who established his or her qualifications to a radiation health officer pursuant to clause 6(2)(h) of the former Act and who retained those qualifications until the day before the coming into force of this section remains qualified for the purpose of subsection 5-6(2) until a radiation health officer orders otherwise.

(3) All orders that were issued by a radiation health officer pursuant to subsection 16(5) of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(4) All codes of practice that were issued by the minister pursuant to section 18.1 of the former Act that are in existence on the day before the coming into force of this section are continued and may be dealt with pursuant to this Part as if they had been issued pursuant to this Part.

(5) The members of the committee immediately before the coming into force of this section are continued as members of the committee until new appointments are made pursuant to this Part.

2013, c.S-15.1, s.5-26.

PART VI
Labour Relations

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

6-1(1) In this Part:

(a) **"bargaining unit"** means:

(i) a unit that is determined by the board as a unit appropriate for collective bargaining; or

(ii) if authorized pursuant to this Part, a unit comprised of employees of two or more employers that is determined by the board as a unit appropriate for collective bargaining;

(b) **"certification order"** means a board order issued pursuant to section 6-13 or clause 6-18(4)(e) that certifies a union as the bargaining agent for a bargaining unit;

(c) **"chairperson"** means the chairperson of the board appointed pursuant to subsection 6-93(2);

(d) **"collective agreement"** means a written agreement between an employer and a union that:

(i) sets out the terms and conditions of employment; or

(ii) contains provisions respecting rates of pay, hours of work or other working conditions of employees;

(e) **"collective bargaining"** means:

(i) negotiating in good faith with a view to the conclusion of a collective agreement or its renewal or revision;

(ii) putting the terms of an agreement in writing if those terms were arrived at in negotiations or are required to be inserted into a collective agreement by this Part;

(iii) executing a collective agreement by or on behalf of the parties; and

(iv) negotiating from time to time the settlement of disputes and grievances of employees covered by a collective agreement or represented by a union;

(f) **"collective bargaining order"** means a board order made pursuant to clause 6-104(2)(a);

(g) **"director of labour relations"** means the person appointed as director of labour relations pursuant to section 6-118;

(h) **"employee"** means:

(i) a person employed by an employer other than:

(A) a person whose primary responsibility is to exercise authority and perform functions that are of a managerial character; or

(B) a person whose primary duties include activities that are of a confidential nature in relation to any of the following and that have a direct impact on the bargaining unit the person would be included in as an employee but for this paragraph:

(I) labour relations;

(II) business strategic planning;

(III) policy advice;

(IV) budget implementation or planning;

(ii) a person engaged by another person to perform services if, in the opinion of the board, the relationship between those persons is such that the terms of the contract between them can be the subject of collective bargaining; and

(iii) any person designated by the board as an employee for the purposes of this Part notwithstanding that, for the purpose of determining whether or not the person to whom he or she provides services is vicariously liable for his or her acts or omissions, he or she may be held to be an independent contractor;

and includes:

(iv) a person on strike or locked out in a current labour-management dispute who has not secured permanent employment elsewhere; and

(v) a person dismissed from his or her employment whose dismissal is the subject of any proceedings before the board or subject to grievance or arbitration in accordance with Subdivision 3 of Division 9;

(i) **"employer"** means:

(i) an employer who customarily or actually employs three or more employees;

(ii) an employer who employs fewer than three employees if at least one of the employees is a member of a union that includes among its membership employees of more than one employer; or

(iii) with respect to any employees of a contractor who supplies the services of the employees for or on behalf of a principal pursuant to the terms of any contract entered into by the contractor or principal, the contractor or principal as the board may determine for the purposes of this Part;

(j) **"executive officer"** means the executive officer of the board mentioned in section 6-97;

(k) **"labour organization"** means an organization of employees who are not necessarily employees of one employer that has collective bargaining among its purposes;

(l) **"labour relations officer"** means a person appointed as a labour relations officer pursuant to subsection 6-119(1);

(m) **"lockout"** means one or more of the following actions taken by an employer for the purpose of compelling employees to agree to terms and conditions of employment:

(i) the closing of all or part of a place of employment;

(ii) a suspension of work;

(iii) a refusal to continue to employ employees;

(n) **"strike"** means any of the following actions taken by employees:

(i) a cessation of work or a refusal to work or to continue to work by employees acting in combination or in concert or in accordance with a common understanding;

(ii) any other concerted activity on the part of employees in relation to their work that is designed to restrict or limit output or the effective delivery of services;

(o) **"supervisory employee"** means an employee whose primary function is to supervise employees and who exercises one or more of the following duties:

(i) independently assigning work to employees and monitoring the quality of work produced by employees;

(ii) assigning hours of work and overtime;

(iii) providing an assessment to be used for work appraisals or merit increases for employees;

(iv) recommending disciplining employees;

but does not include an employee who:

(v) is a gang leader, lead hand or team leader whose duties are ancillary to the work he or she performs;

(vi) acts as a supervisor on a temporary basis; or

(vii) is in a prescribed occupation;

(p) **"union"** means a labour organization or association of employees that:

(i) has as one of its purposes collective bargaining; and

(ii) is not dominated by an employer;

(q) **"unit"** means any group of employees of an employer or, if authorized pursuant to this Part, of two or more employers.

(2) Unless otherwise ordered by the board, an employer remains subject to a certification order, a collective agreement and the other provisions of this Part notwithstanding that the employer, at any time or from time to time, ceases to be an employer within the meaning of this Part.

(3) Subject to the regulations made pursuant to this Part, every provision of this Part conferring or imposing a right, duty or obligation on an employer applies, with any necessary modification, to the following persons:

(a) a representative employers' organization determined in accordance with Division 13;

(b) a designated employers' organization determined in accordance with Division 14.

(4) Subsection (3) is not to be construed as relieving employers who are members of a representative employers' organization or a designated employers' organization from complying with the obligations that are imposed on employers by this Part and that are not carried out by the organizations.

(5) Every provision of this Part imposing or conferring a right, duty or obligation on a union applies, with any necessary modification, to a council of unions determined in accordance with Division 13.

(6) Subsection (5) is not to be construed as relieving unions that are members of a council of unions from complying with the obligations that are imposed on unions by this Part and that are not carried out by the council of unions.

2013, c.S-15.1, s.6-1.

Responsibility and powers of minister re Part

6-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to labour relations.

(2) For the purpose of carrying out the minister's responsibilities pursuant to this Part, the minister may:

(a) provide assistance to employers, employees, unions and other persons to understand the rights and obligations created by this Part by providing seminars, developing informational material and answering questions relating to those rights and obligations; and

(b) do any other thing that the minister considers necessary or appropriate to carrying out the minister's responsibilities or exercising the minister's powers pursuant to this Part and the regulations made pursuant to this Part.

(3) Without restricting the generality of subsection (2), the minister may appoint one or more persons to perform duties specified by the minister in connection with a labour-management dispute for the purpose of helping to resolve that dispute, whether or not that dispute is regulated by the provisions of this Part.

2013, c.S-15.1, s.6-2.

Capacity of unions

6-3 For the purposes of this Act, every union is deemed to be a person.

2013, c.S-15.1, s.6-3.

DIVISION 2
Rights, Duties, Obligations and Prohibitions

Right to form and join a union and to be a member of a union

6-4(1) Employees have the right to organize in and to form, join or assist unions and to engage in collective bargaining through a union of their own choosing.

(2) No employee shall unreasonably be denied membership in a union.

2013, c.S-15.1, s.6-4.

Coercion and intimidation prohibited

6-5 No person shall use coercion or intimidation of any kind that could reasonably have the effect of compelling or inducing a person to become or to refrain from becoming or to continue to be or to cease to be a member of a union.

2013, c.S-15.1, s.6-5.

Certain actions against employees prohibited

6-6(1) No person shall do any of the things mentioned in subsection (2) against another person:

(a) because of a belief that the other person may testify in a proceeding pursuant to this Part;

(b) because the person has made or is about to make a disclosure that may be required of the person in a proceeding pursuant to this Part;

(c) because the person has made an application, filed a complaint or otherwise exercised a right conferred pursuant to this Part; or

(d) because the person has participated or is about to participate in a proceeding pursuant to this Part.

(2) In the circumstances mentioned in subsection (1), no person shall do any of the following:

(a) refuse to employ or refuse to continue to employ a person;

(b) threaten termination of employment or otherwise threaten a person;

(c) discriminate against or threaten to discriminate against a person with respect to employment or a term or condition of employment or membership in a union;

(d) intimidate or coerce or impose a pecuniary or other penalty on a person.

2013, c.S-15.1, s.6-6.

Good faith bargaining

6-7 Every union and employer shall, in good faith, engage in collective bargaining in the time and in the manner required pursuant to this Part or by an order of the board.

2013, c.S-15.1, s.6-7.

Board order re religious objections

6-8(1) Subject to subsection (2), the board may, by order, exclude an employee from a bargaining unit if the board is satisfied that the employee objects to joining or belonging to a union or to paying dues and assessments to a union as a matter of conscience based on religious training or belief.

(2) An employee excluded from a bargaining unit in accordance with subsection (1) shall pay an amount equal to any union dues and other assessments to a charitable organization registered in Canada pursuant to Part I of the *Income Tax Act* (Canada) that:

(a) is agreed on by the employee and the union; or

(b) if no agreement is made pursuant to clause (a), is designated by the board.

2013, c.S-15.1, s.6-8.

DIVISION 3
Acquisition and Termination of Bargaining Rights

Acquisition of bargaining rights

6-9(1) A union may, at any time, apply to the board to be certified as bargaining agent for a unit of employees appropriate for collective bargaining if a certification order has not been issued for all or a portion of that unit.

(2) When applying pursuant to subsection (1), a union shall:

(a) establish that 45% or more of the employees in the unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

2013, c.S-15.1, s.6-9.

Change in union representation

6-10(1) If a union has been certified as the bargaining agent for a bargaining unit, another union may apply to the board to be certified as bargaining agent:

(a) for the bargaining unit; or

(b) for a portion of the bargaining unit:

(i) if the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be separately certified as a unit appropriate for collective bargaining; or

(ii) if the applicant union is certified as the bargaining agent in another bargaining unit with the same employer or, in circumstances addressed in Division 14, with two or more health sector employers as defined in section 6-82 and the applicant union establishes to the satisfaction of the board that the portion of the bargaining unit that is the subject of the application should be moved into the other bargaining unit.

(2) When making an application pursuant to subsection (1), a union shall:

(a) establish that:

(i) for an application made in accordance with clause (1)(a), 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; or

(ii) for an application made in accordance with clause (1)(b), 45% or more of the employees in the unit of employees proposed to be established or proposed to be moved from one bargaining unit to another have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and

(b) file with the board evidence of each employee's support that meets the prescribed requirements.

(3) Subject to subsection (4), an application pursuant to subsection (1) must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of the collective agreement; or

(b) if a collective agreement has not been concluded, the anniversary date of the certification order.

(4) With respect to an application made pursuant to subclause (1)(b)(ii), the application must be made not less than 60 days and not more than 120 days before:

(a) the anniversary date of the effective date of any of the collective agreements with an employer mentioned in that subclause; or

(b) the anniversary date of the effective date of any of the certification orders governing an employer mentioned in that subclause.

2013, c.S-15.1, s.6-10.

Determination of bargaining unit

6-11(1) If a union applies for certification as the bargaining agent for a unit or a portion of a bargaining unit or to move a portion of one bargaining unit to another bargaining unit, the board shall determine:

(a) if the unit of employees is appropriate for collective bargaining; or

(b) in the case of an application to move a portion of one bargaining unit to another bargaining unit, if the portion of the unit should be moved.

(2) In making the determination required pursuant to subsection (1), the board may include or exclude persons in the unit proposed by the union.

(3) Subject to subsections (4) to (6), the board shall not include in a bargaining unit any supervisory employees.

(4) Subsection (3) does not apply if:

(a) the employer and union make an irrevocable election to allow the supervisory employees to be in the bargaining unit; or

(b) the bargaining unit determined by the board is a bargaining unit comprised of supervisory employees.

(5) An employee who is or may become a supervisory employee:

(a) continues to be a member of a bargaining unit until excluded by the board or an agreement between the employer and the union; and

(b) is entitled to all the rights and shall fulfil all of the responsibilities of a member of the bargaining unit.

(6) Subsections (3) to (5) apply only on and after two years after the date on which subsection (3) comes into force.

(7) In making the determination required by subsection (1) as it relates to the construction industry within the meaning of Division 13, the board shall:

(a) make no presumption that a craft unit is the more suitable unit appropriate for collective bargaining; and

(b) determine the bargaining unit by reference to whatever factors the board considers relevant to the application, including:

(i) the geographical jurisdiction of the union making the application; and

(ii) whether the certification order should be confined to a particular project.

2013, c.S-15.1, s.6-11.

Representation vote

6-12(1) Before issuing a certification order on an application made in accordance with section 6-9 or amending an existing certification order on an application made in accordance with section 6-10, the board shall direct a vote of all employees eligible to vote to determine whether the union should be certified as the bargaining agent for the proposed bargaining unit.

(2) Notwithstanding that a union has not established the level of support required by subsection 6-9(2) or 6-10(2), the board shall make an order directing a vote to be taken to determine whether a certification order should be issued or amended if:

(a) the board finds that the employer or a person acting on behalf of the employer has committed an unfair labour practice or has otherwise contravened this Part;

(b) there is insufficient evidence before the board to establish that 45% or more of the employees in the proposed bargaining unit support the application; and

(c) the board finds that sufficient evidence of support mentioned in clause (b) would have been obtained but for the unfair labour practice or contravention of this Part.

(3) Notwithstanding subsection (1), the board may refuse to direct the vote if the board has, within the 12 months preceding the date of the application, directed a vote of employees in the same unit or a substantially similar unit on the application of the same union.

2013, c.S-15.1, s.6-12.

Certification order

6-13(1) If, after a vote is taken in accordance with section 6-12, the board is satisfied that a majority of votes that are cast favour certification of the union as the bargaining agent for a unit of employees, the board shall issue an order:

(a) certifying the union as the bargaining agent for that unit; and

(b) if the application is made pursuant to subclause 6-10(1)(b)(ii), moving a portion of one bargaining unit into another bargaining unit.

(2) If a union is certified as the bargaining agent for a bargaining unit:

(a) the union has exclusive authority to engage in collective bargaining for the employees in the bargaining unit and to bind it by a collective agreement until the order certifying the union is cancelled; and

(b) if a collective agreement binding on the employees in the bargaining unit is in force at the date of certification, the agreement remains in force and shall be administered by the union that has been certified as the bargaining agent for the bargaining unit.

2013, c.S-15.1, s.6-13.

Application to cancel certification order – union ceases to be a union

6-14(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

(2) On an application pursuant to subsection (1), the board shall cancel the certification order if the board concludes that the union named in the certification order is no longer a union within the meaning of clause 6-1(1)(p) or that the union no longer exists.

2013, c.S-15.1, s.6-14.

Application to cancel certification order – unfair labour practice

6-15(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order on the grounds that the union or any person acting on behalf of the union engaged in an unfair labour practice or otherwise contravened this Part before the certification order was issued.

(2) If the board is satisfied that the certification order would not have been granted but for the unfair labour practice or other contravention of this Part, the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour cancelling the certification order, the board shall cancel the certification order.

2013, c.S-15.1, s.6-15.

Application to cancel certification order – abandonment

6-16(1) An application may be made to the board to cancel a certification order by an employee within the bargaining unit or the employer named in the certification order if the union has been inactive in promoting and enforcing its bargaining rights for a period of three years or more.

(2) The board shall cancel the certification order if the board is satisfied that the union has been inactive in promoting and enforcing its bargaining rights in the period mentioned in subsection (1).

2013, c.S-15.1, s.6-16.

Application to cancel certification order – loss of support

6-17(1) An employee within a bargaining unit may apply to the board to cancel a certification order if the employee:

(a) establishes that 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated support for removing the union as bargaining agent; and

(b) files with the board evidence of each employee's support that meets the prescribed requirements.

(2) On receipt of an application pursuant to subsection (1), the board shall direct that a vote be taken of the employees in the bargaining unit.

(3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour removing the union as bargaining agent, the board shall cancel the certification order.

(4) An application must not be made pursuant to this section:

(a) during the two years following the issuance of the first certification order; or

(b) during the 12 months following a refusal pursuant to this section to cancel the certification order.

2013, c.S-15.1, s.6-17.

DIVISION 4
Successor Rights and Obligations

Transfer of obligations

6-18(1) In this Division, **"disposal"** means a sale, lease, transfer or other disposition.

(2) Unless the board orders otherwise, if a business or part of a business is disposed of:

(a) the person acquiring the business or part of the business is bound by all board orders and all proceedings had and taken before the board before the acquisition; and

(b) the board orders and proceedings mentioned in clause (a) continue as if the business or part of the business had not been disposed of.

(3) Without limiting the generality of subsection (2) and unless the board orders otherwise:

(a) if before the disposal a union was determined by a board order to be the bargaining agent of any of the employees affected by the disposal, the board order is deemed to apply to the person acquiring the business or part of the business to the same extent as if the order had originally applied to that person; and

(b) if any collective agreement affecting any employees affected by the disposal was in force at the time of the disposal, the terms of that collective agreement are deemed to apply to the person acquiring the business or part of the business to the same extent as if the collective agreement had been signed by that person.

(4) On the application of any union, employer or employee directly affected by a disposal, the board may make orders doing any of the following:

(a) determining whether the disposal or proposed disposal relates to a business or part of a business;

(b) determining whether, on the completion of the disposal of a business or part of the business, the employees constitute one or more units appropriate for collective bargaining;

(c) determining what union, if any, represents the employees in the bargaining unit;

(d) directing that a vote be taken of all employees eligible to vote;

(e) issuing a certification order;

(f) amending, to the extent that the board considers necessary or advisable:

(i) a certification order or a collective bargaining order; or

(ii) the description of a bargaining unit contained in a collective agreement;

(g) giving any directions that the board considers necessary or advisable as to the application of a collective agreement affecting the employees in the bargaining unit referred to in the certification order.

(5) Section 6-13 applies, with any necessary modification, to a certification order issued pursuant to clause (4)(e).

2013, c.S-15.1, s.6-18.

Effect of business becoming subject to Saskatchewan laws

6-19 Unless the board otherwise orders, if collective bargaining relating to a business is governed by the laws of Canada, and the business or part of the business becomes subject to the laws of Saskatchewan:

(a) section 6-18 applies, with any necessary modification, to any collective agreement and to the parties to the collective agreement that were governed by the laws of Canada; and

(b) the person owning or acquiring the business or part of the business is bound by any collective agreement in force when the business or part of the business becomes subject to the laws of Saskatchewan.

2013, c.S-15.1, s.6-19.

Board may declare related businesses to be one employer

6-20(1) On the application of any union or employer affected, the board may, by order, declare more than one corporation, partnership, individual or association to be one employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by one person through the different corporations, partnerships, individuals or associations.

(2) Subsection (1) applies only to corporations, partnerships, individuals or associations that have common control or direction on or after October 28, 1994.

2013, c.S-15.1, s.6-20.

Successor union

6-21(1) Unless the board orders otherwise, no board order, collective agreement or proceeding had or taken pursuant to this Part is rendered void, terminated, abrogated or curtailed in any way by reason only of:

(a) a change in the name of a union;

(b) the amalgamation, merger or affiliation of a union or any part of any union with another union; or

(c) the transfer or assignment by a union of its rights or any of its rights under or with respect to any board order, agreement or proceeding to another union.

