



Province of Saskatchewan

Registrar of Regulations

Filed MAR 19 2020

SR 28/2020

Order in Council 105/2020

Approved and Ordered: 19 March 2020

~~Lieutenant Governor~~ Administrator

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, makes *The Employment Standards (Public Emergencies) Amendment Regulations, 2020* in accordance with the attached Schedule.

President of the Executive Council

(For administrative purposes only)

**Recommended by:** Minister of Labour Relations and Workplace Safety

**Authority:** *The Saskatchewan Employment Act* - section 2-99

**SCHEDULE** to OC 105/2020

**Title**

1 These regulations may be cited as *The Employment Standards (Public Emergencies) Amendment Regulations, 2020*.

**RRS c S-15.1 Reg 5, new Part IX.1**

2 The following Part is added after Part IX of *The Employment Standards Regulations*:

**“PART IX.1  
Public Emergencies**

**“Definition for Part**

44.1 In this Part, ‘**public emergency period**’ means the period during which an order of the chief medical health officer issued pursuant to subsection 2-59.1(2) of the Act, or an emergency declaration ordered pursuant to *The Emergency Planning Act*, is in force.

**“Certain provisions do not apply during public emergency period**

44.2 During a public emergency period:

- (a) subject to clause (c), employers and employees are exempt from the provisions of, and employees are not entitled to the protections provided by, sections 2-60 and 2-61 of the Act respecting layoffs;
- (b) employers are exempt from the provisions of the Act requiring notice to employees with respect to a layoff if the the layoff period is 12 weeks or less in a 16-week period; and
- (c) if an employer lays off employees for one or more periods that are more in total than 12 weeks in a 16-week period, the employees:
  - (i) are deemed to be terminated; and
  - (ii) are entitled to pay instead of notice in accordance with sections 2-60 and 2-61 of the Act to be calculated from the date on which the employer laid off the employees.

**“Matters re public emergency leave**

44.3 For the purposes of section 2-59.1 of the Act:

- (a) that section is deemed to apply to an employee who is required to provide care and support to the employee’s adult family member who is affected by a direction or order of the Government of Saskatchewan or an order of the chief medical health officer;
- (b) if there is a conflict of opinion between:
  - (i) the employer of the employee; and

(ii) a duly qualified medical practitioner as expressed in an opinion, the Government of Saskatchewan as expressed in an order or direction or the chief medical health officer as expressed in an order;

the opinion of the duly qualified medical practitioner, the Government of Saskatchewan or the chief medical health officer prevails; and

(c) that section does not apply to employees who have been informed, in writing, by their employer that they are necessary to provide critical public health and safety services”.

**Coming into force**

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

