

Ministry of Labour Relations and Workplace Safety

Annual Report for 2019-20

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Letters of Transmittal



*The Honourable Don Morgan
Minister of Labour Relations
and Workplace Safety*

Office of the Lieutenant Governor of Saskatchewan

I respectfully submit the Annual Report for the Ministry of Labour Relations and Workplace Safety for the fiscal year ending March 31, 2020.

Throughout the year the ministry continued its work on health and safety. The ministry worked to create an environment of fairness where employers and employees succeed.

One of the major achievements this year was the release and implementation of the Fatalities and Serious Injuries Strategy in partnership with the Workers' Compensation Board under *WorkSafe Saskatchewan*. We must continue our focus and commitment to worker safety. The strategy outlines key targets and actions that are being taken to reduce the number of serious injuries and fatalities in the province.

The end of the 2019-20 fiscal year falling during the COVID-19 pandemic has reinforced the importance of workplace safety. The Ministry of Labour Relations and Workplace Safety will continue to find ways to carry out services to best assist and keep Saskatchewan workplaces safe.

A handwritten signature in black ink that reads "Don Morgan".

Don Morgan, Q.C.

Minister of Labour Relations and Workplace Safety



*Donna Johnson
Deputy Minister of Labour
Relations and Workplace Safety*

Dear Minister:

I have the honour of submitting the Annual Report of the Ministry of Labour Relations and Workplace Safety for the fiscal year ending March 31, 2020.

During the 2019-20 fiscal year, amendments were made to *The Saskatchewan Employment Act* to increase parental leave, provide time away for individuals running for Band Council, and clarify the language to reinforce workplace safety and health.

In response to COVID-19, a new unpaid public health emergency leave was introduced and *The Employment Standards Regulations* were amended to exempt employers from having to provide notice or pay-in-lieu of notice during a short-term layoff during a public emergency.

Through *WorkSafe Saskatchewan*, we introduced a three-year Fatalities and Serious Injuries Strategy that outlined key targets and actions that will be taken to reduce the number of serious injuries and fatalities.

The work of the ministry is aligned with the strategic goals of the Government of Saskatchewan as we look to build strong communities, and families where everyone can benefit.

A handwritten signature in black ink that reads "Donna Johnson".

Donna Johnson

Deputy Minister of Labour Relations and Workplace Safety

Ministry Overview

The Ministry of Labour Relations and Workplace Safety promotes, supports and enforces safe work practices and employment standards. It fosters a fair and balanced employment environment that respects the rights, duties and responsibilities of employees and employers thereby ensuring healthy, safe and productive workplaces.

The minister of Labour Relations and Workplace Safety is responsible for the following legislation:

- *The Foreign Worker Recruitment and Immigration Services Act*
- *The Human Resources, Labour and Employment Act*, except for sections 4.01, 4.02, 4.03 and subsection 4(2).
- *The Public Health Act, 1994 (section 19.1)*
- *The Saskatchewan Employment Act*
- *The Victims of Workplace Injuries Day of Mourning Act*

Delivery of Key Programs and Services

The ministry is responsible for enforcing and promoting awareness of employment standards and occupational health and safety. The ministry also provides mediation and conciliation services to help resolve workplace disputes and advocacy services for injured workers and their families. This work is done in cooperation with business associations, labour organizations and safety associations.

In 2019-20, the ministry employed a staff of 166.3 Full Time Equivalents. The ministry is headquartered in Regina, with offices across the province, including: Employment Standards (Estevan, Moose Jaw, North Battleford, Prince Albert, Swift Current, Yorkton, Saskatoon and Regina), Occupational Health and Safety (Estevan, Prince Albert, Swift Current, Yorkton, Saskatoon and Regina), Labour Relations and Mediation (Saskatoon and Regina) and Office of the Workers' Advocate (Saskatoon and Regina).

The ministry consists of six divisions:

Communications (COMM) shares and promotes the programs, services and work of the ministry with citizens of the province using a variety of strategies and tools. This division maintains the website information for the ministry, responds to media requests and supports the minister, deputy minister and the ministry with various communication needs.

Corporate Services (CS) assists the divisions within the ministry to develop strategic policy and legislative initiatives that align with government objectives. CS is also responsible for financial management, budget development, annual planning and reporting, policy development and other essential administrative functions of the ministry.

Occupational Health and Safety (OHS) offers programs and services for workers and employers to help encourage safer workplaces and an improved culture of safety in Saskatchewan. OHS also provides effective oversight and enforcement of occupational health and safety standards and regulations by encouraging compliance via education and prosecutions where appropriate.

Employment Standards (ES) provides services to Saskatchewan employers and employees in support of fair and equitable workplace practices. ES enforces employment standards legislation and regulations and ensures that employees and employers are aware of their rights and responsibilities under these laws.