(2) Unless the board orders otherwise, if a union, as a result of an amalgamation, merger or affiliation with another union, has changed its name, all board orders, agreements and proceedings pursuant to this Part and all records relating to the union, on and after the effective date of the amalgamation, merger or affiliation and without any board order, are deemed to be amended by the substitution of the new name of the union for the former name wherever it appears.

(3) Unless the board orders otherwise, notwithstanding the change of name, amalgamation, merger, affiliation, transfer or assignment mentioned in subsection (1) or (2), all board orders, agreements and proceedings pursuant to this Part:

(a) inure to the benefit of the successor, transferee or assignee, as the case may be; and

(b) apply to all persons affected by the board orders, agreements and proceedings pursuant to this Part.

2013, c.S-15.1, s.6-21.

DIVISION 5
Votes

Votes by secret ballot

6-22(1) All votes required pursuant to this Part or directed to be taken by the board must be by secret ballot.

(2) A vote by secret ballot is not required among employees in a bargaining unit consisting of two employees or fewer.

(3) An employee who has voted at a vote taken pursuant to this Part is not competent or compellable to give evidence before the board or in any court proceedings as to how the vote was cast.

(4) The results of the vote mentioned in subsection (1), including the number of ballots cast and the votes for, against or spoiled, must be made available to the employees who were entitled to vote.

2013, c.S-15.1, s.6-22.

Voting requirements

6-23 On the application of the affected union or an affected employee or on its own motion, the board may:

(a) require that a vote required pursuant to this Part, or directed to be taken by the board, be supervised, conducted or scrutinized by the board or a person appointed by the board;

(b) establish the manner and time in which the vote is required to be conducted and when and how notice of the vote must be provided to those entitled to vote;

(c) determine, by order, by board regulation or both, general eligibility requirements as to who is entitled to vote;

(d) determine whether a person:

(i) satisfies the eligibility requirements; and

(ii) is an employee or is an employee entitled to vote; and

(e) require that the employer and the union give all eligible employees an opportunity to vote.

2013, c.S-15.1, s.6-23.

DIVISION 6
Collective Bargaining

Commencing collective bargaining – first agreement

6-24 Authorized representatives of the union and the employer shall:

(a) meet within 20 days after the board issues a certification order or any other period that the parties agree on; and

(b) commence collective bargaining with a view to concluding a collective agreement.

2013, c.S-15.1, s.6-24.

Assistance re first collective agreement

6-25(1) The employer or the union may apply to the board for assistance in the conclusion of a first collective agreement, and the board may provide assistance pursuant to subsection (6), if:

(a) the board has issued a certification order or a collective bargaining order;

(b) the union and the employer have engaged in collective bargaining and have failed to conclude a first collective agreement; and

(c) one or more of the following circumstances exist:

(i) the union has taken a strike vote and the majority of those employees who voted have voted for a strike;

(ii) the employer has declared a lockout;

(iii) the board has made a determination pursuant to clause 6-62(1)(d) or 6-63(1)(c) and, in the opinion of the board, it is appropriate to assist the parties in the conclusion of a first collective agreement;

(iv) 90 days or more have passed since the board made the certification order.

(2) If an application is made pursuant to subsection (1):

(a) an employee shall not strike or continue to strike and the union shall not declare, authorize or counsel a strike; and

(b) the employer shall not lock out or continue to lock out the employees.

(3) An application pursuant to subsection (1) must include a list of the disputed issues and a statement of the position of the applicant on those issues, including the applicant's last offer on those issues.

(4) All materials filed with the board in support of an application pursuant to subsection (1) must be served on the other party within 24 hours after filing the application with the board.

(5) Within 14 days after receiving the information mentioned in subsection (4), the other party shall:

(a) file with the board a list of the disputed issues and a statement of the position of that party on those issues, including that party's last offer on those issues; and

(b) serve on the applicant a copy of the list and statement.

(6) On receipt of an application pursuant to subsection (1):

(a) the board may require the parties to request the minister to appoint a labour relations officer or special mediator to mediate the dispute or establish a conciliation board pursuant to section 6-29; and

(b) if a period of 120 days has elapsed since the appointment of the labour relations officer or special mediator or the establishment of a conciliation board pursuant to clause (a), the board may do any of the following:

(i) conclude, within 45 days after the date of the order, any term or terms of the first collective agreement between the parties;

(ii) order arbitration by a single arbitrator to conclude, within 45 days after the date of the order, any term or terms of the first collective agreement.

(7) Before concluding any term or terms of a first collective agreement, the board or a single arbitrator may hear:

(a) evidence adduced relating to the parties' positions on disputed issues; and

(b) argument by the parties or their counsel or agent.

2013, c.S-15.1, s.6-25.

Commencing collective bargaining – renewal or revision

6-26(1) Before the expiry of a collective agreement, either party to the collective agreement may give notice in writing to the other party within the period set out in subsection (2) to negotiate a renewal or revision of the collective agreement or a new collective agreement.

(2) A written notice pursuant to subsection (1) must be given not less than 60 days nor more than 120 days before the expiry date of the collective agreement.

(3) If a written notice is given pursuant to subsection (1), the parties shall immediately engage in collective bargaining with a view to concluding a renewal or revision of a collective agreement or a new collective agreement.

2013, c.S-15.1, s.6-26.

DIVISION 7
Assistance in Bargaining

Appointment of labour relations officer

6-27 On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may require the director of labour relations to appoint a labour relations officer to investigate, mediate and report to the minister on the labour-management dispute.

2013, c.S-15.1, s.6-27.

Special mediator

6-28(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may do all or any of the following:

(a) appoint a person as a special mediator to investigate, mediate and report to the minister on any labour-management dispute;

(b) establish any terms of reference that the minister considers necessary with respect to any of the following:

(i) the remuneration to be paid to the special mediator;

(ii) the procedures to be followed by the special mediator;

(iii) the publication of any reports submitted by the special mediator;

(c) replace the special mediator or terminate the appointment of the special mediator.

(2) A special mediator appointed by the minister pursuant to subsection (1):

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the special mediator considers appropriate.

2013, c.S-15.1, s.6-28; 2014, c.27, s.6.

Conciliation board

6-29(1) On the request of either party to a labour-management dispute or on the minister's own initiative, the minister may establish a conciliation board to investigate, conciliate and report to the minister on the labour-management dispute.

(2) In establishing a conciliation board, the minister may determine the following:

(a) how conciliation board members are to be selected;

(b) the terms of reference for the conciliation board;

(c) the procedure the conciliation board is to follow when engaged in its activities;

(d) the remuneration to be paid to conciliation board members;

(e) whether the conciliation board is to provide a report to the parties or only to the minister and, if the report is to be provided only to the minister, whether the minister will publicly release the report.

(3) The minister shall designate one member of a conciliation board as chairperson.

(4) The chairperson of the conciliation board:

(a) has the powers of a commissioner pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*; and

(b) is not bound by the rules of evidence, but may receive and accept any evidence that the chairperson considers appropriate.

2013, c.S-15.1, s.6-29; 2015, c.27, s.7.

DIVISION 8
Strikes and Lockouts

Lockouts and strikes prohibited during term of collective agreement

6-30(1) No employer bound by a collective agreement shall declare a lockout of employees bound by the collective agreement during the term of a collective agreement.

(2) No employee or union bound by a collective agreement shall, during the term of a collective agreement:

(a) counsel a strike against the employer bound by the collective agreement; or

(b) declare, authorize or participate in a strike against the employer bound by the collective agreement.

2013, c.S-15.1, s.6-30.

Bargaining required before strike vote or lockout

6-31 No union shall take a vote on the question of whether to strike and no employer shall declare a lockout before the union and the employer or their authorized representatives have engaged in collective bargaining in accordance with this Part.

2013, c.S-15.1, s.6-31.

Strike vote required

6-32 No union shall declare or authorize a strike and no employee shall strike before a vote has been taken by the employees in the bargaining unit affected and the majority of those employees who vote have voted for a strike.

2013, c.S-15.1, s.6-32.

Notice of impasse and mediation or conciliation required before strike or lockout

6-33(1) If, in the opinion of an employer or a union, collective bargaining to conclude a collective agreement has reached a point where agreement cannot be achieved, the employer or union shall serve a written notice on the minister and the other party that an impasse has been reached.

(2) The written notice mentioned in subsection (1) must set out the essential services, if any, that, in the opinion of the party providing the notice, must be maintained in the event of a strike or lockout.

(3) Within three days after receiving the notice mentioned in subsection (1), the other party that received the written notice shall serve a written notice on the minister and the other party setting out the essential services that, in that party's opinion, must be maintained in the event of a strike or lockout.

(4) As soon as possible after receipt of a written notice pursuant to subsection (1), the minister shall appoint a labour relations officer or a special mediator, or establish a conciliation board, to mediate or conciliate the dispute.

(5) Subject to subsection (6), the labour relations officer, special mediator or conciliation board shall give a report, recommendation or decision to the minister and the parties within 60 days after the date of his, her or its appointment.

(6) The parties may agree to extend the time set pursuant to subsection (5) for giving a report, recommendation or decision.

(7) No strike is to be commenced and no lockout is to be declared:

(a) unless a labour relations officer or special mediator is appointed or a conciliation board is established pursuant to subsection (4);

(b) unless:

(i) the labour relations officer, special mediator or conciliation board has informed the minister and the parties that the labour relations officer, special mediator or conciliation board does not intend to recommend terms of settlement; or

(ii) the labour relations officer, special mediator or conciliation board has informed the minister that the parties have not accepted the recommended terms of settlement by the date set by the labour relations officer, special mediator or conciliation board;

(c) unless the labour relations officer, special mediator or conciliation board has informed the minister and the parties in a report that the dispute has not been settled; and

(d) until:

(i) in the case where no essential services are identified by the parties or there is an essential services agreement in effect between the parties, the expiry of 14 days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c); or

(ii) in the case where essential services are identified by either party and there is no essential services agreement in effect between the parties, the expiry of seven days after the date on which the labour relations officer, special mediator or conciliation board has informed the minister pursuant to clause (c).

(8) If it appears to the labour relations officer, special mediator or conciliation board that settlement of the dispute is unlikely before a strike or lockout, the labour relations officer, special mediator or conciliation board shall discuss with the union and the employer whether it is necessary to establish a shutdown protocol that preserves the plant, equipment and any perishable items.

(9) In this section, **"essential services agreement"** means an essential services agreement as defined in Part VII.

2013, c.S-15.1, s.6-33; 2015, c.31, s.5.

Notice re strikes or lockouts

6-34 No strike is to be commenced and no lockout is to be declared unless the union or employer:

(a) gives the other party at least 48 hours' written notice of the date and time that the strike or lockout will commence; and

(b) promptly, after service of the notice, notifies the minister of the date and time that the strike or lockout will commence.

2013, c.S-15.1, s.6-34.

Vote on employer's last offer

6-35(1) At any time after the parties have engaged in collective bargaining, any of the following may apply to the board to conduct a vote among the employees in the bargaining unit to determine whether a majority of employees voting are in favour of accepting the employer's last offer:

(a) the union;

(b) the employer;

(c) any employees of the employer in the bargaining unit if those employees represent at least 45% of the bargaining unit or 100 employees, whichever is less.

(2) On receipt of an application pursuant to this section, the board shall direct that a vote be taken.

(3) Only one vote with respect to the same dispute may be held pursuant to this section.

(4) On the recommendation of a labour relations officer, a special mediator or a conciliation board or if the minister considers it to be in the public interest, the minister may require the board to order a vote on the employer's last offer.

(5) A vote required in accordance with subsection (4) may be in addition to a vote taken on an application pursuant to subsection (1).

(6) If a majority of votes cast favour acceptance of the employer's last offer:

(a) a collective agreement is thereby concluded between the parties; and

(b) the collective agreement is to consist of the terms voted on and any other matters agreed to by the union and the employer.

2013, c.S-15.1, s.6-35.

Benefits during strike or lockout

6-36(1) In this section, **"benefit plan"** means a medical, dental, disability or life insurance plan or other similar plan.

(2) During a strike or lockout, the union representing striking or locked-out employees in a bargaining unit may tender payments to the employer, or to a person who was, before the strike or lockout, obliged to receive the payment:

(a) in amounts sufficient to continue the employees' membership in a benefit plan; and

(b) on or before the regular due dates of those payments.

(3) The employer or other person mentioned in subsection (2) shall accept any payment tendered by the union in accordance with subsection (2).

(4) No person shall cancel or threaten to cancel an employee's membership in a benefit plan if the union tenders payment in accordance with subsection (2).

(5) On the request of the union, the employer shall provide the union with any information required to enable the union to make the payments mentioned in subsection (2).

2013, c.S-15.1, s.6-36.

Reinstatement of employees after strike or lockout

6-37(1) Following the conclusion of a strike or lockout, if an employer and a union have not reached an agreement for reinstating striking or locked-out employees, the employer shall reinstate striking or locked-out employees in accordance with this section.

(2) Subject to subsection (3), an employer shall reinstate each striking or locked-out employee to the position that the employee held when the strike or lockout began.

(3) If there is not sufficient work for all striking or locked-out employees after the conclusion of a strike or lockout, the employer shall:

(a) reinstate striking or locked-out employees:

(i) in accordance with any provisions in the collective agreement respecting recall based on seniority as defined in the collective agreement in force in that bargaining unit; or

(ii) if there are no provisions in the collective agreement respecting recall based on seniority, in accordance with each employee's length of service, as determined when the strike or lockout began, in relation to the length of service of other employees in the bargaining unit who were employed when the strike or lockout began; and

(b) provide to striking or locked-out employees who are not reinstated notice of layoff or pay instead of notice:

(i) in accordance with the collective agreement;

(ii) in accordance with a back-to-work protocol agreed to by the employer and the union, notwithstanding Subdivision 12 of Division 2 of Part II; or

(iii) if there is no back-to-work protocol or collective agreement in force, in accordance with Subdivision 12 of Division 2 of Part II.

(4) Striking or locked-out employees are entitled to displace any persons who were hired to perform the work of striking or locked-out employees during the strike or lockout.

(5) An employer is not in contravention of subsection (2) or (3) if:

(a) the employer claims that the employee has been terminated for a cause for which the employee might have been discharged; and

(b) either:

(i) the termination has not been grieved; or

(ii) if the termination has been grieved, the grievance process has not resulted in the reinstatement of the employee.

(6) Notwithstanding any provision in a collective agreement, the time worked by an employee during a strike or lockout does not constitute accrued service for the purposes of computing seniority unless the employee was working with the consent of the union.

2013, c.S-15.1, s.6-37.

DIVISION 9
Collective Agreements

Subdivision 1
Ratification of and Length of Collective Agreements

Ratification vote

6-38(1) If a ratification vote is required by one or both of the parties to confirm the acceptance of a collective agreement, no union or employer shall fail to:

(a) commence the process of conducting the vote within 14 days after the date on which the collective agreement was reached; and

(b) conclude the vote mentioned in clause (a) within 60 days after the date on which the collective agreement was reached.

(2) All members of the union who are in the bargaining unit affected by the collective agreement mentioned in subsection (1) are entitled to vote in the ratification vote.

2013, c.S-15.1, s.6-38.

Period for which collective agreements remain in force

6-39(1) Except as provided in this Subdivision, every collective agreement remains in force:

(a) for the term provided for in the collective agreement; and

(b) after the expiry of the term mentioned in clause (a), from year to year.

(2) Subject to subsection (3) and section 6-40, a collective agreement is deemed to have a term of one year after the date on which it becomes effective if the collective agreement:

(a) does not provide for a term;

(b) provides for an unspecified term; or

(c) provides for a term of less than one year.

(3) The term of a collective agreement concluded pursuant to section 6-25 is:

(a) two years after the date on which it becomes effective; or

(b) any longer term that the parties agree on.

2013, c.S-15.1, s.6-39.

Authority of board to vary expiry dates in certain circumstances

6-40(1) This section applies if:

(a) a union is, by its locals, councils or otherwise, a party to two or more collective agreements affecting employees employed by the same employer in two or more plants or establishments; and

(b) the expiry dates of the collective agreements mentioned in clause (a) are not the same.

(2) Notwithstanding section 6-39, the board may, by order, fix a date as the expiry date of all the collective agreements if:

(a) the board receives an application to do so from the union or the employer; and

(b) in the opinion of the board, having regard to the interests of all parties that might be affected, it is appropriate to make the order.

2013, c.S-15.1, s.6-40.

Subdivision 2
General Matters

Parties bound by collective agreement

6-41(1) A collective agreement is binding on:

(a) a union that:

(i) has entered into it; or

(ii) becomes subject to it in accordance with this Part;

(b) every employee of an employer mentioned in clause (c) who is included in or affected by it; and

(c) an employer who has entered into it.

(2) A person bound by a collective agreement, whether entered into before or after the coming into force of this Part, must, in accordance with the provisions of the collective agreement:

(a) do everything the person is required to do; and

(b) refrain from doing anything the person is required to refrain from doing.

(3) A failure to meet a requirement of subsection (2) is a contravention of this Part.

(4) If an agreement is reached as the result of collective bargaining, both parties shall execute it.

(5) Nothing in this section requires or authorizes a person to do anything that conflicts with a requirement of this Part.

(6) If there is any conflict between a provision of a collective agreement and a requirement of this Part, the requirement of this Part prevails.

2013, c.S-15.1, s.6-41.

Union security clause

6-42(1) On the request of a union representing employees in a bargaining unit, the following clause must be included in any collective agreement entered into between that union and the employer concerned:

"1. Every employee who is now or later becomes a member of the union shall maintain membership in the union as a condition of the employee's employment.

"2. Every new employee shall, within 30 days after the commencement of the employee's employment, apply for and maintain membership in the union, and maintain membership in the union as a condition of the employee's employment.

"3. Notwithstanding paragraphs 1 and 2, any employee in the bargaining unit who is not required to maintain membership or apply for and maintain membership in the union shall, as a condition of the employee's employment, tender to the union the periodic dues uniformly required to be paid by the members of the union".

(2) Whether or not any collective agreement is in force, the clause mentioned in subsection (1) is effective and its terms must be carried out by that employer with respect to the employees on and after the date of the union's request until the employer is no longer required by this Part to engage in collective bargaining with that union.

(3) In the clause mentioned in subsection (1), **"the union"** means the union making the request.

(4) Failure on the part of any employer to carry out the provisions of subsections (1) and (2) is an unfair labour practice.

(5) Subsection (6) applies if:

(a) membership in a union is a condition of employment; and

(b) either:

(i) membership in the union is not available to an employee on the same terms and conditions generally applicable to other members; or

(ii) an employee is denied membership in the union or the employee's membership is terminated for reasons other than the failure of the employee to tender the periodic dues, assessments and initiation fees uniformly required to be paid by all other members of the union as a condition of acquiring or maintaining membership.

(6) In the circumstances mentioned in subsection (5), if the employee tenders payment of the periodic dues, assessments and initiation fees uniformly required as a condition of acquiring and maintaining membership, the employee:

(a) is deemed to maintain membership in the union for the purposes of this section; and

(b) shall not lose membership in the union for the purposes of this section for failure to pay any dues, assessments and initiation fees that are not uniformly required of all members or that in their application discriminate against any member or members.

2013, c.S-15.1, s.6-42.

Employer to deduct dues

6-43(1) On the request in writing of an employee and on the request of a union or union local representing the employees in the bargaining unit, the employer shall deduct and pay in periodic payments out of the wages due to the employee the union dues, assessments and initiation fees of the employee.

(2) The employer shall pay the dues, assessments and initiation fees mentioned in subsection (1) to the union or union local representing the employee.

