

# BILL

No. 207

## An Act to amend *The Saskatchewan Employment Act* respecting Public Health Emergencies

(Assented to March 17, 2020)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### Short title

**1** This Act may be cited as *The Saskatchewan Employment (Public Health Emergencies) Amendment Act, 2020*.

### SS 2013 c S-15.1 amended

**2** *The Saskatchewan Employment Act* is amended in the manner set forth in this Act.

### Section 2-1 amended

**3** **The following clause is added after clause 2-1(q):**

“(q.1) ‘**public health emergency**’ means a public health emergency of international concern determined by the World Health Organization in accordance with the *International Health Regulations (2005)* or any subsequent *International Health Regulations*”.

### Section 2-40 amended

**4(1)** **Subsection 2-40(1) is amended by striking out “(4)” and substituting “(4.1)”.**

**(2)** **The following subsection is added after subsection 2-40(4):**

“(4.1) If the absence due to the illness or injury of an employee is the result of a public health emergency, the employee is exempt from the requirements of clauses (2)(a) and (c)”.

### Section 2-46 amended

**5** **Clause 2-46(2)(a) is repealed and the following substituted:**

“(a) to any of the following employment leaves:

- (i) bereavement leave;
- (ii) compassionate care leave;
- (iii) interpersonal violence and sexual violence leave;
- (iv) critically ill child care leave;
- (v) critically ill adult care leave;
- (vi) crime-related child death or disappearance leave;
- (vii) citizenship ceremony leave;
- (viii) public health emergency leave”.

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**Section 2-57 amended**

**6 Subsection 2-57(1) is amended by adding “and in section 2-59.1” after “In this section”.**

**New section 2-59.1**

**7 The following section is added after section 2-59:**

**“Public Health Emergency leave**

**2-59.1(1)** In this section, ‘**chief medical health officer**’ means the person designated as chief medical health officer pursuant to *The Public Health Act, 1994*.

(2) This section applies if either:

(a) a public health emergency has been determined by the World Health Organization and the chief medical health officer has issued an order declaring:

- (i) that the public health emergency applies to Saskatchewan; and
- (ii) that individuals in Saskatchewan must take measures to prevent or reduce the spread of disease, including isolating themselves from other individuals; or

(b) the chief medical health officer issues an order declaring that, in the opinion of the chief medical health officer, a disease present in Saskatchewan is sufficiently harmful to the public health that individuals in Saskatchewan must take measures to prevent or reduce the spread of disease, including isolating themselves from other individuals.

(3) If the chief medical health officer determines that the measures set out in an order issued pursuant to subsection (2) are no longer necessary, the chief medical health officer may issue an order terminating the order made pursuant to subsection (2).

(4) If the chief medical health officer has issued an order pursuant to subsection (2) or (3):

(a) the chief medical health officer shall immediately provide a copy of the order to the minister; and

(b) the minister shall cause the order:

- (i) to be printed in the Gazette; and
- (ii) to be published in any manner the minister considers necessary to bring the order to the attention of the public, including publishing it on the ministry’s website.

(5) An employee is entitled to a public health emergency leave for the period during which an order of the chief medical health officer issued pursuant to subsection (2) is in force if:

(a) any of the following have directed employees to isolate themselves to prevent or reduce the spread of the disease that is the subject of the order:

- (i) the employer of the employees;

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- (ii) a duly qualified medical practitioner;
  - (iii) the Government of Saskatchewan;
  - (iv) the chief medical health officer; or
- (b) the employee is required to provide to care and support to the employee's child family member who is affected by a direction or order of the Government of Saskatchewan or an order of the chief medical health officer.
- (6) Employees are entitled to be paid their regular wages and are entitled to their regular benefits during the period mentioned in subsection (5) if:
- (a) they are authorized by their employer to work at home during that period;
  - (b) they comply with the measures set out in the order of the chief medical health officer; and
  - (c) they comply with any additional requirements set out in an order made pursuant to subsection (7).
- (7) Notwithstanding any other provision of this Part or the regulations or any other Act or law, the Lieutenant Governor in Council may make orders for the purposes of this section, to continue through all or any part of the period mentioned in subsection (5):
- (a) suspending the application of any provision of this Part or the regulations that deals with matters regulated by this section;
  - (b) amending, suspending or varying the application of any provision of this Part or the regulations to employees and employers to whom this section applies;
  - (c) setting out requirements for the purposes of subsection (6);
  - (d) respecting any additional matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the purpose of this section, the protection of employees or the prevention or reduction of disease.
- (8) The minister shall cause each order made pursuant to subsection (7):
- (a) to be printed in the Gazette; and
  - (b) to be published in any manner the minister considers necessary to bring the order to the attention of the public including publishing it on the ministry's website.
- (9) A failure by the minister to give the notice required by subsection (4) or (8) does not, by itself, invalidate an order made pursuant to that subsection.
- (10) Sections 2-43 and 2-47 do not apply to an employee covered by this section”.

**Coming into force**

**8** This Act comes into force on assent, but is retroactive and deemed to have been in force on and from March 6, 2020.