Labour Relations and Mediation (LRM) provides conciliation and mediation services to assist in dispute resolution, and joint employee and employer training in conflict resolution, problem solving, and interest-based bargaining. LRM also provides technical advisory services relating to industrial relations and promotes co-operative labour management relations.

Office of the Workers' Advocate (OWA) works to ensure that any injured worker or their dependents receives every consideration and entitlement due to them under *The Workers' Compensation Act, 2013*. The office also works to ensure that the compensation system is fair, accountable and responsive to the needs of injured workers in Saskatchewan. OWA shares this mutual goal with the Workers' Compensation Board (WCB) and meets regularly with the WCB to achieve this goal. Under a three-year pilot project, OWA also represents appellants to the Automobile Injury Appeal Commission.

Ministry Overview

Highlights

In 2019-20, the ministry continued its focus on three priority areas:

- reducing the provincial injury rate;
- increasing compliance with employment legislation; and
- establishing a fair and balanced employment environment.

Activities undertaken by the ministry to move toward achievement of these goals include:

Occupational Health and Safety:

- Through the targeted intervention strategy and other measures, the injury rate has declined from 8.65 per cent in 2012 to 4.95 per cent, a reduction of 42.8 per cent.
- As part of this strategy, 5,236 worksite visits were conducted in 2019-20, a 4.5 per cent increase from 2018-19.
- There were 2,431 notices of contravention issued to employers for failing to comply with the requirements of *The Saskatchewan Employment Act* or regulations, an increase of 27.4 per cent from the previous year.
- Additionally, 317 compliance undertakings, or written agreements to comply with the occupational health and safety requirements of the Act, were issued in 2019-20, this is a decrease from the 369 agreements that were entered into in 2018-19.
- As of March 31, 2020, 122 stop work orders were issued by occupational health officers, a decrease of 36.5 per cent from 2018-19.
- Nine prosecutions were initiated for occupational health and safety violations, a drop of 16 from 2018-19.

Employment Standards:

- The division received 1,847 formal complaints in 2019-20 (a two per cent decrease from the previous year) with 1,889 resolved this year. This includes files carried over from the previous year.
- The division has been able to resolve complaints within an average of 91 days of filing, which is less than the targeted 100 days.
- In addition, the division has provided assistance to 23,585 employers, employees and the public through various forms of inquiry.
- Four prosecutions were also initiated for non-compliance with the legislation.

Labour Relations and Mediation:

- The demand for conciliation services went up by 56 per cent in 2019-20 as employers and unions sought assistance during 78 contract negotiations.
- In 2019-20, there was a 55 per cent decrease in the use of grievance mediation, as 27 parties used the service to resolve contract disputes compared to 60 in 2018-19.
- During the same period, the division assisted 86 organizations to resolve workplace conflicts through the use of workplace mediation, compared to 32 organizations in 2018-19.
- The division conducted 52 workplace training events in 2018-19, an increase of 27 per cent over 2018-19.

Office of Workers' Advocate:

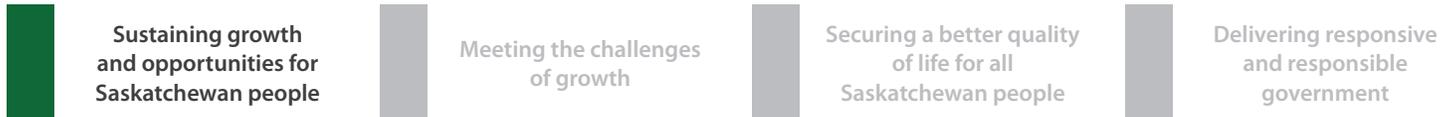
- There was an increase in advocacy services of 61.5 per cent, as 1,657 injured workers and families sought advice and assistance throughout the Workers' Compensation Board (WCB) appeal process, compared to 1,026 in 2018-19.
- In addition, 129 appellants were provided assistance with appeals to the Automobile Injury Appeal Commission on Saskatchewan Government Insurance (SGI) claims since the pilot started on October 1, 2019.

You can find the 2019-20 ministry plan at <https://publications.saskatchewan.ca/#/products/100140>

Progress in 2019-20

Ministry/Organization Goal One

Government Goals



Strategic priority from the *Saskatchewan Plan for Growth*: encourage healthy, safe and fair workplaces.

Ministry Goal

Reduce the provincial total injury rate by 50 per cent by 2020, with the ultimate target being Mission: Zero.

Strategy

- Expand the targeted intervention strategy to reduce workplace injuries.
- Increase evidence-based and sector-specific inspections to reduce injury rates.
- Continue the *WorkSafe Saskatchewan* partnership to focus on injury rate reduction.