(3) The employer shall provide to the union or union local the names of the employees who have given their authority to have the dues, assessments and initiation fees mentioned in subsection (1) paid to the union or union local.

(4) Failure to make payments or provide information required by this section is an unfair labour practice.

2013, c.S-15.1, s.6-43.

Copies of collective agreements to be filed with minister

6-44(1) Each of the parties to a collective agreement or any document altering, modifying or amending a collective agreement shall file one copy of the collective agreement or document with the minister.

(2) The copy mentioned in subsection (1) must be filed promptly after execution of the collective agreement or document.

(3) The minister shall cause every copy filed pursuant to subsection (1) to be made available for inspection by any person.

2013, c.S-15.1, s.6-44.

Subdivision 3
Resolution of Collective Agreement Disputes

Arbitration to settle disputes

6-45(1) Subject to subsections (2) and (3), all disputes between the parties to a collective agreement or persons bound by the collective agreement or on whose behalf the collective agreement was entered into respecting its meaning, application or alleged contravention, including a question as to whether a matter is arbitrable, are to be settled by arbitration after exhausting any grievance procedure established by the collective agreement.

(2) Subsection (1) does not prevent the director of employment standards as defined in Part II or the director of occupational health and safety as defined in Part III from exercising that director's powers pursuant to this Act.

(3) Without restricting the generality of subsection (2), the director of employment standards may issue wage assessments, issue hearing notices, take action to collect outstanding wages or take any other action authorized pursuant to Part II that the director of employment standards considers appropriate to enforce the claim of an employee who is bound by a collective agreement.

2013, c.S-15.1, s.6-45.

Arbitration procedure – single arbitrator

6-46(1) Arbitration must be conducted in accordance with:

(a) subject to subsection (2), the procedures set out in the collective agreement;

(b) if the collective agreement does not provide procedures, the procedures set out in this section; or

(c) if the parties agree, section 6-47.

(2) Notwithstanding the terms of the collective agreement, the parties may agree to use the procedures set out in this section for settling disputes mentioned in section 6-45.

(3) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration.

(4) The notice mentioned in subsection (3) must contain the name of the person, or a list of names of persons, that the party that gives the notice is willing to accept as a single arbitrator.

(5) Within seven days after receiving a notice mentioned in subsection (3), the party that receives the notice shall:

(a) notify the party that gives the notice that it accepts the name of an arbitrator set out in the notice, and the dispute shall proceed to arbitration; or

(b) if it does not accept the name of an arbitrator set out in the notice, notify the party and send that party a list of names of persons that it is willing to accept as the arbitrator.

(6) If the parties cannot agree on an arbitrator within a further period of seven days, either party may ask the minister to appoint an arbitrator.

(7) No person is eligible to be appointed as an arbitrator or shall act as an arbitrator if the person:

(a) has a pecuniary interest in a matter before the arbitrator; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(8) The arbitrator shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

2013, c.S-15.1, s.6-46.

Arbitration procedure – arbitration board

6-47(1) On agreement, the parties may use the procedures set out in this section for the settlement of disputes mentioned in section 6-45.

(2) After exhausting any grievance procedure established by the collective agreement, a party may notify the other party in writing that it intends to submit the dispute to arbitration by an arbitration board.

(3) The notice mentioned in subsection (2) must contain the name of the person to be appointed to the arbitration board by the party that gives the notice.

(4) Within seven days after receiving the notice mentioned in subsection (2), the party receiving the notice shall:

(a) inform the other party whether it agrees to submit the matter to arbitration before an arbitration board; and

(b) if the party agrees pursuant to clause (a):

(i) name the person whom it appoints to the arbitration board; and

(ii) provide the name of its appointee to the other party.

(5) If the party receiving the notice mentioned in subsection (2) has agreed to submit the matter to an arbitration board and fails to appoint a member of the arbitration board, the minister, on the request of a party, shall appoint a member on behalf of the party failing to make an appointment.

(6) Within seven days after the appointment of the second member of the arbitration board, the two appointees named by or for the parties shall appoint a third member of the arbitration board, who shall be the chairperson of the arbitration board.

(7) If the two appointees named by or for the parties fail to agree on the appointment of a third member of the arbitration board within the time specified in subsection (6), the minister, on the request of a party, shall appoint the third member.

(8) The member of the arbitration board appointed pursuant to subsection (7) is the chairperson of the arbitration board.

(9) No person is eligible to be appointed as a member of an arbitration board or shall act as a member of an arbitration board if the person:

(a) has a pecuniary interest in a matter before the arbitration board; or

(b) is acting or has, within a period of one year before the date on which notice of intention to submit the matter to arbitration is given, acted as lawyer or agent of any of the parties to the arbitration.

(10) The arbitration board shall:

(a) hear:

(i) evidence adduced relating to the dispute; and

(ii) argument by the parties or their lawyer or agent; and

(b) make a decision on the matter or matters in dispute.

(11) The decision of the majority of the members of an arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(12) If the minister appoints a member of an arbitration board pursuant to subsection (5), the party who failed to make the appointment shall pay the remuneration and expenses of the person so appointed.

(13) Each of the parties shall pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection (6) or (7) as the third member of an arbitration board.

2013, c.S-15.1, s.6-47.

Arbitration re termination or suspension

6-48(1) Whether there is just cause for the termination or suspension of an employee may be determined by arbitration if:

(a) no collective agreement is in force;

(b) the board has issued a certification order;

(c) the employee is terminated or suspended for a cause other than shortage of work; and

(d) the termination or suspension is not, and has not been, the subject of an application to the board respecting a matter mentioned in clause 6-62(1)(g).

(2) If an arbitration is conducted pursuant to subsection (1), it is to be conducted in accordance with section 6-46.

(3) The arbitrator shall determine any dispute respecting the application of this section.

2013, c.S-15.1, s.6-48.

Rules of arbitration

6-49(1) Subsections (2) to (4) apply to all arbitrations required to be conducted in accordance with sections 6-45 to 6-48.

(2) The finding of an arbitrator or arbitration board:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable in the same manner as a board order made pursuant to this Part.

(3) An arbitrator or an arbitration board may:

(a) exercise the powers that are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(b) administer oaths and affirmations;

(c) receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the arbitrator or arbitration board considers appropriate, whether admissible in a court of law or not;

(d) enter any premises where work is being done or has been done by the employees or in which the employer carries on business, or where anything is taking place or has taken place concerning any disputes submitted to the arbitrator or arbitration board and:

(i) inspect and view any work, material, machinery, appliance or article in that place; and

(ii) question any person respecting any thing or any matter;

(e) authorize any person to do anything that the arbitrator or arbitration board may do pursuant to clause (d) and report to the arbitrator or arbitration board on anything done;

(f) relieve, on terms that in the arbitrator's or arbitration board's opinion are just and reasonable, against breaches of time limits set out in the collective agreement with respect to a grievance procedure or an arbitration procedure;

(g) dismiss or reject an application or grievance or refuse to settle a dispute if, in the opinion of the arbitrator or arbitration board:

(i) there has been unreasonable delay by the person bringing the application or grievance or requesting the settlement; and

(ii) the delay has operated to the prejudice or detriment of the other party; and

(h) encourage settlement of the dispute and, with the agreement of the parties, may use mediation or other procedures to encourage settlement at any time during the arbitration.

(4) An arbitrator or arbitration board may substitute any other penalty for the termination or discipline of an employee that the arbitrator or arbitration board considers just and reasonable in the circumstances if:

(a) the arbitrator or arbitration board determines that an employee has been terminated or otherwise disciplined by an employer; and

(b) the collective agreement governing in whole or in part the employment of the employee by the employer does not contain a specific penalty for the infraction that is the subject-matter of the arbitration.

2013, c.S-15.1, s.6-49.

When arbitration decision must be given

6-50(1) An arbitrator shall give a decision within 30 days after the conclusion of the hearing of the matter submitted to arbitration.

(2) An arbitration board shall give a decision within 60 days after the conclusion of the hearing of the matter submitted to arbitration.

(3) The time for giving a decision pursuant to subsection (1) or (2) may be extended with the consent of the parties to the arbitration.

(4) If an arbitrator or arbitration board gives an oral decision:

(a) subsections (1) and (2) do not apply; and

(b) on the request of either party, the arbitrator or arbitration board shall give written reasons for the decision within a reasonable time.

2013, c.S-15.1, s.6-50.

Paying costs of arbitration

6-51(1) Subject to subsections 6-47(12) and (13) and to subsection (2), each of the parties to an arbitration shall pay an equal share of the remuneration and expenses of an arbitrator or arbitration board appointed pursuant to this Part.

(2) If an arbitrator or arbitration board does not give a decision within the time required pursuant to subsection 6-50(1) or (2) or an extension of time consented to pursuant to subsection 6-50(3), the parties to the arbitration are not responsible for payment of the remuneration and expenses of the arbitrator or arbitration board.

2013, c.S-15.1, s.6-51.

***The Arbitration Act, 1992* not to apply**

6-52 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2013, c.S-15.1, s.6-52.

Mediation for grievance

6-53(1) After exhausting any grievance procedure established by the collective agreement, the parties may agree to request the director of labour relations to appoint a labour relations officer to assist the parties to resolve the dispute.

(2) If a labour relations officer is appointed pursuant to this section, any limitation of time in the collective agreement is deemed to be suspended for the period of the appointment.

2013, c.S-15.1, s.6-53.

DIVISION 10
Technological Change and Organizational Change

Technological change and organizational change

6-54(1) In this Division:

(a) **"organizational change"** means the removal or relocation outside of the bargaining unit by an employer of any part of the employer's work, undertaking or business;

(b) **"technological change"** means:

(i) the introduction by an employer into the employer's work, undertaking or business of equipment or material of a different nature or kind than previously utilized by the employer in the operation of the work, undertaking or business; or

(ii) a change in the manner in which the employer carries on the work, undertaking or business that is directly related to the introduction of the equipment or material mentioned in subclause (i).

(2) An employer whose employees are represented by a union and who proposes to effect a technological change or organizational change that is likely to affect the terms, conditions or tenure of employment of a significant number of the employees shall give notice of the technological change or organizational change to the union and to the minister at least 90 days before the date on which the technological change or organizational change is to take effect.

(3) The notice mentioned in subsection (2) must be in writing and must state:

(a) the nature of the technological change or organizational change;

(b) the date on which the employer proposes to effect the technological change or organizational change;

(c) the number and type of employees likely to be affected by the technological change or organizational change;

(d) the effect that the technological change or organizational change is likely to have on the terms, conditions or tenure of employment of the employees affected; and

(e) any other prescribed information.

(4) The Lieutenant Governor in Council may make regulations specifying the number of employees that is deemed to be "significant" for the purpose of subsection (2) or the method of determining that number.

2013, c.S-15.1, s.6-54.

Application to board for an order re technological change or organizational change

6-55(1) A union may apply to the board for an order pursuant to this section if the union believes that an employer has failed to comply with section 6-54.

(2) An application pursuant to this section must be made not later than 30 days after the union knew or, in the opinion of the board, ought to have known of the failure of the employer to comply with section 6-54.

(3) On an application pursuant to this section and after giving the parties an opportunity to be heard, the board may, by order, do all or any of the following:

(a) direct the employer not to proceed with the technological change or organizational change for any period not exceeding 90 days that the board considers appropriate;

(b) require the reinstatement of any employee displaced by the employer as a result of the technological change or organizational change;

(c) if an employee is reinstated pursuant to clause (b), require the employer to reimburse the employee for any loss of pay suffered by the employee as a result of the employee's displacement.

(4) A board order made pursuant to clause (3)(a) is deemed to be a notice of technological change or organizational change given pursuant to section 6-54.

2013, c.S-15.1, s.6-55.

Workplace adjustment plans

6-56(1) If a union receives notice of a technological change or organizational change given, or deemed to have been given, by an employer pursuant to section 6-54 or 6-55, the union may serve notice on the employer in writing to commence collective bargaining for the purpose of developing a workplace adjustment plan.

(2) The written notice mentioned in subsection (1) must be served within 30 days after the date on which the union received or was deemed to have received the notice.

(3) On receipt of a notice pursuant to subsection (1), the employer and the union shall meet for the purpose of collective bargaining with respect to a workplace adjustment plan.

(4) A workplace adjustment plan may include provisions with respect to any of the following:

(a) consideration of alternatives to the proposed technological change or organizational change, including amendment of provisions in the collective agreement;

(b) human resource planning and employee counselling and retraining;

(c) notice of termination;

(d) severance pay;

(e) entitlement to pension and other benefits, including early retirement benefits;

(f) a bipartite process for overseeing the implementation of the workplace adjustment plan.

(5) Not later than 45 days after the union received a notice of technological change or organizational change pursuant to section 6-54, the employer or the union may request the director of labour relations to direct a labour relations officer to assist the parties in collective bargaining with respect to a workplace adjustment plan.

(6) If a union has served notice to commence collective bargaining pursuant to subsection (1), the employer shall not effect the technological change or organizational change with respect to which the notice has been served unless:

(a) a workplace adjustment plan has been developed as a result of collective bargaining;

(b) the minister has been served with a notice in writing informing the minister that the parties have engaged in collective bargaining and have failed to develop a workplace adjustment plan; or

(c) a period of 90 days has elapsed since the notice pursuant to subsection (1) has been served.

2013, c.S-15.1, s.6-56.

When Division does not apply

6-57(1) This Division does not apply if:

(a) a collective agreement contains provisions that are intended to assist employees affected by any technological change or organizational change to adjust to the effects of the technological change or organizational change; or

(b) subject to subsection (2), on the application of the employer, the board relieves the employer from complying with this Division.

(2) The board may make an order pursuant to clause (1)(b) only if the board is satisfied that the technological change or organizational change must be implemented promptly to prevent permanent damage to the employer's operations.

2013, c.S-15.1, s.6-57.

DIVISION 11
Unions and Union Members

Internal union affairs

6-58(1) Every employee who is a member of a union has a right to the application of the principles of natural justice with respect to all disputes between the employee and the union that is his or her bargaining agent relating to:

(a) matters in the constitution of the union;

(b) the employee's membership in the union; or

(c) the employee's discipline by the union.

(2) A union shall not expel, suspend or impose a penalty on a member or refuse membership in the union to a person, or impose any penalty or make any special levy on a person as a condition of admission to membership in the union if:

(a) in doing so the union acts in a discriminatory manner; or

(b) the grounds the union proposes to act on are that the member or person has refused or failed to participate in activity prohibited by this Act.

2013, c.S-15.1, s.6-58.

Fair representation

6-59(1) An employee who is or a former employee who was a member of the union has a right to be fairly represented by the union that is or was the employee's or former employee's bargaining agent with respect to the employee's or former employee's rights pursuant to a collective agreement or this Part.

(2) Without restricting the generality of subsection (1), a union shall not act in a manner that is arbitrary, discriminatory or in bad faith in considering whether to represent or in representing an employee or former employee.

2013, c.S-15.1, s.6-59.

Applications re breach of duty of fair representation

6-60(1) Subject to subsection (2), on an application by an employee or former employee to the board alleging that the union has breached its duty of fair representation, in addition to any other remedies the board may grant, the board may extend the time for the taking of any step in the grievance procedure under a collective agreement, notwithstanding the expiration of that time, if the board is satisfied that:

(a) the denial of fair representation has resulted in loss of employment or substantial amounts of work by the employee or former employee;

(b) there are reasonable grounds for the extension; and

(c) the employer will not be substantially prejudiced by the extension, either as a result of an order that the union compensate the employer for any financial loss or otherwise.

(2) The board may impose any conditions that it considers necessary on an order made pursuant to subsection (1).

2013, c.S-15.1, s.6-60.

Financial statement of unions

6-61(1) Within six months after the end of a union's fiscal year, the union shall make available without charge:

(a) to each of its members the audited financial statement of its affairs to the end of the preceding fiscal year, signed by its president and treasurer or corresponding principal officers;

(b) to each of its members who are in a bargaining unit the unaudited financial statement of that bargaining unit; and

(c) to each of its members any prescribed information.

(2) The financial statements mentioned in subsection (1) must contain information in sufficient detail to disclose accurately the financial condition and operation of the union for its preceding fiscal year.

(3) On the complaint of a member that the union has failed to comply with subsection (1), the board may order the union to provide to each of its members the financial statements and information required by this section to be provided.

(4) The financial statements mentioned in subsection (1) must be provided by:

(a) personally giving them to the member;

(b) mailing them to the member;

(c) posting them in the workplace;

(d) posting them online on a secure website to which the member has access; or

(e) providing them in any other manner that ensures that the member will receive the statements.

2013, c.S-15.1, s.6-61.

DIVISION 12
Unfair Labour Practices

Unfair labour practices – employers

6-62(1) It is an unfair labour practice for an employer, or any person acting on behalf of the employer, to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten, or coerce an employee in the exercise of any right conferred by this Part;

(b) subject to subsection (3), to discriminate respecting or interfere with the formation or administration of any labour organization or to contribute financial or other support to it;

(c) to engage in collective bargaining with a labour organization that the employer or a person acting on behalf of an employer has formed or whose administration has been dominated by the employer or a person acting on behalf of an employer;

(d) to fail or refuse to engage in collective bargaining with representatives of a union representing the employees in a bargaining unit whether or not those representatives are the employees of the employer;

(e) to refuse to permit a duly authorized representative of a union with which the employer has entered into a collective agreement or that represents the employees in a bargaining unit of the employer to negotiate with the employer during working hours for the settlement of disputes and grievances of:

(i) employees covered by the agreement; or

(ii) employees in the bargaining unit;

(f) to make any deductions from the wages of any duly authorized representative of a union respecting the time actually spent in negotiating for the settlement of the disputes and grievances mentioned in clause (e);

(g) to discriminate with respect to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind, including termination or suspension or threat of termination or suspension of an employee, with a view to encouraging or discouraging membership in or activity in or for or selection of a labour organization or participation of any kind in a proceeding pursuant to this Part;

(h) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any union or from exercising any right provided by this Part, except as permitted by this Part;

(i) to interfere in the selection of a union;

(j) to maintain a system of industrial espionage or to employ or direct any person to spy on a union member or on the proceedings of a labour organization or its offices or on the exercise by any employee of any right provided by this Part;

(k) to threaten to shut down or move a plant, business or enterprise or any part of a plant, business or enterprise in the course of a labour-management dispute;

(l) to declare or cause a lockout or to make or threaten any change in wages, hours, conditions or tenure of employment, benefits or privileges while:

(i) any application is pending before the board; or

(ii) any matter is pending before a labour relations officer, special mediator or conciliation board appointed pursuant to this Part;

(m) unless a union has not tendered payment as authorized by section 6-36, to deny or threaten to deny to any employee any benefit plan, as defined in section 6-36, that the employee enjoyed before the cessation of work or the exercise of any rights conferred by this Part:

(i) by reason of the employee ceasing to work as the result of a lockout or while taking part in a stoppage of work due to a labour-management dispute if that lockout or stoppage of work has been:

(A) imposed by the employer; or

(B) called in accordance with this Part by the union representing the employee; or

(ii) by reason of the employee exercising any of those rights;

(n) before a first collective agreement is entered into or after the expiry of the term of a collective agreement, to unilaterally change rates of pay, hours of work or other conditions of employment of employees in a bargaining unit without engaging in collective bargaining respecting the change with the union representing the employees in the bargaining unit;

(o) if one or more employees are permitted or required to live in premises supplied by, or by arrangement with, the employer, to refuse, deny, restrict or limit the right of the employee or employees to allow access to the premises by members of any union representing or seeking to represent the employee or employees or any of them for the purpose of collective bargaining;

(p) to question employees as to whether they or any of them have exercised, or are exercising or attempting to exercise, any right conferred by this Part;

(q) to terminate an employee for failure to acquire or maintain membership in a union, in circumstances where membership is a condition of employment, if the employee complies with subsections 6-42(5) and (6);

(r) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to an employer.

