

# New Amendments Tabled For The Saskatchewan Employment Act



On December 4, 2024, the Government of Saskatchewan tabled Bill No. 5, proposing amendments to *The Saskatchewan Employment Act*, SS 2013, c S-15.1 (the “Act”), following consultations that the government conducted last year.

These proposed amendments may require employers to change or adjust their practices. The labour and employment lawyers at McDougall Gauley LLP will follow the progress of Bill No. 5 closely.

Some of the key changes proposed in Bill No. 5 include the following:

## **Amendments to rules respecting pay deductions**

The proposed amendments will permit employers to deduct wages for: (1) wage advances; (2) costs associated with voluntary training; and (3) housing or moving allowances provided with employee consent. Presently, the Act does not explicitly permit these types of deductions.

Additionally, employers will be prohibited from withholding gratuities to an employee, as well as deducting such gratuities from wages or requiring an employee to return such gratuities. Any amount withheld, deducted or returned is deemed to be wages owing to an employee.

## **Restrictions on the provision of medical certificates**

Other proposed amendments will prevent employers from requesting medical certificates or other medical notes to excuse an employee’s absence caused by illness or injury unless:

1. the absence continues for more than 5 consecutive working days; or
2. the employee has had non-consecutive absences caused by illness or injury of 2 or more working days in the preceding 12 months.

## **Amendments to rules respecting discriminatory action**

Bill No. 5 proposes to consolidate rules relating to discriminatory action, mostly under Part II of the Act. The Bill also proposes to provide the Director of Employment Standards with increased powers to impose sanctions on an employer that is found to have taken discriminatory action as contemplated in Part II of the Act.

The proposed powers are significant, and can include the power to reinstate a dismissed employee, as well as direct an employer to compensate a dismissed employee for lost wages.

While the general purpose of Part II of the Act is to enforce minimum employment standards, these proposed amendments permit the Director to make decisions that may significantly impact an employer's ability to manage the workplace and operate their business. For example, under the proposed amendments, in circumstances where the Director has decided to reinstate a dismissed employee, an appeal made by an employer to an adjudicator does not automatically stay that decision. Additionally, where the Director decides to order payment for lost wages, it is not clear whether the Director will consider the financial impact of delays that may be attributed to the Director's investigation or decision-making process.

## **Other proposed amendments**

In addition to the above-referenced amendments, Bill No. 5 proposes to, among other things:

- allow employers to use a calendar day rather than 24 consecutive hours for the purposes of work schedules and overtime provisions;
- increase the threshold when employers are required to notify employees, the minister and the union of a group termination from 10 employees to 25 employees; and
- extend leave provisions related to sick leave, maternity leave, interpersonal violence leave and bereavement leave.

Bill No. 5 will come into force after it is passed by the Legislative Assembly and set out in an Order of the Lieutenant Governor in Council.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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