Key Actions and Results

Expand the targeted intervention strategy to employers with serious injuries and high time loss injury rates.

- When the targeted intervention strategy was implemented in 2012-13, the focus was on analyzing industry and employer data to identify employers with the highest injury rates. The ministry assisted these employers in reducing the incidents of workplace injuries through inspections and compliance improvement plans.
- The program has expanded to include smaller employers with higher than average injury rates. As part of this initiative, 1,967 worksite visits of selected employers were conducted.
- The focus has now shifted to those employers that have a higher than average number of serious injuries and time loss-time injury rates, including other high-risk sectors that have been identified for mitigation.
- As of March 31, 2020:
 - A total of 232 employers, employing nearly 28 per cent of all full-time employees covered by the Workers' Compensation Board (WCB), have been identified and enrolled in the program;
 - To date, the strategy has resulted in a reduction of 2,328 (or 27 per cent) injury claims among employers in the priority employer program, which is one element of the targeted intervention strategy.

Continue to work with targeted employers whose injury rates have declined to ensure the reduction can be sustained. This includes:

- Injuries among priority employers are monitored monthly, and any concerns are addressed in a timely manner.
- The Occupational Health and Safety Division continues to work with safety association partners, including in the healthcare and construction sectors, to align approaches and leverage strengths to reduce injury in high-occurrence occupations.

Work collaboratively with *WorkSafe Saskatchewan* to assist employers to further reduce their injury rate.

- The division worked closely with the Workers' Compensation Board to advance the objectives of *WorkSafe Saskatchewan*, including implementation of a new Fatalities and Serious Injuries Strategy.

Progress in 2019-20

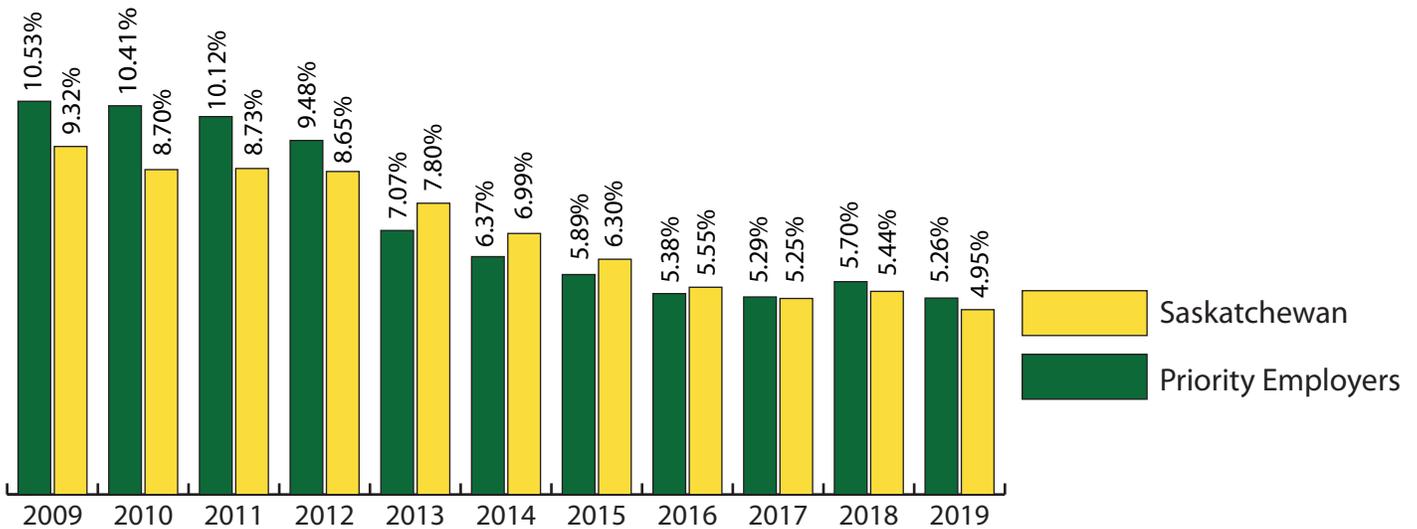
Ministry/Organization Goal One

Performance Measure Results

Total Injury Rate

The provincial total injury rate has been reduced by 42.8 per cent since the targeted intervention strategy was implemented in 2012-13.