(2) Clause (1)(a) does not prohibit an employer from communicating facts and its opinions to its employees.

(3) Clause (1)(b) does not prohibit an employer from:

(a) permitting representatives of a union to confer with the employer for the purpose of collective bargaining or attending to the business of a union without deductions from wages or loss of time while so occupied; or

(b) agreeing with any union for the use of notice boards and of the employer's premises for the purposes of the union.

(4) For the purposes of clause (1)(g), there is a presumption in favour of an employee that the employee was terminated or suspended contrary to this Part if:

(a) an employer or person acting on behalf of the employer terminates or suspends an employee from employment; and

(b) it is shown to the satisfaction of the board or the court that employees of the employer or any of them had exercised or were exercising or attempting to exercise a right pursuant to this Part.

(5) For the purposes of subsection (4), the burden of proof that the employee was terminated or suspended for good and sufficient reason is on the employer.

(6) If a certification order has been issued, nothing in this Part precludes an employer from making an agreement with the union that:

(a) requires as a condition of employment:

(i) membership in or maintenance of membership in the union; or

(ii) the selection of employees by or with the advice of a union; or

(b) deals with any other condition in relation to employment.

(7) No employer shall be found guilty of an unfair labour practice contrary to clause (1)(d), (e), (f) or (n):

(a) unless the board has made an order determining that the union making the complaint has been named in the certification order as the bargaining agent of the employees; or

(b) if the employer shows to the satisfaction of the board that the employer did not know and did not have any reasonable grounds for believing, at the time when the employer committed the acts complained of, that:

(i) the union represented the employees; or

(ii) the employees were actively endeavouring to have a union represent them.

2013, c.S-15.1, s.6-62.

Unfair labour practices – unions, employees

6-63(1) It is an unfair labour practice for an employee, union or any other person to do any of the following:

(a) subject to subsection (2), to interfere with, restrain, intimidate, threaten or coerce an employee with a view to encouraging or discouraging membership in or activity in or for a labour organization;

(b) to commence to take part in or persuade an employee to take part in a strike while:

(i) any application is pending before the board; or

(ii) any matter is pending before a labour relations officer or special mediator who is appointed pursuant to this Part or a conciliation board established pursuant to this Part;

(c) to fail or refuse to engage in collective bargaining with the employer respecting employees in a bargaining unit if a certification order has been issued for that unit;

(d) to declare, authorize or take part in a strike unless:

(i) a strike vote is taken; and

(ii) a majority of the employees who vote do vote in favour of a strike;

(e) notwithstanding that membership in the union is a condition of employment, to seek or take steps to have an employee terminated for failure to acquire or maintain membership in a union if the employee complies with subsections 6-42(5) and (6);

(f) to use coercion or intimidation of any kind against an employee with a view to discouraging activity that might lead to the cancellation of a certification order;

(g) if the union is replaced as the bargaining agent or if a certification order is cancelled:

(i) to fail or refuse to facilitate the orderly transfer or transition of any benefit plan, program or trust that is administered or controlled by the union to the new union or to the employees; or

(ii) to fail to ensure so far as is practicable, that the benefits that an employee is receiving under a plan, program or trust mentioned in subclause (i) are continued by facilitating the transfer, assignment, joint administration or division of any contract, fund, asset or liability that relates to the benefits of those employees;

(h) to contravene an obligation, a prohibition or other provision of this Part imposed on or applicable to a union or an employee.

(2) If a certification order has been issued, nothing in this Part precludes a person acting on behalf of the union from attempting to persuade an employer to make an agreement with the union that requires as a condition of employment:

(a) membership in or maintenance of membership in the union; or

(b) the selection of employees by or with the advice of a union.

2013, c.S-15.1, s.6-63.

DIVISION 13
Construction Industry

Subdivision 1
Preliminary Matters for Division

Purpose of Division

6-64(1) The purpose of this Division is to permit collective bargaining to occur in the construction industry on the basis of either or both of the following:

(a) by trade on a province-wide basis;

(b) on a project basis.

(2) Nothing in this Division:

(a) precludes a union from seeking an order to be certified as a bargaining agent for a unit of employees consisting of:

(i) employees of an employer in more than one trade or craft; or

(ii) all employees of the employer; or

(b) limits the right to obtain an order to be certified as a bargaining agent to those unions that are referred to in a determination made by the minister pursuant to section 6-66.

(3) This Division does not apply to an employer and a union with respect to a certification order mentioned in subsection (2).

(4) If a unionized employer becomes subject to a certification order mentioned in subsection (2) with respect to its employees, the employer is no longer governed by this Division for the purposes of that bargaining unit.

(5) If there is a conflict between a provision of this Division and any other Division or any other Part of this Act as the conflict relates to collective bargaining in the construction industry, the provision of this Division prevails.

2013, c.S-15.1, s.6-64.

Interpretation of Division

6-65 In this Division:

(a) **"construction industry"**:

(i) means the industry in which the activities of constructing, erecting, reconstructing, altering, remodelling, repairing, revamping, renovating, decorating or demolishing of any building, structure, road, sewer, water main, pipeline, tunnel, shaft, bridge, wharf, pier, canal, dam or any other work or any part of a work are undertaken; and

(ii) includes all activities undertaken with respect to all machinery, plant, fixtures, facilities, equipment, systems and processes contained in or used in connection with a work mentioned in subclause (i), but does not include maintenance work;

(b) **"employers' organization"** means an organization of unionized employers that has, as one of its objectives, the objective of engaging in collective bargaining on behalf of unionized employers;

(c) **"project agreement"** means an agreement mentioned in section 6-67;

(d) **"representative employers' organization"** means an employers' organization that:

(i) is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in a trade division; and

(ii) if applicable, may be a bargaining agent to engage in collective bargaining on behalf of unionized employers that are parties to a project agreement;

(e) **"sector of the construction industry"** means any of the following sectors of the construction industry:

(i) the commercial, institutional and industrial sector;

(ii) the residential sector;

(iii) the sewer, tunnel and water main sector;

(iv) the pipeline sector;

(v) the road building sector;

(vi) the powerline transmission sector;

(vii) any prescribed sector;

(f) **"trade division"** means a trade division established by the minister in accordance with section 6-66;

(g) **"unionized employee"** means an employee who is employed by a unionized employer and with respect to whom a union has established the right to engage in collective bargaining with the unionized employer;

(h) **"unionized employer"**, subject to section 6-69, means an employer:

(i) with respect to whom a certification order has been issued for a bargaining unit comprised of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66; or

(ii) who has recognized a union as the agent to engage in collective bargaining on behalf of unionized employees working in a trade for which a trade division has been established pursuant to section 6-66.

2013, c.S-15.1, s.6-65.

Subdivision 2
Trade Divisions and Project Agreements

Trade divisions

6-66(1) The minister may, by order, establish one or more trade divisions comprising all unionized employers in one or more sectors of the construction industry, with each trade division being restricted to unionized employers that are:

(a) in a trade; or

(b) in an identifiable category or group of unionized employers in a trade.

(2) Before establishing a trade division pursuant to subsection (1), the minister shall:

(a) conduct, or cause to be conducted, any inquiry or consultation that the minister considers necessary;

(b) consider any request of unionized employers and a union to establish a trade division based on an agreement between the employers and the union; and

(c) if a request mentioned in clause (b) is received, make a decision whether to establish the requested trade division within 90 days after receiving the request.

(3) The minister may amend or cancel an order establishing a trade division:

(a) with the consent of:

(i) the representative employers' organization that represents all unionized employers in the trade division; and

(ii) the union or council of unions that is the bargaining agent of all unionized employees in the trade division; or

(b) without the consents mentioned in clause (a) in accordance with subsection (4).

(4) Before the minister amends or cancels an order establishing a trade division without the consent of the representative employers' organization and the union or council of unions, the minister shall:

(a) inform the representative employers' organization and the union or council of unions of the minister's intention to amend or cancel the order establishing the trade division;

(b) provide the representative employers' organization and the union or council of unions with an opportunity to make representations to the minister; and

(c) as soon as possible after amending or cancelling the order, provide the representative employers' organization and the union or council of unions with a copy of the order and with a written decision setting out reasons for the order.

2013, c.S-15.1, s.6-66.

Project agreements

6-67 Notwithstanding section 6-66, a collective agreement that is to be effective during the term of a project may be negotiated among:

(a) one or more unions;

(b) if applicable, one or more representative employers' organizations; and

(c) one or more project owners.

2013, c.S-15.1, s.6-67.

Subdivision 3
Unionized Employers

Rights and duties of unionized employers

6-68 Subject to the other provisions of this Division, a unionized employer has the right, in the manner set out in this Division:

(a) to organize, form and assist in an employers' organization;

(b) to join the representative employers' organization and participate in its activities in the trade division within which the employer operates; and

(c) to engage in collective bargaining through the representative employers' organization mentioned in clause (b).

2013, c.S-15.1, s.6-68.

Subdivision 4
Representative Employers' Organizations

Determination of representative employers' organizations

6-69(1) In this section, **"unionized employer"** means a unionized employer who is actively involved in the construction industry in Saskatchewan and who, in the one-year period before the date of an application pursuant to this section, employed one or more unionized employees in the trade division with respect to which the application is made.

(2) An employers' organization may apply to the board for an order determining it to be the representative employers' organization for all unionized employers in a trade division:

(a) if the minister has established a new trade division; or

(b) for an existing trade division if the applicant employers' organization establishes that it has the support of the unionized employers in the trade division in accordance with subsection (4).

(3) When considering an application pursuant to clause (2)(a), the board may, in addition to exercising its other powers:

(a) determine whether an employer is a unionized employer;

(b) if there is more than one employers' organization that intends to be the representative employers' organization, order a vote; and

(c) order that the employers' organization that received the most votes is the representative employers' organization for the trade division.

(4) When considering an application pursuant to clause (2)(b), the board, on being satisfied that the applicant employers' organization has the support of 45% of unionized employers in the trade division, shall:

(a) order a vote; and

(b) issue an order that the employers' organization that received a majority of the votes is the representative employers' organization for that trade division.

(5) For the purposes of a vote pursuant to this section, each unionized employer is entitled to only one vote.

(6) An application pursuant to clause (2)(b) may be made only during the month of January in any year.

(7) If a vote of unionized employers is required in accordance with subsection (3) or (4), Division 5 applies, with any necessary modification, to the board's role in the vote and in the manner of conducting the vote.

(8) If an employers' organization is determined to be the representative employers' organization in a trade division with an existing collective agreement, that collective agreement remains in force and shall be administered by the representative employers' organization.

2013, c.S-15.1, s.6-69.

Effect of determination

6-70(1) When an employers' organization is determined to be the representative employers' organization for a trade division:

(a) the representative employers' organization is the exclusive agent to engage in collective bargaining on behalf of all unionized employers in the trade division;

(b) a union representing the unionized employees in the trade division shall engage in collective bargaining with the representative employers' organization with respect to the unionized employees in the trade division;

(c) a collective agreement between the representative employers' organization and a union or council of unions is binding on the unionized employers in the trade division;

(d) no other employers' organization has the right to interfere with the negotiation of a collective agreement or veto any proposed collective agreement negotiated by the representative employers' organization; and

(e) a collective agreement respecting the trade division that is made after the determination of the representative employers' organization with any person or organization other than the representative employers' organization is void.

(2) If an employers' organization is determined to be the representative employers' organization for more than one trade division, only the unionized employers in a trade division are entitled to make decisions with respect to negotiating and concluding a collective agreement on behalf of the unionized employers in that trade division.

(3) Subsection (1) applies to the following:

(a) an employer who subsequently becomes a unionized employer in a trade division;

(b) a unionized employer who subsequently becomes engaged in the construction industry in a trade division.

(4) A unionized employer mentioned in subsection (3) is bound by any collective agreement in force for a trade division at the time the employer:

(a) becomes a unionized employer in a trade division; or

(b) becomes engaged in the construction industry in a trade division.

(5) Notwithstanding subsection (1), a unionized employer is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-70.

Constitution and bylaws of representative employers' organizations

6-71(1) Subject to this section, the constitution and bylaws of a representative employers' organization are in force only after they are approved or amended by the board pursuant to subsections (3) and (4).

(2) A representative employers' organization shall file with the board a copy of its constitution and bylaws within 90 days after its determination as the representative employers' organization pursuant to section 6-69.

(3) Within 120 days after the filing of the constitution and bylaws of a representative employers' organization pursuant to subsection (2), the board shall:

(a) approve the constitution and bylaws; or

(b) after conducting a hearing with respect to the matter, amend the constitution and bylaws to ensure that they comply with this Part.

(4) A representative employers' organization shall file with the board a copy of any amendments that it makes to its constitution and bylaws, and no amendment to the constitution or bylaws of a representative employers' organization has any effect until it is approved by the board.

2013, c.S-15.1, s.6-71.

Prohibitions on certain activities of representative employers' organizations

6-72(1) No representative employers' organization shall merge or amalgamate with any other employers' organization.

(2) No representative employers' organization shall assign or transfer any of its rights, duties or obligations to any other representative employers' organization.

(3) In discharging the duties of a representative employers' organization pursuant to this Part, a representative employers' organization shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing any of the unionized employers on whose behalf it acts.

2013, c.S-15.1, s.6-72.

Pre-job conference

6-73 Nothing in this Division interferes with or prevents the continuation of the practice of holding pre-job conferences in relation to particular projects.

2013, c.S-15.1, s.6-73.

Subdivision 5
Council of Unions

Council of unions

6-74(1) If more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in a trade division, the locals or unions shall file with the board an agreement between them setting up a council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(2) An agreement mentioned in subsection (1) must be filed within 90 days after more than one local of a union or more than one union has established the right to engage in collective bargaining on behalf of the unionized employees in the trade division.

(3) If the locals of a union or the unions mentioned in subsection (1) fail or refuse to comply with subsection (1) or if the board does not approve the agreement reached by the locals or the unions, the board may, by order, prescribe the terms of the agreement that are to bind the council of unions for the purposes of engaging in collective bargaining with the representative employers' organization for the trade division.

(4) An order of the board made pursuant to subsection (3) is binding on each of the locals of the union and each of the unions in the trade division.

2013, c.S-15.1, s.6-74.

Effect of agreements re council of unions

6-75(1) If an agreement setting up a council of unions filed with the board pursuant to subsection 6-74(1) is approved by the board or the board makes an order prescribing the terms of the agreement that binds a council of unions pursuant to subsection 6-74(3):

(a) all of the rights, duties and obligations of locals of the union or unions in the trade division vest in the council of unions to the extent that is necessary to give effect to this Division;

(b) the council of unions is the exclusive agent to engage in collective bargaining on behalf of all unionized employees in the trade division;

(c) the representative employers' organization shall engage in collective bargaining with the council of unions with respect to the unionized employees in the trade division; and

(d) a collective agreement respecting the trade division that is made after the agreement is filed with any person or organization other than the council of unions is void.

(2) Notwithstanding subsection (1), the local of a union or the union is responsible for settling disputes mentioned in section 6-45.

2013, c.S-15.1, s.6-75.

Subdivision 6
Contract Administration and Industry Development Fees

Contract administration and industry development fees

6-76(1) Every unionized employer in the trade division shall pay any contract administration and industry development fee to the representative employers' organization that may be fixed by the representative employers' organization.

(2) Every unionized employee in the trade division shall pay any contract administration and industry development fee to the union that may be fixed by the union.

(3) Every collective agreement is deemed to contain provisions requiring the payment of contract administration and industry development fees by employees in accordance with subsection (2).

(4) To facilitate collection of contract administration and industry development fees, every unionized employer in a trade division shall provide the representative employers' organization and the union representing unionized employees of a unionized employer in the trade division with the following information on a monthly basis:

(a) the number of employees in the trade division that are employed by the unionized employer;

(b) the number of hours worked in a month by the unionized employees employed by the unionized employer in the trade division;

(c) any other information that is necessary in the opinion of the representative employers' organization mentioned in subsection (1) or the union mentioned in subsection (2) for the calculation of the contract administration and industry development fees that are payable by unionized employers and unionized employees in the trade division.

2013, c.S-15.1, s.6-76.

Subdivision 7
Additional Obligations re Strikes and Lockouts

Strike or lockout – vote required

6-77(1) Without limiting the application of section 6-32, a union or council of unions shall not declare, authorize or counsel a strike and an employee shall not strike until:

(a) a vote as to whether to strike has been taken by the employees in the trade division; and

(b) the majority of the employees mentioned in clause (a) who vote have voted for a strike.

(2) A representative employers' organization shall not declare, authorize or counsel a lockout and a unionized employer shall not engage in a lockout until:

(a) a vote as to whether to engage in a lockout has been taken by the unionized employers in the trade division; and

(b) the majority of the unionized employers mentioned in clause (a) who vote have voted to engage in a lockout.

2013, c.S-15.1, s.6-77.

Selective strikes and lockouts prohibited

6-78(1) If a union or council of unions intends to strike in a trade division, it shall strike:

(a) with respect to:

(i) all unionized employers in the trade division; and

(ii) all the work being performed by the unionized employers mentioned in subclause (i); and

(b) with respect to all unionized employees of the unionized employers mentioned in subclause (a)(i).

(2) If a representative employers' organization intends to cause a lockout of unionized employees employed by unionized employers in a trade division, all unionized employers in the trade division shall participate in the lockout and shall lock out all unionized employees.

2013, c.S-15.1, s.6-78.

Subdivision 8
Spin-off Corporations

Spin-off corporations

6-79(1) On the application of an employer or a union affected, the board may declare more than one corporation, partnership, individual or association to be one unionized employer for the purposes of this Part if, in the opinion of the board, associated or related businesses, undertakings or other activities are carried on under common control or direction by or through those corporations, partnerships, individuals or associations.

(2) In exercising its authority pursuant to subsection (1), the board may recognize the practice of non-unionized employers performing work through unionized subsidiaries.

(3) The effect of a declaration pursuant to subsection (1) is that the corporations, partnerships, individuals and associations, on and after the date of the declaration:

(a) constitute a unionized employer in the appropriate trade division;

(b) are bound by a designation of a representative employers' organization; and

(c) are bound by the collective agreement in effect in the trade division.

(4) The board may make an order granting any additional relief that it considers appropriate if:

(a) the board makes a declaration pursuant to subsection (1); and

(b) in the opinion of the board, the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for the purpose of avoiding:

(i) the effect of a determination of a representative employers' organization with respect to a trade division; or

(ii) a collective agreement that is in effect or that may come into effect between the representative employers' organization and a union.

(5) For the purposes of subsection (4), the burden of proof that the associated or related businesses, undertakings or activities are carried on by or through more than one corporation, partnership, individual or association for a purpose other than a purpose set out in subclause (4)(b)(i) or (ii) is on the corporation, partnership, individual or association.

(6) An order pursuant to subsection (4) may be made effective from a day that is not earlier than the date of the application to the board pursuant to subsection (1).

2013, c.S-15.1, s.6-79.

Subdivision 9
Board Orders

Board orders

6-80 In addition to any other order that it may make pursuant to this Part, the board may make orders:

(a) determining whether an organization is an employers' organization;

(b) determining whether an employer is a unionized employer for the purposes of this Division; and

(c) determining whether an employee is a unionized employee for the purposes of this Division.

