

Proposed Amendments To The Saskatchewan Employment Act



On December 4, 2024, the Government of Saskatchewan introduced Bill 5, titled *The Saskatchewan Employment Amendment Act, 2024*. The amendments, if passed, would bring some significant transformations to *The Saskatchewan Employment Act* (the *SEA*), including implications for leaves of absence, overtime calculations, group terminations, and discrimination complaints.

Key amendments proposed by Bill 5

The proposed amendments to the *SEA* include:

Expansion of leaves of absence

- An extension of illness or injury leave from the current 12 weeks to 27 weeks.
- Maternity leave provisions will be expanded to include employees experiencing a loss of pregnancy not more than 20 weeks before the estimated due date, instead of the current 13 weeks before the estimated due date.
- Introduction of a new long-term 16-week unpaid interpersonal violence and sexual violence leave, in addition to the existing 10-day leave.
- Bereavement leave extended to be taken within six months after a death, instead of restricting it to be taken within one week before or after the applicable funeral. The updated provisions will also extend to include leave for employees grieving the loss of someone considered “like” family and for those experiencing a pregnancy loss, either personally or within their immediate family.

Overtime eligibility adjustment

- Employers can choose to define a “day” for overtime purposes as either 24 consecutive hours or a calendar day, offering employers greater flexibility in calculating overtime eligibility.

Group termination threshold increased

- The threshold for triggering group termination notice requirements will be increased from 10 to 25 employees.

Limitation of sick note requirement

- Employers will be prohibited from requesting a medical note from an employee

certifying the employee is incapable of work unless that employee has been absent for more than five consecutive working days or has been absent twice for two or more consecutive days in the preceding twelve months.

Increased powers for the director in cases of discriminatory action

- Directors will have the authority to reinstate employees or award compensation for lost wages in cases of discriminatory actions, as prescribed by the SEA, taken by employers against employees. For example, where an employer has discriminated against an employee for taking a leave of absence they are entitled to under the SEA.

Other proposed amendments

- Employers will be permitted to deduct from an employee's wages amounts for wage advances, voluntary training the employee was not required to obtain, and housing or moving allowances provided with the employee's consent.
- With consent of the employees, employers will be permitted to apply for variances in meal break requirements and schedule changes.
- Employers in the retail sector will no longer be required to provide two consecutive days off per week, with the requirement to be reduced to one day off per week.
- The legislation will explicitly clarify that an employer does not have to provide vacation pay on the period for which pay-in-lieu of notice is provided to the employee.
- Protections to be introduced prohibiting employers from making deductions or withholdings from employees' gratuities (or "tips") and introducing guidelines for establishing tip-pooling arrangements. It will further recognize withheld gratuities as debts owed to employees, akin to unpaid wages.

Conclusion

Should Bill 5 pass, Saskatchewan employers will need to review and/or adapt their practices and policies to ensure compliance with the updated legislation. Where the proposed amendments give more flexibility to employers, such as regarding overtime eligibility calculations, employers may also consider adapting applicable employment agreements and policies accordingly.

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.

Authors: [Shaun Parker](#), [Briana MacEachern](#), [Sereena Dosanjh](#)

Osler, Hoskin & Harcourt LLP