2013, c.S-15.1, s.6-80.

DIVISION 14
Health Sector

Purpose of Division

6-81(1) The purposes of this Division are:

(a) to permit the establishment of multi-employer bargaining units in the health sector; and

(b) to require all health sector employers to use the designated employers' organization as their exclusive agent to engage in collective bargaining.

(2) Nothing in this Division precludes a union from seeking an order to be certified as bargaining agent for:

(a) employees of a health sector employer in one or more trade or craft; or

(b) all employees of a health sector employer.

(3) If there is a conflict between a provision of this Division and a provision of another Division of this Part or any other Part of this Act as the conflict relates to collective bargaining in the health sector, the provision of this Division prevails.

2013, c.S-15.1, s.6-81.

Interpretation of Division

6-82 In this Division:

(a) **"designated employers' organization"** means a person designated in the regulations made pursuant to this Part as the bargaining agent for health sector employers;

(b) **"health sector employer"** means:

(i) a regional health authority as defined in *The Regional Health Services Act*;

(ii) the Saskatchewan Cancer Agency as defined in *The Cancer Agency Act*; and

(iii) a prescribed person or category of persons.

2013, c.S-15.1, s.6-82.

Bargaining units in the health sector

6-83(1) Bargaining units consisting of employees of two or more health sector employers may be established in the health sector.

(2) The board may make any order respecting a bargaining unit in the health sector that the board is authorized to make pursuant to this Part and that the board considers necessary or appropriate for the purposes of this Division, including an order pursuant to subsection 6-18(4) if there has been a disposal, as defined in Division 4, of a business or part of a business from one health sector employer to another.

(3) The other provisions of this Part, other than Divisions 13 and 15, apply, with any necessary modification, to employees, employers, unions, persons acting on behalf of employers and unions and the board with respect to the bargaining unit in the health sector.

2013, c.S-15.1, s.6-83.

Effect of designation

6-84(1) The designated employers' organization is the exclusive agent to engage in collective bargaining on behalf of all health sector employers in multi-employer bargaining units and in single employer bargaining units.

(2) A union representing the employees in a unit mentioned in subsection (1) shall engage in collective bargaining with the designated employers' organization with respect to the employees in the unit.

(3) A collective agreement respecting the employees in a unit mentioned in subsection (1) that is made after designation of the designated employers' organization with any person or organization other than the designated employers' organization is void.

2013, c.S-15.1, s.6-84.

Obligations of health sector employers

6-85(1) Every health sector employer shall immediately advise the designated employers' organization of any dispute respecting a matter governed by section 6-45.

(2) If the designated employers' organization is of the opinion that the dispute mentioned in subsection (1) has implications for other employers in the health sector:

(a) the designated employers' organization may represent the health sector employer in the dispute; and

(b) the health sector employer shall assist the designated employers' organization in the dispute.

(3) If the designated employers' organization decides not to represent the health sector employer in the dispute, the health sector employer is responsible for the resolution of the dispute in accordance with section 6-45.

2013, c.S-15.1, s.6-85.

DIVISION 15
Firefighters

Interpretation of Division

6-86 In this Division, **"census"** means a census taken pursuant to the *Statistics Act* (Canada).

2013, c.S-15.1, s.6-86.

Application of Division

6-87 This Division applies to:

(a) the union certified as the bargaining agent of a bargaining unit:

(i) comprised of only municipal firefighters in a city with a population of 20,000 or more as shown in the most recent census; and

(ii) only if the constitution of the union prohibits strikes in the bargaining unit; and

(b) the employer of the firefighters mentioned in clause (a).

2013, c.S-15.1, s.6-87.

Referral to arbitration

6-88(1) Subject to subsection (2), if, in the opinion of a union or an employer, negotiations to conclude a collective agreement have reached a point where agreement cannot be achieved, the union or the employer may have all or any matters relating to hours and conditions of work, wages or employment referred to an arbitration board.

(2) Before any matter may proceed to arbitration in accordance with subsection (1), the employer and union governed by this Division shall:

(a) engage in collective bargaining in accordance with this Part; and

(b) if collective bargaining does not resolve the issues, engage in mediation or conciliation in accordance with Division 7.

2013, c.S-15.1, s.6-88.

Arbitration board

6-89(1) An arbitration board is to consist of three persons.

(2) Within 30 days after a matter is referred to arbitration, each party shall nominate its representative and shall immediately notify the other party of the person nominated.

(3) Within five days after being nominated in accordance with subsection (2) or appointed pursuant to subsection (4), the two persons nominated shall meet and agree on the third member, who shall be the chairperson of the arbitration board.

(4) On the written request of either party, the minister shall appoint a representative of the defaulting party or the chairperson of the arbitration board, as the case may require, if:

(a) either party fails to nominate its representative to the arbitration board within the time specified in subsection (2);

(b) a person nominated is unable or unwilling to act; or

(c) the representatives nominated by the two parties fail to agree on the third member of the arbitration board within the period specified in subsection (3).

(5) Subsection 6-47(9) applies, with any necessary modification, to a member of an arbitration board.

2013, c.S-15.1, s.6-89.

Arbitration board procedures

6-90(1) An arbitration pursuant to this Division must be conducted in accordance with section 6-49 and that section applies, with any necessary modification, for the purposes of this section.

(2) The hearings of an arbitration board must be open to the public, but if, in the opinion of the arbitration board it is necessary in the interests of a fair hearing that any portion of an arbitration proceeding be held privately, the arbitration board may exclude the public.

(3) When considering its decision or award and to ensure that the decision or award is fair and reasonable to the employees and the employer and is in the best interest of the public, the arbitration board:

(a) shall consider, for the period with respect to which the decision or award will apply, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the decision or award will apply, the following:

(i) the terms and conditions of employment in similar occupations outside the employer's employment taking into account any geographic, industrial or other variations that the arbitration board considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the arbitration board considers relevant to the matter in dispute.

2013, c.S-15.1, s.6-90.

Decision of arbitration board

6-91(1) The decision of the majority of the members of the arbitration board or, if there is no majority decision, the decision of the chairperson of the arbitration board is the decision of the arbitration board.

(2) The decision of the arbitration board must be in writing.

(3) The chairperson shall forward a copy of the arbitration board's decision to:

(a) the employer and the union; and

(b) the minister.

(4) If the estimates of expenditures of a city and the rate or rates of taxation proposed to be struck are required to be submitted annually to the Saskatchewan Municipal Board for review and approval by the city in which the firefighters provide services, the employer shall not conclude a collective agreement or give effect to any decision or award of an arbitration board until the approval of the Saskatchewan Municipal Board has been obtained.

(5) Each party shall:

(a) pay its own costs of the arbitration; and

(b) share equally the cost of the chairperson and any other general expenses of the arbitration board.

2013, c.S-15.1, s.6-91.

DIVISION 16
Labour Relations Board

Subdivision 1
Board Continued

Board continued

6-92 The Labour Relations Board is continued.

2013, c.S-15.1, s.6-92.

Members of board

6-93(1) The board consists of those members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint one member as chairperson and may appoint not more than two other members as vice-chairpersons of the board.

(3) The chairperson:

(a) shall preside over all meetings of the board; and

(b) shall perform all the duties that may be imposed on, and may exercise all the powers that may be assigned to, the chairperson by this Act or a resolution of the board.

(4) If the chairperson is absent or unable to act or the office of chairperson is vacant, a vice-chairperson shall perform all the duties and may exercise all the powers of the chairperson.

(5) The members of the board, other than the chairperson and any vice-chairpersons, are to be selected for appointment so that employers and organized employees are equally represented.

(6) The board members:

(a) hold office for terms not exceeding:

(i) five years in the case of the chairperson and vice-chairpersons; and

(ii) three years in the case of other members; and

(b) may be reappointed for additional terms.

(7) Notwithstanding the expiry of a board member's term, the board member continues to hold office until his or her successor is appointed.

(8) Before entering on the duties of office, every board member shall take the prescribed oath or affirmation.

(9) Members of the board are to be paid remuneration and reimbursement for expenses at rates that are approved by the Lieutenant Governor in Council.

2013, c.S-15.1, s.6-93.

Members may continue to complete proceedings

6-94(1) Notwithstanding that a successor to a board member has been appointed after the member has begun hearing a matter before the board but before the proceeding is completed, the member may continue with the proceeding as if his or her term had not expired for the purposes of completing the proceeding, and any decision of the member is effective as though he or she still held office.

(2) If a member continues to serve pursuant to subsection (1), he or she shall not begin to hear any additional matters before the board.

2013, c.S-15.1, s.6-94.

Quorum

6-95(1) Subject to subsections (2) and (3), the board shall sit in a panel of three members of whom:

(a) one must be the chairperson or a vice-chairperson;

(b) one must be from members appointed to represent employers; and

(c) one must be from members appointed to represent organized employees.

(2) The death, resignation or incapacity of a member of a panel before the panel renders its decision, other than that of the chairperson or vice-chairperson, does not render the decision invalid.

(3) Subject to any restriction imposed by the board, the chairperson may designate himself or herself or a vice-chairperson to hear any application that the chairperson considers can be properly and adequately addressed without a panel.

(4) The decision of the majority of the members of the board or, if there is no majority decision, the decision of the chairperson or vice-chairperson of the board is the decision of the board.

2013, c.S-15.1, s.6-95.

Board orders

6-96(1) The chairperson or a vice-chairperson shall sign all orders, decisions, rules and regulations made by the board and every consent of the board.

(2) Notwithstanding subsection (1), in the absence or disability of the chairperson and a vice-chairperson:

(a) any board member may sign any orders, decisions, rules or regulations made by the board or any consent of the board; and

(b) an order, decision, rule or regulation made by the board or consent by the board that is signed in accordance with this subsection has the same effect as if it had been signed by the chairperson or a vice-chairperson.

(3) If any board order, decision, rule or regulation or any consent purports to be signed by a board member other than the chairperson or a vice-chairperson, the board member is deemed to have acted in the absence or disability of the chairperson and vice-chairpersons.

(4) Any board order, decision, rule, regulation or any consent purporting to be signed by the chairperson, a vice-chairperson or a board member other than the chairperson or a vice-chairperson is deemed to have been duly authorized by the board unless the contrary is shown.

(5) It is not necessary in or before any court, other board, commission or tribunal of competent jurisdiction to prove the signature, official position or authority of the chairperson, a vice-chairperson or other board member.

2013, c.S-15.1, s.6-96.

Executive officer

6-97(1) The chairperson is to be the executive officer of the board.

(2) Any employer, employee or union affected by any act done by the executive officer in the exercise or purported exercise of any power, or the performance of any duties, delegated pursuant to subsection 6-93(3) may apply to the board to review, set aside, amend, stay or otherwise deal with the act.

(3) On an application pursuant to subsection (2) or on its own motion, the board may exercise the powers and perform the functions of the board with respect to the delegated power in issue as if the executive officer had not acted or made that decision.

2013, c.S-15.1, s.6-97.

Investigating officer

6-98(1) The chairperson may designate one or more persons as investigating officers for the purposes of this Part.

(2) Subject to the regulations, investigating officers shall perform any duties that the chairperson or a vice-chairperson may direct.

2013, c.S-15.1, s.6-98; 2015, c.31, s.6.

Minister to provide technical support

6-99 The minister shall provide any technical, clerical and administrative assistance that the board may reasonably require.

2013, c.S-15.1, s.6-99.

Immunities and privileges of board members

6-100 The members of the board have the same privileges and immunities as a judge of the Court of Queen's Bench.

2013, c.S-15.1, s.6-100.

Annual report

6-101(1) In each fiscal year, the board shall, in accordance with section 13 of *The Executive Government Administration Act*, submit to the minister an annual report on the activities of the board for the preceding fiscal year.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report received by the minister pursuant to this section.

2013, c.S-15.1, s.6-101; 2014, c.E-13.1, s.62.

Content of annual report

6-102 Notwithstanding subsection 6-121(1), the annual report mentioned in section 6-101 shall include the following information:

(a) a list of all matters filed with the board;

(b) a list of all decisions rendered by the board;

(c) with respect to each decision listed:

(i) the date the matter that is the subject of the decision was initially filed;

(ii) the date the matter mentioned in subclause (i) was heard by the board;

(iii) the members of the board who heard the matter mentioned in subclause (i); and

(iv) the length of time between the last day of the hearing and the rendering of the decision; and

(d) a summary, by member, of:

(i) the number of decisions rendered;

(ii) the type of decision, whether interim or final disposition; and

(iii) the average period between the last day of a hearing and the rendering of the decision for each type of decision.

2013, c.S-15.1, s.6-102.

Subdivision 2
Board Powers and Duties

General powers and duties of board

6-103(1) Subject to subsection 6-97(3), the board may exercise those powers that are conferred and shall perform those duties that are imposed on it by this Act or that are incidental to the attainment of the purposes of this Act.

(2) Without limiting the generality of subsection (1), the board may do all or any of the following:

(a) conduct any investigation, inquiry or hearing that the board considers appropriate;

(b) make orders requiring compliance with:

(i) this Part;

(ii) any regulations made pursuant to this Part; or

(iii) any board decision respecting any matter before the board;

(c) make any orders that are ancillary to the relief requested if the board considers that the orders are necessary or appropriate to attain the purposes of this Act;

(d) make an interim order or decision pending the making of a final order or decision.

2013, c.S-15.1, s.6-103.

Board powers

6-104(1) In this section:

(a) **"former union"** means a union that has been replaced with another union or with respect to which a certification order respecting the union has been cancelled;

(b) **"replacing union"** means a union that replaces a former union.

(2) In addition to any other powers given to the board pursuant to this Part, the board may make orders:

(a) requiring an employer or a union representing the majority of employees in a bargaining unit to engage in collective bargaining;

(b) determining whether an unfair labour practice or a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board is being or has been engaged in;

(c) requiring any person to do any of the following:

(i) to refrain from contravening this Part, the regulations made pursuant to this Part or an order or decision of the board or from engaging in any unfair labour practice;

(ii) to do any thing for the purpose of rectifying a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(d) requiring an employer to reinstate any employee terminated under circumstances determined by the board to constitute an unfair labour practice, or otherwise in contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board;

(e) fixing and determining the monetary loss suffered by an employee, an employer or a union as a result of a contravention of this Part, the regulations made pursuant to this Part or an order or decision of the board by one or more persons, and requiring those persons to pay to that employee, employer or union the amount of the monetary loss or any portion of the monetary loss that the board considers to be appropriate;

(f) rescinding or amending an order or decision of the board made pursuant to clause (b), (c), (d) or (e) or subsection (3), or amending a certification order or collective bargaining order in the circumstances set out in clause (g) or (h), notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of the order or decision is pending in any court;

(g) amending a board order if:

(i) the employer and the union agree to the amendment; or

(ii) in the opinion of the board, the amendment is necessary;

(h) notwithstanding that a motion, application, appeal or other proceeding respecting or arising out of a certification order or collective bargaining order is pending in any court, rescinding or amending the certification order or collective bargaining order;

(i) subject to section 6-105, determining for the purposes of this Part whether any person is or may become an employee or a supervisory employee;

(j) when acting pursuant to section 6-110, relieving against breaches of time limits set out in this Part or in a collective agreement on terms that, in the opinion of the board, are just and reasonable.

(3) The board shall not certify a union or a labour organization as a bargaining agent if, in the board's opinion, the union or labour organization is dominated by an employer or a person acting on behalf of the employer.

(4) If a former union is administering or controlling any benefit plan, program or welfare trust, the board may, on application made to it, make any orders it considers appropriate:

(a) to assist in the orderly transfer or transition of the benefit plan, program or welfare trust; or

(b) to require or facilitate the continuation of benefits for employees in receipt of benefits pursuant to the benefit plan, program or welfare trust.

(5) Without restricting the generality of subsection (4), the board may:

(a) require that a benefit plan, program or welfare trust be transferred;

(b) require the former union to provide to the replacing union or the employees any documents or information required to effect the transfer of the benefit plan, program or welfare trust;

(c) require that the former union continue to administer the benefit plan, program or welfare trust with respect to those employees in receipt of benefits until:

(i) all of those employees cease to qualify for those benefits; or

(ii) the benefit plan, program or welfare trust is transferred to the replacing union;

(d) if the bargaining unit is being divided:

(i) divide the benefit plan, program or welfare trust between the different bargaining units or between the bargaining units and employees; or

(ii) divide the assets and liabilities associated with the benefit plan, program or welfare trust;

(e) require the replacing union or the employees to pay to the former union the costs of the transfer of the benefit plan, program or welfare trust in an amount determined by the board;

(6) When making an order in accordance with subsection (4) or (5), the board may declare the replacing union or one or more of the employees to be a party to a contract respecting a benefit plan, program or welfare trust in cases where the benefit plan, program or welfare trust is administered or controlled by a third party.

(7) Notwithstanding any terms of a contract respecting the benefit plan, program or welfare trust or any other Act or law, on the making of a declaration pursuant to subsection (6), the replacing union or employees are deemed to be a party to that contract.

(8) At any time after an application for the purposes of subsections (4) and (5) is made, the board may defer or dismiss the application if the board is of the opinion the issue in dispute is more properly resolved:

(a) by regulators responsible for making decisions respecting the benefit plan, program or welfare trust; or

(b) in another forum.

2013, c.S-15.1, s.6-104.

Provisional determination of employee

6-105(1) On an application made for the purposes of clause 6-104(2)(i), the board may make a provisional determination before the person who is the subject of the application actually performs the duties of the position in question.

(2) A provisional determination made pursuant to subsection (1) becomes a final determination one year after the day on which the provisional determination is made unless, before that period expires, the employer or the union applies to the board for a variation of the determination.

2013, c.S-15.1, s.6-105.

Subdivision 3
Additional Powers of Board re Applications and Orders

Power to dismiss certain applications – influence, etc., of employers

6-106 The board may reject or dismiss any application made to it by an employee or employees if it is satisfied that the application is made in whole or in part on the advice of, or as a result of influence of or interference or intimidation by, the employer or employer's agent.

2013, c.S-15.1, s.6-106.

Power to reject certain evidence

6-107 If an application is made to the board for a certification order, the board may, in its absolute discretion, reject any evidence or information tendered or submitted to it concerning any fact, event, matter or thing transpiring or occurring after the date on which that application is filed with the board in accordance with the regulations of the board.

2013, c.S-15.1, s.6-107.

Power to enforce orders and decisions

6-108(1) The board may cause a certified copy of any board order or decision to be filed in the office of a local registrar of the Court of Queen's Bench.

(2) On filing of the certified copy pursuant to subsection (1), the board order or decision is enforceable as a judgment of the Court of Queen's Bench.

(3) Notwithstanding that a board order or decision has been filed pursuant to this section, the board may rescind or vary the order or decision.

(4) On an application to the Court of Queen's Bench arising out of the failure of any person to comply with the terms of a board order or decision filed pursuant to subsection (1), the court may refer to the board any question as to the compliance or non-compliance of that person with the board order or decision.

(5) An application to enforce a board order or decision may be made to the Court of Queen's Bench by and in the name of the board, any union affected or any interested person.

(6) On an application to enforce a board order or decision, the Court of Queen's Bench:

(a) is bound by the findings of the board; and

(b) shall make any order that it considers necessary to cause every person with respect to whom the application is made to comply with the board order or decision.

(7) The board may, in its own name, appeal any judgment, decision or order of any court affecting any of its orders or decisions.

2013, c.S-15.1, s.6-108.

Power to rescind certification order obtained by fraud

6-109(1) If the board has made a certification order, any of the following who allege that the order was obtained by fraud may apply to the board at any time to rescind the order:

(a) any employee in the bargaining unit;

(b) the employer;

(c) any union claiming to represent any employees in the bargaining unit.

(2) On an application pursuant to subsection (1) and if it is satisfied that the order was obtained by fraud, the board shall rescind the order.

(3) No person shall take part in, aid, abet, counsel or procure the obtaining by fraud of an order mentioned in subsection (1).

2013, c.S-15.1, s.6-109.

Board may determine dispute on consent

6-110(1) A union representing the employees in a bargaining unit may enter into an agreement with an employer to refer a dispute or a category of disputes to the board.

(2) Two or more unions certified for an employer, or in the case of Division 13 for two or more employers, may enter into an agreement with the employer or employers to refer a dispute respecting the jurisdictional lines between or among the bargaining units to the board.

(3) On a reference made in accordance with subsection (1) or (2), the board shall hear and determine any dispute referred to it by any party to that agreement.

(4) A finding of the board as a result of a hearing pursuant to this section:

(a) is final and conclusive;

(b) is binding on the parties with respect to all matters within the legislative jurisdiction of Saskatchewan; and

(c) is enforceable as a board order made pursuant to this Part.

2013, c.S-15.1, s.6-110.

Subdivision 4
Hearings and Proceedings

Powers re hearings and proceedings

6-111(1) With respect to any matter before it, the board has the power:

(a) to require any party to provide particulars before or during a hearing or proceeding;

(b) to require any party to produce documents or things that may be relevant to a matter before it and to do so before or during a hearing or proceeding;

(c) to do all or any of the following to the same extent as those powers are vested in the Court of Queen's Bench for the trial of civil actions:

(i) to summon and enforce the attendance of witnesses;

(ii) to compel witnesses to give evidence on oath or otherwise; and

(iii) to compel witnesses to produce documents or things;

(d) to administer oaths and affirmations;

(e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the board considers appropriate, whether admissible in a court of law or not;

(f) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the form in which evidence of membership in a union or communication from employees that they no longer intend to be represented by a union is to be filed with the board on an application for certification or for cancellation; and

(ii) to refuse to accept any evidence that is not filed in the form mentioned in subclause (i);

(g) subject to the regulations made pursuant to this Part by the Lieutenant Governor in Council:

(i) to determine the time within which any party to a hearing or proceeding before the board must file or present any thing, document or information and the form in which that thing, document or information must be filed; and

(ii) to refuse to accept any thing, document or information that is not filed or presented within the time or in the form determined pursuant to subclause (i);

(h) to order preliminary hearings or procedures, including pre-hearing settlement conferences;

(i) to determine who may attend and the time, date and place of any preliminary hearing or procedure or conference mentioned in clause (h);

(j) to conduct any hearing or proceeding using a means of communication that permits the parties and the board to communicate with each other simultaneously;

(k) to adjourn or postpone the hearing or proceeding;

(l) to defer deciding any matter if the board considers that the matter could be resolved by mediation, conciliation or an alternative method of resolution;

(m) to bar from making a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed:

(i) an unsuccessful applicant;

(ii) any of the employees affected by an unsuccessful application;

(iii) any person or union representing the employees affected by an unsuccessful application; or

(iv) any person or organization representing the employer affected by an unsuccessful application;

(n) to refuse to entertain a similar application, for any period not exceeding 12 months after the date an unsuccessful application is dismissed, that is submitted by anyone mentioned in subclauses (m)(i) to (iv);

(o) to summarily refuse to hear a matter that is not within the jurisdiction of the board;

(p) to summarily dismiss a matter if, in the opinion of the board, there is a lack of evidence or no arguable case;

(q) to decide any matter before it without holding an oral hearing;

(r) to decide any question that may arise in a hearing or proceeding, including any question as to whether:

(i) a person is a member of a union;

(ii) a collective agreement has been entered into or is in operation; or

(iii) any person or organization is a party to or bound by a collective agreement;

(s) to require any person, union or employer to post and keep posted in a place determined by the board, or to send by any means that the board determines, any notice that the board considers necessary to bring to the attention of any employee;

(t) to enter any premises of an employer where work is being or has been done by employees, or in which the employer carries on business, whether or not the premises are those of the employer, and to inspect and view any work, material, machinery, appliances, articles, records or documents and question any person;

(u) to enter any premises of a union and to inspect and view any work, material, articles, records or documents and question any person;

(v) to order, at any time before the hearing or proceeding has been finally disposed of by the board, that:

(i) a vote or an additional vote be taken among employees affected by the hearing or proceeding if the board considers that the taking of that vote would assist the board to decide any question that has arisen or is likely to arise in the hearing or proceeding, whether or not that vote is provided for elsewhere; and

(ii) the ballots cast in any vote ordered by the board pursuant to subclause (i) be sealed in ballot boxes and not counted except as directed by the board;

(w) to enter on the premises of an employer for the purpose of conducting a vote during working hours, and to give any directions in connection with the vote that it considers necessary;

(x) to authorize any person to do anything that the board may do pursuant to clauses (a), (b), (d), (e), (i), (j), (s), (t), (u) and (w), on any terms and conditions the board considers appropriate; and

(y) to require the person authorized pursuant to clause (x) to report to the board on anything done by that person.

(2) For the purposes of this Part:

(a) an application is deemed to be pending before the board on and after the day on which it is first considered by the board at a formally constituted meeting until the day on which the decision of the board is made;

(b) a matter is deemed to be pending before a conciliation board on and after the day on which the conciliation board is established by the minister until the day on which its report is received by the minister;

(c) a matter is deemed to be pending before a special mediator on and after the day on which the special mediator is appointed by the minister until the day on which the special mediator's report is received by the minister; and

(d) a matter is deemed to be pending before a labour relations officer on and after the day on which the labour relations officer is appointed by the director of labour relations until the day on which the labour relations officer's report is received by the minister.

(3) Subject to subsection (4), the board may refuse to hear any allegation of an unfair labour practice that is made more than 90 days after the complainant knew or, in the opinion of the board, ought to have known of the action or circumstances giving rise to the allegation.

(4) The board shall hear any allegation of an unfair labour practice that is made after the deadline mentioned in subsection (3) if the respondent has consented in writing to waive or extend the deadline.

2013, c.S-15.1, s.6-111.

Proceedings not invalidated by irregularities

6-112(1) A technical irregularity does not invalidate a proceeding before or by the board.

(2) At any stage of its proceedings, the board may allow a party to amend the party's application, reply, intervention or other process in any manner and on any terms that the board considers just, and all necessary amendments must be made for the purpose of determining the real questions in dispute in the proceedings.

(3) At any time and on any terms that the board considers just, the board may amend any defect or error in any proceedings, and all necessary amendments must be made for the purpose of determining the real question or issue raised by or depending on the proceedings.

(4) Without limiting the generality of subsections (2) and (3), in any proceedings before it, the board may, on any terms that it considers just, order that the proceedings be amended:

(a) by adding as a party to the proceedings any person that is not, but in the opinion of the board ought to be, a party to the proceedings;

(b) by striking out the name of a person improperly made a party to the proceedings;

(c) by substituting the name of a person that in the opinion of the board ought to be a party to the proceedings for the name of a person improperly made a party to the proceedings; or

(d) by correcting the name of a person that is incorrectly set out in the proceedings.

2013, c.S-15.1, s.6-112.

Board may correct clerical errors

6-113 The board may, at any time, correct any clerical error in any order or decision made by the board or any officer or agent of the board.

2013, c.S-15.1, s.6-113.

Board orders or decisions binding and conclusive

6-114 In any matter or proceeding arising pursuant to this Part, a board order or decision is binding and conclusive of the matters stated in the board order or decision.

2013, c.S-15.1, s.6-114.

No appeals from board orders or decisions

6-115(1) Every board order or decision made pursuant to this Part is final and there is no appeal from that board order or decision.

(2) The board may determine any question of fact necessary to its jurisdiction.

(3) Notwithstanding subsections (1) and (2), the board may:

(a) reconsider any matter that it has dealt with; and

(b) rescind or amend any decision or order it has made.

(4) The board's decisions and findings on all questions of fact and law are not open to question or review in any court, and any proceeding before the board must not be restrained by injunction, prohibition, mandamus, *quo warranto*, *certiorari* or other process or proceeding in any court or be removable by application for judicial review or otherwise into any court on any grounds.

2013, c.S-15.1, s.6-115.

Deadline for board decisions

6-116(1) The board shall cause every board decision to be provided to the parties within six months after the last day of the hearing unless the board is reasonably justified in requiring more time.

(2) Notwithstanding section 6-115 and subsection 6-121(1), any party to a proceeding before the board may apply to the Court of Queen's Bench for an order directing the board to provide its decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

2013, c.S-15.1, s.6-116.

DIVISION 17
General Matters

Industrial inquiry commission

6-117(1) On request of a union, an employer or any other person or on the minister's own initiative, the minister may:

(a) make or cause to be made inquiries that the minister considers advisable respecting labour relations matters; and

(b) subject to this Part and the regulations made pursuant to this Part, do the things the minister considers necessary to maintain and secure labour relations stability and promote conditions favourable to settlement of disputes.

(2) For any of the purposes of subsection (1), if in an industry a dispute between employers and employees exists or is likely to arise, the minister may refer the matter to an industrial inquiry commission for investigation and report.

(3) An industrial inquiry commission consists of one or more members appointed by the minister.

(4) The minister shall:

(a) establish the terms of reference for the industrial inquiry commission, including a statement of the matters to be inquired into; and

(b) if an inquiry involves particular persons or parties to a collective agreement, advise them of the appointment of the industrial inquiry commission.

(5) An industrial inquiry commission shall:

(a) inquire into the matters referred to it by the minister and endeavour to carry out its terms of reference; and

(b) report the result of its inquiries and its recommendations to the minister within 14 days after its appointment or within any further time the minister may specify.

(6) On receipt of a report of an industrial inquiry commission relating to a dispute between employers and employees, the minister shall:

(a) provide a copy of the report to each of the affected persons; and

(b) if the minister considers it advisable, publish the report in the manner considered advisable.

2013, c.S-15.1, s.6-117.

Director of labour relations

6-118(1) The minister shall appoint an employee of the ministry as director of labour relations.

(2) The director of labour relations may delegate to any person the exercise of any powers given to the director and the fulfilling of any responsibilities imposed on the director pursuant to this Part.

(3) The director of labour relations may impose any terms and conditions on a delegation pursuant to this section that the director considers appropriate.

2013, c.S-15.1, s.6-118.

Labour relations services

6-119(1) The minister may appoint any employees or category of employees of the ministry as labour relations officers.

(2) The director of labour relations may exercise the functions and responsibilities of a labour relations officer.

(3) When directed to do so by the minister, the director of labour relations shall appoint a labour relations officer to assist an employer and a union to resolve any dispute.

(4) The labour relations officer shall inquire, in any manner the officer considers appropriate, into the dispute and assist the parties in effecting a settlement.

2013, c.S-15.1, s.6-119.

Providing information

6-120 On the request of any person, a labour relations officer may provide information regarding the rights and responsibilities of employees, employers and unions pursuant to this Part.

2013, c.S-15.1, s.6-120.

Certain information privileged

6-121(1) Notwithstanding any other Act or law, information obtained for the purposes of this Part is not open to inspection by any person or by any court if the information is acquired by any of the following persons and was acquired in the course of the person's duties pursuant to the Part:

(a) a member of the board;

(b) a labour relations officer;

(c) the director of labour relations;

(d) a special mediator;

(e) an arbitrator with respect to an arbitration of a matter governed by this Part;

(f) a member of a conciliation board appointed pursuant to this Part;

(g) a member of an arbitration board appointed pursuant to this Part.

(2) None of the persons mentioned in subsection (1) shall be required by any court or the board to give evidence about information obtained for the purposes of this Part in the course of his or her duties.

2013, c.S-15.1, s.6-121.

Lieutenant Governor in Council may declare certain Acts of Parliament to apply

6-122(1) The Lieutenant Governor in Council may, by order, declare that any Act of the Parliament of Canada and any order of the Governor General in Council, whether enacted or made before, on or after the date of the Lieutenant Governor in Council's order, relating to matters dealt with by this Part is to apply in place of this Part with respect to:

(a) the employees employed in or in connection with any work, undertaking or business in Saskatchewan or in any part of the work, undertaking or business; and

(b) the employer or employers of the employees mentioned in clause (a).

(2) An order made pursuant to subsection (1) must be published in *The Saskatchewan Gazette*.

(3) An order made pursuant to subsection (1) comes into force:

(a) on the date on which it is published in *The Saskatchewan Gazette*; or

(b) on any later date that is set out in the order.

(4) Subject to the approval of the Lieutenant Governor in Council, the minister may enter into an agreement with the Government of Canada, or any other person or persons duly authorized by the Government of Canada, to provide for the administration of any Act of the Parliament of Canada and of any order of the Governor General in Council mentioned in subsection (1) that are declared to apply to Saskatchewan pursuant to subsection (1).

2013, c.S-15.1, s.6-122.

Offences and penalties

6-123(1) No employer, employee or other person shall:

(a) intentionally delay or obstruct a labour relations officer or investigating officer in the exercise of any power or duty given to the officer pursuant to this Part;

(b) fail to reasonably cooperate with a labour relations officer or investigating officer in the exercise of any of his or her powers or the performance of any of his or her duties;

(c) fail to produce to the board any books, records, papers, documents, payrolls, contracts of employment or other record of employment that the employer, employee or other person is required to produce;

(d) make a complaint to the board knowing it to be untrue;

(e) fail to comply with a board order; or

(f) fail to comply with any other provision of this Part or the regulations made pursuant to this Part.

(2) Every person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction:

(a) if the contravention is with respect to a lockout, to a fine not exceeding $1,000 for each day that the lockout continues;

(b) if the contravention is with respect to a strike, to a fine not exceeding $1,000 for each day that the strike continues;

(c) with respect to any contravention other than one mentioned in clause (a) or (b):

(i) in the case of an individual, to a fine not exceeding $5,000; or

(ii) in the case of a corporation, union or other person, to a fine not exceeding $100,000.

2013, c.S-15.1, s.6-123.

Attorney General's permission re prosecutions required

6-124 No prosecution for an offence pursuant to this Part shall be commenced without the consent in writing of the Attorney General.

2013, c.S-15.1, s.6-124.

Regulations for Part

6-125 The Lieutenant Governor in Council may make regulations:

(a) for the purposes of Division 14:

(i) designating a person to be the designated employers' organization;

(ii) imposing terms and conditions that the designated employers' organization shall comply with in carrying out its duties and exercising its powers;

(iii) prescribing principles that the board is required to consider when determining or changing any multi-employer bargaining units in the health sector;

(iv) prescribing circumstances in which a member of the Executive Council or a prescribed person may intervene in any application before the board respecting a health sector employer or in any other matter governed by that Division;

(v) prescribing any other matter or thing the Lieutenant Governor in Council considers necessary for the purposes of that Division;

(b) prescribing any other matter or thing that is required or authorized by this Part to be prescribed in the regulations;

(c) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

2013, c.S-15.1, s.6-125.

Board regulations

6-126 The board may make regulations:

(a) prescribing rules of procedure for matters before the board, including preliminary procedures;

(b) prescribing forms that are consistent with this Part and any other regulations made pursuant to this Part;

(c) prescribing any other matter or thing that the board is required or authorized by this Part to prescribe by regulation.

2013, c.S-15.1, s.6-126.

DIVISION 18
Transitional

Transitional matters

6-127(1) In this section, **"former Acts"** means:

(a) *The Construction Industry Labour Relations Act, 1992* as that Act existed on the day before the coming into force of this section;

(b) *The Trade Union Act* as that Act existed on the day before the coming into force of this section;

(c) *The Health Labour Relations Reorganization Act* as that Act existed on the day before the coming into force of this section;

(d) *The Fire Departments Platoon Act* as that Act existed on the day before the coming into force of this section.

(2) Every person who was a member of the board on the day before the coming into force of this section continues as a member of the board until he or she is reappointed to the board, or another person is appointed in his or her place, in accordance with this Part.

(3) Every order, declaration, approval and decision of the board made pursuant to the former Acts continues in force as if made by the board pursuant to this Part and may be enforced and otherwise dealt with as if made pursuant to this Part.

(4) Every board of conciliation that was appointed pursuant to section 22 of *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues pursuant to this Part as if it were appointed pursuant to this Part, and every person who was a member of a board of conciliation whose term of appointment had not expired on the day on which this section comes into force continues as a member as if appointed pursuant to this Part.

(5) Every arbitrator, board of arbitration or arbitration board that was appointed pursuant to *The Trade Union Act* or *The Fire Departments Platoon Act*, as those Acts existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue the arbitration in accordance with this Part as if the arbitrator, board of arbitration or arbitration board were appointed pursuant to this Part.

(6) All agreements, instruments and other documents that were filed with the board or the minister pursuant to the former Acts are deemed to have been filed pursuant to this Part and may be dealt with pursuant to this Part as if filed pursuant to this Part.

(7) Every special mediator who was appointed pursuant to *The Trade Union Act*, as that Act existed on the day before the coming into force of this section, and whose term of appointment had not expired on the day on which this section comes into force continues in office and may continue his or her duties and exercise his or her powers in accordance with this Part as if he or she were appointed pursuant to this Part.

(8) A trade division determined by the minister to be an appropriate trade division for the purpose of *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section is continued and may be dealt with pursuant to this Part as if the division had been established pursuant to this Part.

(9) The representative employers' organizations listed in Column 1 of the Schedule to *The Construction Industry Labour Relations Act, 1992*, as that Act existed on the day before the coming into force of this section:

(a) are continued as representative employers' organizations for the unionized employers in the trade divisions referenced in Column 2 of the Schedule to that Act; and

(b) within 60 days after the coming into force of this section, the board shall issue orders that designate the representative employers' organizations listed in Column 1 of the Schedule to that Act for the trade divisions listed in Column 2.

(10) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition from the former Acts to this Part, including:

(a) suspending the application of any provision of this Part; and

(b) declaring that provisions of any of the former Acts are to apply to persons or any category of persons and respecting the conditions on which provisions of the former Act are to apply.

(11) If there is any conflict between the regulations made pursuant to subsection (10) and any other provision of this Act or any other Act or law, the regulations made pursuant to this section prevail.

2013, c.S-15.1, s.6-127.

PART VII
Essential Services

DIVISION 1
Preliminary Matters for Part

Interpretation of Part

7-1(1) In this Part:

(a) **"collective bargaining"** means collective bargaining as defined in Part VI and includes collective bargaining with a view to concluding an essential services agreement;

(b) **"employee"** means an employee, as defined in Part VI, who is an employee of a public employer and who is represented by a union;

(c) **"essential services agreement"** means an agreement concluded pursuant to section 7-3 and includes an agreement mentioned in subsection (2);

(d) **"essential services employee"** means an employee who is described in section 7-23;

(e) **"last collective agreement"** means the collective agreement last in effect between a public employer and a union before a work stoppage;

(f) **"public employer"** means:

(i) an employer that:

(A) is defined in Part VI; and

(B) provides an essential service to the public; or

(ii) any employer, person, agency or body, or class of employers, persons, agencies or bodies, that:

(A) is prescribed; and

(B) provides an essential service to the public;

(g) **"tribunal"** means an essential services tribunal established pursuant to section 7-7 or 7-14;

(h) **"union"** means a union, as defined in Part VI, that represents employees of a public employer;

(i) **"work schedule"** means a work schedule or modified work schedule provided by a public employer to a union in accordance with this Part;

(j) **"work stoppage"** means a lockout or strike as defined in Part VI.

(2) Every agreement respecting essential services that is in effect on the day on which this Part comes into force:

(a) remains in effect; and

(b) may be dealt with pursuant to this Part as if it were concluded pursuant to this Part.

2015, c.31, s.8.

Application of Part

7-2(1) This Part applies to every public employer, every union and every employee.

(2) This Part prevails if there is any conflict between this Part and:

(a) any other Part of this Act;

(b) any other Act, regulation or law; or

(c) any arbitral or other award or decision.

2015, c.31, s.8.

DIVISION 2
Essential Services Agreements

Negotiation of essential services agreement

7-3(1) If a public employer and union have not concluded an essential services agreement and the minister and the parties have received a report from a labour relations officer, special mediator or conciliation board pursuant to clause 6-33(7)(c) that a dispute between the parties has not been settled, the public employer and the union shall engage in collective bargaining with a view to concluding an essential services agreement as soon as is reasonably possible after receiving that report.

(2) Nothing in this section is to be interpreted as preventing a public employer and union from concluding an essential services agreement at any time.

2015, c.31, s.8.

Contents of essential services agreement

7-4(1) An essential services agreement must consist of at least the following:

(a) provisions that identify the essential services that are to be maintained during a work stoppage;

(b) provisions that set out the classifications of employees who must work during a work stoppage to maintain essential services;

(c) provisions that set out the number of positions in each classification mentioned in clause (b) who must work during a work stoppage to maintain essential services;

(d) provisions that set out the manner of determining the locations or number of locations where the positions mentioned in clause (b) are required to work;

(e) provisions that set out the manner of identifying and informing the employees who must work during a work stoppage;

(f) provisions that set out the procedures that must be followed to respond to an unanticipated increase or decrease in the need for essential services during a work stoppage;

(g) provisions that set out the procedures that must be followed to respond to an emergency during a work stoppage;

(h) provisions that set out the procedures that must be followed to resolve disputes respecting changes to the agreement;

(i) any other prescribed provisions.

(2) For the purposes of clause (1)(c), the number of positions is to be determined having regard to the availability of other qualified persons who are in the employ of the public employer and who are not members of the bargaining unit.

2015, c.31, s.8.

Prohibition on work stoppage without essential services agreements, etc.

7-5 Notwithstanding Part VI, no public employer shall engage in a lockout and no union shall engage in a strike unless there is:

(a) an essential services agreement between the parties; or

(b) a decision of a tribunal pursuant to section 7-8 or 7-10.

2015, c.31, s.8.

DIVISION 3
No Essential Services Agreement

Notice of impasse

7-6(1) If, in the opinion of a public employer or a union, collective bargaining to conclude an essential services agreement has reached a point where agreement cannot be achieved, the public employer or union shall serve a written notice that an impasse has been reached on:

(a) the chairperson of the board;

(b) the minister; and

(c) the other party.

(2) No written notice mentioned in subsection (1) must be served until the period mentioned in subclause 6-33(7)(d)(ii) has expired.

(3) The written notice mentioned in subsection (1) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (1), the other party shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

2015, c.31, s.8.

Essential services tribunal

7-7(1) On receipt of the parties' appointments to the tribunal, the chairperson of the board shall appoint the chairperson or a vice-chairperson of the board as the chairperson of the tribunal.

(2) No person is eligible to be appointed as a member of a tribunal or to act as a member of a tribunal if the person:

(a) has a pecuniary interest in a matter before the tribunal; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to the tribunal, acted as lawyer or agent of any of the parties.

(3) The tribunal shall:

(a) hear:

(i) evidence presented relating to the dispute; and

(ii) argument by the parties or their lawyers or agents; and

(b) make a decision respecting the matters mentioned in subsection 7-8(3) that are the subject of the dispute.

(4) The decision of the majority of the members of a tribunal or, if there is no majority decision, the decision of the chairperson of the tribunal is the decision of the tribunal.

(5) In exercising its powers and fulfilling its responsibilities pursuant to this Part, a tribunal may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the tribunal.

(6) The decision of the tribunal pursuant to this Division:

(a) is final and conclusive; and

(b) is binding on the parties.

(7) The public employer and the union shall bear their own costs of the tribunal and the remuneration and expenses of the member of the tribunal that it has appointed.

2015, c.31, s.8.

Period within which tribunal must commence hearing and make a decision

7-8(1) Within seven days after the appointment of the chairperson of the tribunal, the tribunal shall commence hearings.

(2) A hearing of the tribunal must conclude within 60 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Within 14 days after the conclusion of its hearing, the tribunal shall issue a decision on the following:

(a) the essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in each classification who must work during a work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage;

(e) the procedures that must be followed to respond to an emergency during a work stoppage.

(4) As soon as possible after issuing its decision, the tribunal shall cause a copy of the decision to be served on the public employer, the union and the minister.

(5) In accordance with the decision of the tribunal pursuant to this section, the public employer shall provide the union with a work schedule that sets out the matters covered by the decision.

(6) On receipt of a work schedule from the public employer pursuant to subsection (5), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to performed by each employee and the location where each employee will perform those essential services.

(7) Subject to section 7-22, if the tribunal issues a decision pursuant to this section or section 7-10 determining that all employees of the public employer are employees who must work during a work stoppage:

(a) the tribunal shall, in its decision, declare that any exercise of the right to strike or lock out would be substantially interfered with; and

(b) after the tribunal makes a declaration pursuant to clause (a):

(i) no public employer that is subject to the decision shall engage in a lockout and no union that is subject to the decision shall declare or authorize a strike; and

(ii) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement must be resolved by mediation-arbitration in accordance with Division 4, and that Division applies, with any necessary modification, to resolving those matters in dispute.

2015, c.31, s.8.

Public employer or union may apply for further decisions

7-9(1) If there is a change in circumstances after a decision pursuant to this Division has been issued, the public employer or the union may apply to the tribunal that made the decision for a decision to amend, rescind or rescind and replace the decision.

(2) A hearing of the tribunal pursuant to this section must commence within two days after an application is made and must conclude within 14 days after the date on which the hearing commenced or any longer period that the tribunal considers necessary.

(3) Subsections 7-7(3) to (7) apply, with any necessary modification, to an application pursuant to this section.

2015, c.31, s.8.

Period within which further decision must be made

7-10 Within 14 days after the conclusion of its hearing pursuant to section 7-9, the tribunal shall issue a decision:

(a) confirming the decision issued pursuant to this Division; or

(b) amending, rescinding or rescinding and replacing the decision issued pursuant to this Division.

2015, c.31, s.8.

Matters respecting further decision

7-11 As soon as possible after issuing a decision pursuant to section 7-10, the tribunal shall cause a copy of its decision to be served on the public employer, the union and the minister.

2015, c.31, s.8.

Effect of decision

7-12(1) If the tribunal, pursuant to section 7-10, varies all or any of the following, the public employer shall modify the last work schedule provided pursuant to this Division to reflect those variations:

(a) the identification of services as essential services that must be maintained during the work stoppage;

(b) the classifications of employees who must work during the work stoppage to maintain essential services;

(c) the number of positions in one or more classifications who must work during the work stoppage to maintain essential services;

(d) the locations or number of locations where work must be performed during the work stoppage.

(2) The public employer shall provide the work schedule as modified pursuant to subsection (1) to the union.

(3) On receipt of a work schedule from the public employer pursuant to subsection (2), the union shall immediately:

(a) identify the employees within each classification mentioned in the work schedule who must work during the work stoppage to maintain essential services;

(b) provide to each employee identified pursuant to clause (a) his or her work schedule;

(c) provide to each employee identified pursuant to clause (a) a list of the essential services that are to be performed; and

(d) provide to the public employer a list containing the name and the classification of each employee who is identified pursuant to clause (a), the essential services that are to be performed by each employee and the location where each employee will perform those essential services.

When decision is effective

7-13 A decision of the tribunal issued pursuant to this Division is effective 48 hours after the public employer and the union are served with the decision.

2015, c.31, s.8.

DIVISION 4
If Lockout or Strike is Substantially Interfered With

Procedures if lockout or strike is substantially interfered with

7-14(1) Subject to section 7-22, on the application of the public employer or the union, the tribunal that issued a decision pursuant to Division 3 may issue a decision determining whether or not the level of activity to be continued in compliance with the decision substantially interferes with the exercise of the right to strike or lock out.

(2) Subject to section 7-22, if the parties have an essential services agreement and either the public employer or the union is of the opinion that the level of activity to be continued in compliance with the essential services agreement substantially interferes with the exercise of the right to strike or lock out, that party shall serve a written notice stating that opinion on the other party, the minister and the chairperson of the board.

(3) The written notice mentioned in subsection (2) must contain the name of the person whom the party giving the notice appoints to the tribunal.

(4) Within three days after receiving the written notice mentioned in subsection (2), the other party receiving the notice shall serve on the first party, the chairperson of the board and the minister a written notice naming the person whom it appoints to the tribunal.

(5) Section 7-7 applies, with any necessary modification, to establishing a tribunal and to the tribunal that is established pursuant to this section.

(6) The tribunal shall:

(a) determine whether or not the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out; and

(b) cause a copy of its decision to be served on the public employer, the union and the minister.

(7) If the tribunal makes a declaration that the level of activity to be continued in compliance with an essential services agreement, or a decision issued pursuant to Division 3, substantially interferes with the exercise of the right to strike or lock out:

(a) no public employer or union that is subject to the decision shall fail, on being served with a copy of the decision, to immediately cease any work stoppage; and

(b) the minister shall give notice to the public employer and the union that all matters in dispute respecting the collective agreement that is the subject of the strike or lockout must be resolved by mediation-arbitration in accordance with this Division.

(8) Within seven days after receipt of the notice mentioned in clause (7)(b) or subclause 7-8(7)(b)(ii), the public employer and the union shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

(9) Notwithstanding subsections (1) to (8) but subject to section 7-22, if the public employer and union agree that the level of activity to be continued in compliance with an essential services agreement or a decision issued pursuant to Division 3 substantially interferes with the exercise of the right to strike or lock out, the parties may agree to resolve all the matters in dispute by mediation-arbitration in accordance with this Division.

(10) If the parties agree pursuant to subsection (9) to submit matters in dispute to mediation-arbitration, they shall each provide the minister with:

(a) the name of the person that each intends to appoint to the mediation-arbitration board; or

(b) a written agreement in which the parties have agreed to submit the matters in dispute to a single mediator-arbitrator in accordance with sections 7-18 to 7-20.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – mediation-arbitration board

7-15(1) If there is no written agreement mentioned in clause 7-14(8)(b) or (10)(b), within three days after the members of the mediation-arbitration board have been appointed by the parties, the two appointees shall appoint a third member of the mediation-arbitration board, who is to be the chairperson of the mediation-arbitration board.

(2) If the two appointees named by the parties fail to agree on the appointment of a third member of the mediation-arbitration board within the three-day period mentioned in subsection (1), the minister, on the request of a party, shall appoint the third member.

(3) The member of the mediation-arbitration board appointed pursuant to subsection (2) is the chairperson of the mediation-arbitration board.

(4) No person is eligible to be appointed as a member of a mediation-arbitration board or shall act as a member of a mediation-arbitration board if the person:

(a) has a pecuniary interest in a matter before the mediation-arbitration board; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

Mediation by mediation-arbitration board

7-16(1) Within seven days after the date on which the last member of the mediation-arbitration board is appointed, the mediation-arbitration board shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If a mediation-arbitration board determines that the parties are unable to resolve the matters of the collective agreement in dispute, the chairperson of the mediation-arbitration board shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by mediation-arbitration board

7-17(1) If notice has been provided pursuant to subsection 7–16(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the mediation-arbitration board a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the mediation-arbitration board and the party submitting the written notice.

(3) The mediation-arbitration board shall commence the arbitration when:

(a) the mediation-arbitration board has received the written notices pursuant to subsection (1); and

(b) either:

(i) the mediation-arbitration board has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The mediation-arbitration board may engage the services of any person that it considers necessary to assist in the arbitration.

(5) The mediation-arbitration board shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence related to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A mediation-arbitration board may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the mediation-arbitration board.

(7) If the public employer and the union have settled all matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and entered into a new collective agreement, the mediation-arbitration board, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the mediation-arbitration board notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section and the mediation-arbitration board is notified in writing by both the public employer and the union of the matters agreed on, the mediation-arbitration board shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the mediation-arbitration board to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the mediation-arbitration board pursuant to this section on which the public employer and the union have not agreed, the mediation-arbitration board shall make an award in writing within:

(a) 60 days after the date on which the third member of the mediation-arbitration board was appointed pursuant to section 7-15; or

(b) any longer period that the mediation-arbitration board considers necessary.

(11) The decision of the majority of the members of the mediation-arbitration board or, if there is no majority decision, the decision of the chairperson of the mediation-arbitration board is the award of the mediation-arbitration board.

(12) The award of the mediation-arbitration board pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(13) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration;

(b) pay the remuneration and expenses of the member of the mediation-arbitration board that it has appointed; and

(c) pay an equal share of the remuneration and expenses of a person appointed pursuant to subsection 7-15(1) or (2) as the third member of the mediation-arbitration board.

(14) When the mediation-arbitration board has made an award pursuant to this section, it shall cause a copy of the award to be served on the public employer, the union and the minister.

(15) When the mediation-arbitration board has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the mediation-arbitration board's award.

2015, c.31, s.8.

Mediation-arbitration to conclude a collective agreement – single mediator-arbitrator

7-18(1) If the public employer and union have entered into a written agreement pursuant to clause 7-14(8)(b) or (10)(b) to submit the matters in dispute to a single mediator-arbitrator, they shall provide a copy of the written agreement to the minister that includes the name of the person to act as mediator-arbitrator within seven days after entering into the agreement.

(2) No person is eligible to be appointed as a single mediator-arbitrator or shall act as a single mediator-arbitrator if the person:

(a) has a pecuniary interest in a matter before the mediator-arbitrator; or

(b) is acting or has, within a period of one year before the date on which the dispute is submitted to mediation-arbitration, acted as lawyer or agent of any of the parties to the mediation-arbitration.

2015, c.31, s.8.

Mediation by single mediator-arbitrator

7-19(1) Within seven days after the date on which the minister receives a copy of the written agreement pursuant to section 7-18, the single mediator-arbitrator shall commence to assist the parties in resolving the matters of the collective agreement in dispute.

(2) If the single mediator-arbitrator determines that the parties are unable to resolve the matters of the collective agreement in dispute, the single mediator-arbitrator shall provide notice to the public employer, union and the minister of a failure to resolve the matters.

2015, c.31, s.8.

Arbitration by single mediator-arbitrator

7-20(1) If notice has been provided pursuant to subsection 7-19(2), the public employer and the union shall, within three days after receiving the notice, each:

(a) submit to the single mediator-arbitrator a notice in writing setting out:

(i) a list of the matters agreed on by both parties; and

(ii) a list of the matters remaining in dispute; and

(b) provide a copy of the written notice to the other party.

(2) Within three days after receiving a written notice pursuant to subsection (1), the other party shall provide its written response to the single mediator-arbitrator and the party submitting the written notice.

(3) The single mediator-arbitrator shall commence the arbitration when:

(a) the single mediator-arbitrator has received the written notices pursuant to subsection (1); and

(b) either:

(i) the single mediator-arbitrator has received the written responses pursuant to subsection (2); or

(ii) the three-day period mentioned in that subsection has expired.

(4) The single mediator-arbitrator may engage the services of any person that the single mediator-arbitrator considers necessary to assist in the arbitration.

(5) The single mediator-arbitrator shall determine the procedures to be followed, while ensuring that the public employer and the union are given full opportunity to:

(a) present evidence relating to the dispute;

(b) make submissions; and

(c) be represented by a lawyer or agent.

(6) A single mediator-arbitrator may exercise all or any of the powers mentioned in subsection 6-49(3), and that subsection applies, with any necessary modification, to the single mediator-arbitrator.

(7) If the public employer and the union have settled all the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and entered into a new collective agreement, the single mediator-arbitrator, on being so notified in writing by both the public employer and the union, shall:

(a) discontinue the mediation-arbitration; and

(b) notify the minister of the agreement.

(8) The mediation-arbitration is terminated when the single mediator-arbitrator notifies the minister pursuant to subsection (7) of the new collective agreement entered into by the public employer and the union.

(9) If the public employer and the union agree on some of the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section and the single mediator-arbitrator is notified in writing by both the public employer and the union of the matters agreed on, the single mediator-arbitrator shall confine the award to:

(a) the matters set out in the notices and responses that are not agreed on; and

(b) any other matters that appear to the single mediator-arbitrator to be necessary to be decided in order to make an award.

(10) With respect to the matters set out in the notices and responses received by the single mediator-arbitrator pursuant to this section on which the public employer and the union have not agreed, the single mediator-arbitrator shall make an award in writing within:

(a) 60 days after the date on which the single mediator-arbitrator was appointed; or

(b) any longer period that the single mediator-arbitrator considers necessary.

(11) The award of the single mediator-arbitrator pursuant to this section:

(a) is final and conclusive; and

(b) is binding on the parties.

(12) The public employer and the union shall:

(a) bear their own costs of the mediation-arbitration; and

(b) pay an equal share of the remuneration and expenses of the single mediator-arbitrator.

(13) When the single mediator-arbitrator has made an award pursuant to this section, the single mediator-arbitrator shall cause a copy of the award to be served on the public employer, the union and the minister.

(14) When the single mediator-arbitrator has made an award pursuant to this section, the public employer and the union shall immediately conclude a new collective agreement incorporating any provisions, terms and conditions that may be necessary to give full effect to the single mediator-arbitrator's award.

2015, c.31, s.8.

Matters to be considered by mediation-arbitration board or single mediator-arbitrator

7-21 In making an award pursuant to this Division, a mediation-arbitration board or single mediator-arbitrator:

(a) shall consider, for the period with respect to which the collective agreement between the public employer and the union will be in force, the following:

(i) wages and benefits in private and public, and unionized and non-unionized, employment;

(ii) the continuity and stability of private and public employment, including:

(A) employment levels and incidence of layoffs;

(B) incidence of employment at less than normal working hours; and

(C) opportunity for employment;

(iii) the general economic conditions in Saskatchewan; and

(b) may consider, for the period with respect to which the collective agreement between the public employer and union will be in force, the following:

(i) the terms and conditions of employment in similar occupations outside the public employer's employment taking into account any geographic, industrial or other variations that the mediation-arbitration board or single mediator-arbitrator considers relevant;

(ii) the need to maintain appropriate relationships in terms and conditions of employment between different classification levels within an occupation and between occupations in the public employer's employment;

(iii) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered;

(iv) any other factor that the mediation-arbitration board or single mediator-arbitrator considers relevant to the matters in dispute.

2015, c.31, s.8.

Multi-employer bargaining units

7-22(1) In this section:

'multi-employer bargaining units' means bargaining units established pursuant to Division 14 of Part VI;

'substantial interference declaration or agreement' means a declaration pursuant to section 7-8, 7-9 or 7-14 that a right to strike or lock out has been substantially interfered with or an agreement pursuant to subsection 7-14(9) to refer matters in dispute to mediation-arbitration.

(2) A substantial interference declaration or agreement respecting a dispute involving one or more bargaining units within multi-employer bargaining units must be made with respect to all bargaining units within the multi-employer bargaining units for which the union is engaged in collective bargaining.

(3) An application to the tribunal pursuant to section 7-14 with respect to a dispute involving one or more bargaining units within multi-employer bargaining units may be made by a person who is the bargaining agent for public employers in the multi-employer bargaining units.

(4) This Division applies, with any necessary modification, to multi-employer bargaining units.

2015, c.31, s.8.

DIVISION 5
General Matters re Part

Determination of essential services employees

7-23 Every employee who is required to work in accordance with an essential services agreement, or who is identified as an employee who must work during a work stoppage by his or her union in accordance with the provisions of this Part, is deemed to be an essential services employee during those times that the employee is scheduled to perform those essential services.

2015, c.31, s.8.

Obligations of public employers

7-24 No public employer shall authorize, declare or cause a lockout of essential services employees.

2015, c.31, s.8.

Obligations of unions

7-25(1) No union shall authorize, declare or cause a strike of essential services employees.

(2) No union and no person acting on behalf of the union shall, in any manner:

(a) discipline any essential services employee for the reason that the essential services employee complies with this Part; or

(b) direct, authorize or counsel another person to discipline any essential services employee for the reason that the essential services employee complies with this Part.

2015, c.31, s.8.

No person or union to prevent compliance with this Part

7-26 No person or union shall in any manner impede or prevent or attempt to impede or prevent any essential services employee from complying with this Part.

2015, c.31, s.8.

No person or union to aid, abet or counsel non-compliance with this Part

7-27 No person or union shall do or omit to do anything for the purpose of aiding, abetting or counselling any essential services employee not to comply with this Part.

2015, c.31, s.8.

Unfair labour practices re Part

7-28(1) It is an unfair labour practice for a public employer or a union to fail or refuse to engage in collective bargaining with a view to concluding an essential services agreement.

(2) It is an unfair labour practice for a public employer to not take into consideration qualified persons who are in the employ of the public employer and who are not members of the bargaining unit when determining the number of positions in a classification who must work during the work stoppage to maintain essential services.

(3) It is an unfair labour practice for a union to not identify qualified employees when identifying the employees who must work during the work stoppage to maintain essential services.

(4) Part VI applies, with any necessary modification, to an unfair labour practice pursuant to this section.

2015, c.31, s.8.

Essential services employees to continue or resume essential services

7-29(1) If there is a work stoppage:

(a) every essential services employee shall, during those times that the essential services employee is scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by that employee in accordance with the terms and conditions of the last collective agreement, if any;

(b) the public employer shall, during those times that the essential services employee is scheduled to work, permit or authorize each of its essential services employees to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any; and

(c) every person who is authorized on behalf of the union to bargain collectively with the public employer shall give notice to the essential services employees that they must, during those times that the essential services employees are scheduled to work, continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by those employees in accordance with the terms and conditions of the last collective agreement, if any.

(2) If there is a work stoppage, no essential services employee shall, without lawful excuse, fail, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage by him or her.

(3) Neither the public employer nor any person acting on behalf of the public employer shall, without lawful excuse, refuse to permit or authorize, or direct or authorize another person to refuse to permit or authorize, any essential services employee, during those times that the essential services employee is scheduled to work, to continue or resume the duties that are required in order to ensure that essential services are maintained during the work stoppage.

2015, c.31, s.8.

Copies of essential services agreements to be filed with minister

7-30(1) Each of the parties to an essential services agreement shall file one copy of the agreement with the minister.

(2) Section 6-44 applies, with any necessary modification, for the purposes of this section.

2015, c.31, s.8.

Termination of essential services agreement

7-31(1) An essential services agreement continues until it is terminated in accordance with this section.

(2) A party to an essential services agreement may terminate the essential services agreement only if:

(a) the parties have a collective agreement; and

(b) there are at least 120 days left before the expiry of the collective agreement.

(3) A party may terminate an essential services agreement pursuant to subsection (2) by giving the other party written notice.

(4) Nothing in this section affects the obligation of a public employer and a union to engage in collective bargaining with a view to concluding an essential services agreement in accordance with section 7-3.

2015, c.31, s.8.

Requirements for work schedules

7-32 Each work schedule must cover at least one week.

2015, c.31, s.8.

***The Arbitration Act, 1992* not to apply**

7-33 *The Arbitration Act, 1992* does not apply to any arbitration pursuant to this Part.

2015, c.31, s.8.

Change in membership of tribunal

7-34(1) A public employer or union that has appointed a member of a tribunal may, at any time, rescind the appointment and, if it rescinds an appointment, shall appoint a new member to the tribunal.

(2) A public employer or union that replaces its appointment shall serve written notice of the name of the new member on the other party, the chairperson of the board and the minister as soon as possible after it makes the new appointment.

2015, c.31, s.8.

Offences and penalties re Part

7-35(1) No public employer, union, essential services employee or other person shall fail to comply with this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part.

(2) Every public employer, union, essential services employee or other person who contravenes any provision of this Part, the regulations made pursuant to this Part or a decision or award of the board, a tribunal, a mediation-arbitration board or a single mediator-arbitrator made pursuant to this Part is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by a public employer or a union or by a person acting on behalf of a public employer or a union, to a fine of not more than $100,000 and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues; and

(b) in the case of an offence committed by any person other than one described in clause (a), to a fine of not more than $1,000 and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues.

2015, c.31, s.8.

Regulations for Part

7-36 The Lieutenant Governor in Council may make regulations:

(a) prescribing any employer, person, agency or body, or class of employers, persons, agencies or bodies, for the purposes of paragraph 7-1(1)(f)(ii)(A);

(b) for the purposes of clause 7-4(1)(i), prescribing other provisions that must be included in an essential services agreement, including prescribing the contents of those provisions;

(c) prescribing any other matter or thing that is authorized or required by this Part to be prescribed in the regulations;

(d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part

2013, c.S-15.1, s.8-5; 2015, c.31, s.8.

PART VIII
Labour-Management Actions (Temporary Measures During an Election)

Interpretation of Part

8-1 In this Part:

(a) **"contract"** means a contract for services;

(b) **"during an election"** or **"during the election"** means the period commencing on the day on which the writs of election for a general election are issued pursuant to *The Election Act, 1996* and ending on the eighth day following the returns to the writs;

(c) **"employee"** means an employee who is a member of a labour organization;

(d) **"employer"** means an employer of an employee and includes an employer as defined in Part VI;

(e) **"judge"** means a judge of the Court of Queen's Bench;

(f) **"labour organization"** means a labour organization that represents employees and includes a union as defined in Part VI;

(g) **"lockout"** means a lockout as defined in Part VI;

(h) **"order"** means an order made pursuant to section 8-2;

(i) **"service provider"** means a person who is a member of a group of persons mentioned in subclause (k)(iii);

(j) **"strike"** means a strike as defined in Part VI;

(k) **"work stoppage"** means:

(i) a strike, work slow-down or failure to perform the usual duties of employment by an employee;

(ii) a lockout declared by an employer of an employee;

(iii) a work slow-down or failure to perform the requirements of an existing or expired contract by a group of persons in combination or in concert or in accordance with a common understanding for the purpose of compelling another party to an existing or expired contract to agree to the terms of a new contract or an amendment to a contract; or

(iv) a refusal by a person who has a contract with a service provider to permit the service provider to continue or to resume his or her duties in accordance with the contract.

2013, c.S-15.1, s.8-1.

Order of the Lieutenant Governor in Council

8-2(1) On the recommendation of the minister, the Lieutenant Governor in Council may make an order pursuant to this section if, during an election, the minister is of the opinion that a work stoppage creates a situation:

(a) that is of pressing public importance; or

(b) that endangers or may endanger the health or safety of any person in Saskatchewan.

(2) In the circumstances mentioned in subsection (1), the Lieutenant Governor in Council may order that, on and from a date to be specified in the order and during the election:

(a) if the order is with respect to employees:

(i) the employees involved in the work stoppage shall continue or resume the duties of their employment with their employer; and

(ii) the employer named in the order shall permit the employees to continue or resume the duties of their employment; or

(b) if the order is with respect to service providers:

(i) the service providers involved in the work stoppage shall continue or resume their duties as set out in the contract; and

(ii) a person who has a contract with service providers shall permit the service providers to continue or resume their duties.

(3) An order made for the purposes of clause (2)(b) may include a requirement that a person named in the order shall communicate the order to the service providers who are subject to the order.

(4) No person who is subject to an order shall fail, during the election, to immediately cease a work stoppage.

2013, c.S-15.1, s.8-2.

Prohibitions and obligations

8-3(1) No person shall in any manner impede or prevent, or attempt to impede or prevent, any person from complying with an order.

(2) While an order is in effect, no labour organization that represents employees, and no officer, representative or other person acting on behalf of that labour organization, shall authorize, declare or cause a work stoppage.

(3) No labour organization that is subject to an order shall fail to immediately inform the employees that it represents of the following:

(a) the order;

(b) the requirement that each employee continue or resume the duties of his or her employment during the election.

(4) No person mentioned in subsection 8-2(3) shall fail to immediately inform the service providers who are subject to the order of the following:

(a) the order;

(b) the requirement that each service provider continue or resume his or her duties during the election.

2013, c.S-15.1, s.8-3.

Offences and penalties

8-4(1) No person and no labour organization shall fail to comply with this Part or an order.

(2) Every person who or labour organization that contravenes subsection (1) is guilty of an offence and liable on summary conviction:

(a) in the case of an offence committed by an employee or service provider, to a fine of not more than $1,000, and, in the case of a continuing offence, to a further fine of $400 for each day or part of a day during which the offence continues; or

(b) in the case of an offence committed by a labour organization or by any person other than one described in clause (a), to a fine of not more than $100,000, and, in the case of a continuing offence, to a further fine of $10,000 for each day or part of a day during which the offence continues.

2013, c.S-15.1, s.8-4.

Application to court to direct compliance

8-5(1) If, on the application of an employer, a judge is satisfied that an employee of that employer has failed to comply with an order, the judge may direct that employee to resume the employee's duties of employment with the employer as required by the order.

(2) If, on the application of a labour organization or an employee who has attempted to comply with an order, a judge is satisfied that the employer of the employee has failed to comply with the order, the judge may direct the employer to permit the employee to resume the employee's duties of employment as required by the order.

(3) If, on the application of a person who has a contract with a service provider, a judge is satisfied that the service provider has failed to comply with an order, the judge may direct that service provider to resume his or her duties as required by the order.

(4) If, on the application of a service provider who has attempted to comply with an order, a judge is satisfied that the person who has a contract with the service provider has failed to comply with the order, the judge may direct the person to permit the service provider to resume his or her duties as required by the order.

(5) On an application pursuant to this section, a judge may make any additional orders that the judge considers necessary to ensure compliance with this Part or an order.

2013, c.S-15.1, s.8-5.

PART IX
General

DIVISION 1
Assignment of Wages

Interpretation of Division

9-1 In this Division:

(a) **"assignment of wages"** means an assignment of all or part of an employee's wages to another person;

(b) **"wages"** means **"total wages"** as defined in Part II.

2013, c.S-15.1, s.9-1.

Assignment of wages generally prohibited

9-2 Subject to the other provisions of this Division, an assignment of wages to secure payment of a debt is invalid.

2013, c.S-15.1, s.9-2.

Certain wage assignments valid

9-3 Section 9-2 does not apply to an assignment of wages by an employee in favour of a supplier of tools, equipment or supplies used by the employee in his or her employment.

2013, c.S-15.1, s.9-3.

Assignment of wages to certain credit unions

9-4(1) In this section:

(a) **"assignor"** means an employee who makes an assignment of wages in favour of an employer;

(b) **"credit union"** means a credit union that:

(i) is governed by *The Credit Union Act, 1998*; and

(ii) is organized, directed or controlled by employees of the employer to whom the assignor directs the assignment of wages.

(2) This Division, other than subsections 9-5(2) and (3), does not apply in the case of an assignment of wages by an assignor to a credit union with respect to that portion of the assignor's wages that is not exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

2013, c.S-15.1, s.9-4.

Restrictions on wage assignments

9-5(1) Notwithstanding anything in this Part or any agreement, no assignment of wages to secure payment of a debt affects that portion of the assignor's wages that is exempt from attachment pursuant to sections 95 and 96 of *The Enforcement of Money Judgments Act*.

(2) An assignment of wages that is made to secure payment of a debt and that purports to apply to wages owing from future employers is invalid as against any employer by whom the assignor was not employed at the time the assignment was made.

(3) An assignment of wages to secure payment of a debt is deemed not to be a security for any purpose.

2013, c.S-15.1, s.9-5.

DIVISION 2
Other Matters

Offences by corporation

9-6 Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2013, c.S-15.1, s.9-6.

Offences by union

9-7(1) In this section and in section 9-8, **"union"** includes a labour organization as defined in Part VIII.

(2) Every officer or representative of a union who directed, authorized, assented to, acquiesced in or participated in an act or omission of the union that would constitute an offence by the union is guilty of that offence and liable on summary conviction to the penalties provided for that offence whether or not the union has been prosecuted or convicted.

2013, c.S-15.1, s.9-7.

Vicarious liability

9-8 In a prosecution of an offence pursuant to this Act, any act or neglect on the part of a manager, agent, representative, officer, director or supervisor of the accused, whether or not the accused is a corporation or a union, is deemed to be the act or neglect of the accused.

2013, c.S-15.1, s.9-8.

Service

9-9(1) In this section, **"director"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI.

(2) Unless otherwise provided in this Act, any document or notice required by this Act or the regulations to be served on any person other than the director may be served:

(a) by personal service on the person by delivery of a copy of the document or notice;

(b) by sending a copy of the document or notice by registered or certified mail to the last known address of the person or to the address of the person as shown in the records of the ministry;

(c) by personal service at a place of employment on the person's manager, agent, representative, officer, director or supervisor;

(d) by any method set out in *The Queen's Bench Rules* for the service of documents; or

(e) by delivering a copy to the person's lawyer if the lawyer accepts service by endorsing his or her name on a true copy of the document or notice indicating that he or she is the lawyer for that person.

(3) A document or notice to be given to or served on the director must be given or served in the prescribed manner.

(4) A document or notice served by registered mail or certified mail is deemed to have been received on the fifth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the document or notice or received it at a later date.

(5) If the director is unable to effect service by the methods set out in subsection (2) after making reasonable efforts to do so, the director may serve a document or notice by publishing it in a newspaper of general circulation in the area in which the person was last known to reside.

(6) Any person who is required to serve a document or notice pursuant to this Act or the regulations may apply, *ex parte*, to a judge of the Court of Queen's Bench for an order for substituted service or for an order dispensing with service.

(7) On an application pursuant to subsection (6), a judge of the Court of Queen's Bench may make an order for substituted service by any means that the judge considers appropriate or an order dispensing with service, if the judge is satisfied that:

(a) prompt service of the document or notice cannot be effected;

(b) the whereabouts of the person to be served cannot be determined; or

(c) the person to be served is evading service.

2013, c.S-15.1, s.9-9.

Immunity

9-10 No action or proceeding lies or shall be commenced against the Crown, the minister, the board, any member of the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations, a labour relations officer or an investigating officer appointed pursuant to Part VI, any employee or officer of the ministry or any other person appointed, designated or authorized to take any action or perform any duty pursuant to this Act or the regulations where that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2013, c.S-15.1, s.9-10.

Forms for Act

9-11 Subject to section 6-126, the minister may approve forms to be used for the purposes of this Act and the regulations.

2013, c.S-15.1, s.9-11.

Regulations

9-12(1) The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) prescribing and requiring the payment of any fees and charges connected with any action that the minister, the board, the director of employment standards or an employment standards officer appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III, a radiation health officer appointed pursuant to Part V or the director of labour relations or a labour relations officer appointed pursuant to Part VI is required or authorized to take pursuant to this Act or the regulations or any service provided by any of them;

(c) prescribing any other matter or thing that is required or authorized to be prescribed in the regulations;

(d) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) A regulation made pursuant to subsection (1) or pursuant to any other regulation-making power pursuant to this Act may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council or other regulation maker considers necessary, any code, standard or regulation, as amended from time to time or otherwise, and may require compliance with any code, standard or regulation so adopted.

2013, c.S-15.1, s.9-12.

Review of Act

9-13(1) The minister shall cause a review to be conducted of the adequacy of this Act and its administration.

(2) For the purposes of subsection (1):

(a) the minister may cause a review of a Part of this Act to be conducted at a different time from the review of another Part;

(b) the first review of at least one Part of this Act must be conducted within five years after the date on which this Act comes into force and a first review of all Parts of this Act must be conducted within 10 years after the date on which this Act comes into force; and

(c) a review of each Part of this Act must be conducted at least once every five years after the completion of the most recent review of that Part.

2013, c.S-15.1, s.9-13.

Evidentiary effect of documents

9-14(1) In this section:

(a) **"official"** means the director of employment standards appointed pursuant to Part II, the director of occupational health and safety or an occupational health officer appointed pursuant to Part III or the director of labour relations appointed pursuant to Part VI;

(b) **"rule"** means a rule, direction, designation, authorization, code of practice, order, notice of contravention, compliance undertaking or other instrument issued or entered into pursuant to this Act by the minister, an official or the board.

(2) A document purporting to contain or to be a copy of a rule and purporting to be signed by the minister, an official or a member of the board is admissible in evidence in any court as proof of the rule that it purports to contain or of which it purports to be a copy without proof of the signature of the minister, the official or the member of the board or of his or her appointment.

2013, c.S-15.1, s.9-14.

PART X
Repeals and Consequential Amendments

DIVISION 1
Repeals

R.S.S. 1978, c.A-30 repealed

10-1 *The Assignment of Wages Act* is repealed.

2013, c.S-15.1, s.10-1.

R.S.S. 1978, c.B-8 repealed

10-2 *The Building Trades Protection Act* is repealed.

2013, c.S-15.1, s.10-2.

S.S. 1992, c.C-29.11 repealed

10-3 *The Construction Industry Labour Relations Act, 1992* is repealed.

2013, c.S-15.1, s.10-3.

R.S.S. 1978, c.E-9 repealed

10-4 *The Employment Agencies Act* is repealed.

2013, c.S-15.1, s.10-4.

R.S.S. 1978, c.F-14 repealed

10-5 *The Fire Departments Platoon Act* is repealed.

2013, c.S-15.1, s.10-5.

S.S. 1996, c.H-0.03 repealed

10-6 *The Health Labour Relations Reorganization Act* is repealed.

2013, c.S-15.1, s.10-6.

S.S. 1981-82, c.L-0.1 repealed

10-7 *The Labour-Management Dispute (Temporary Provisions) Act* is repealed.

2013, c.S-15.1, s.10-7.

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

10-8 *The Labour Standards Act* is repealed.

2013, c.S-15.1, s.10-8.

S.S. 1993, c.O-1.1 repealed

10-9 *The Occupational Health and Safety Act, 1993* is repealed.

2013, c.S-15.1, s.10-9.

S.S. 1984-85-86, c.R-1.1 repealed

10-10 *The Radiation Health and Safety Act, 1985* is repealed.

2013, c.S-15.1, s.10-10.

R.S.S. 1978, c.T-17 repealed

10-11 *The Trade Union Act* is repealed.

2013, c.S-15.1, s.10-11.

R.S.S. 1978, c.W-1 repealed

10-12 *The Wages Recovery Act* is repealed.

2013, c.S-15.1, s.10-12.

DIVISION 2
Consequential Amendments

10-13 - 10-35 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

PART XI
Coming into Force

Coming into force

11-1 This Act comes into force on proclamation.

2013, c.S-15.1, s.11-1.

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