Total Injury Rate (per 100 full-time workers) for Priority Employers and Saskatchewan

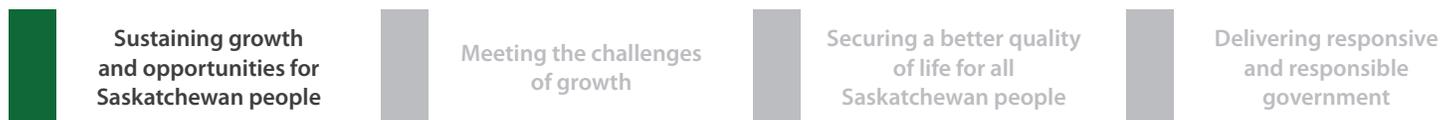


The graph above shows the total injury rate for priority employers as compared to the provincial rate for the period 2009 to 2019. Priority employers are organizations with the highest injury rates in the province. These employers have the greatest need for assistance to reduce injuries in their organizations. The ministry target was 4.32 per cent.

Progress in 2019-20

Ministry Goal Two

Government Goals



Strategic priority from the *Saskatchewan Plan for Growth*: encourage healthy, safe and fair workplaces.

Ministry/Organization Goal

Increase compliance with employment standards to ensure a level playing field.

Strategy

- Promote greater awareness of workplace rights and responsibilities.
- Adopt service delivery approaches that more closely match client needs.
- Leverage collaborative stakeholder relationships to increase compliance with the legislation.

Key Actions

Promote minimum conditions of employment through education and enforcement activities.

- The Employment Standards Division investigated 1,846 complaints which resulted in almost \$1.7M being collected for 1,479 employees.
- The number of youth and vulnerable employees completing the Young Worker Readiness Certificate Course (YWRCC), which provides education on workplace rights and responsibilities, increased from 9,584 in 2018-19 to 10,390 in 2019-20. Youth between the ages of 14 and 15 are required to complete the course prior to gaining employment. Almost 95 per cent of those participants were under 19 years of age.
- The division produced 20 presentations on employment standards topics for employers, employees and representative groups. As of March 31, 2020, a total of 4,639 participants attended live webinars (2,294), accessed a webinar rebroadcast (1,420) or attended an in-person seminar (925) in the workplace or community. This is a 42.4 per cent increase over the 2018-19 total of 3,258 participants.
- Five webinars on changes to the Act and regulations related to COVID-19 were attended by 1,000 participants.

Strengthen partnerships with stakeholders to ensure services meet needs of clients.

- The division collaborates with community stakeholders and agencies on issues of mutual interest, including the Saskatchewan Chamber of Commerce, the Canadian Federation of Independent Business, the Saskatchewan Safety Council, community-based organizations, school divisions and teachers, immigration and migration associations and organizations representing the hospitality and retail industries.

Continue to educate and enforce *The Foreign Worker Recruitment and Immigration Services Act*.

- The responsibility for administration and compliance of *The Foreign Worker Recruitment and Immigration Services Act* was transferred to the ministry in 2017. As of March 31, 2020:
 - 3,559 employers were actively registered in 2019-20 compared to 3,422 in 2018-19;
 - 476 individuals, including: 199 consultants, 30 recruiters and 247 individuals designated as both consultants and recruiters were licenced, compared to a total of 413 active licensees in 2018-19;

Progress in 2019-20

Ministry Goal Two

- 84 investigations were completed resulting in the suspension of 15 employer registrations and the cancellation of three certificates. In 2018-19, 72 investigations resulted in eight employer registration suspensions.
- 473 employer audits showed a 97 per cent compliance rate, compared to 460 audits with a 99 per cent compliance rate in 2018-19.

Performance Measure Results

Rate of Compliance

- In 2019-20, a methodology was created for calculating an employment standards compliance index. A baseline will be developed in 2020-21.

YWRCC Completion Rate

- In 2019-20, 10,390 certificates were awarded to participants in the YWRCC, an increase of 806 or 8.4 per cent from the previous year.

Service Delivery

- In 2019-20, 86 per cent of claims were resolved prior to formal enforcement actions, compared to 84 per cent in 2018-19.

Progress in 2019-20

Ministry Goal Three

Government Goals



Strategic priority from the *Saskatchewan Plan for Growth*: maintain a fair and balanced labour environment while sustaining Saskatchewan's economic growth.

Ministry/Organization Goal

Foster a fair and balanced employment environment.

Strategy

- Promote leading practices in the areas of occupational health and safety, employment standards, labour relations and workers' advocacy.
- Ensure legislation and regulations remain relevant to the modern workplace.
- Ensure stakeholders are engaged in legislative, regulatory and program reviews.

Key Actions

Work cooperatively with jurisdictional counterparts in analyzing and implementing leading practices.

- The Ministry continues to work cooperatively with counterparts on subcommittees of the Canadian Association of Administrators of Labour Legislation to identify areas of mutual interest and concern. This has included the identification of best practices and tools to address the COVID-19 pandemic.
- The Office of the Workers' Advocate works cooperatively with jurisdictional counterparts on the Canadian Association of Workers' Advisors and Advocates to identify and implement leading practices in advocacy and representation of injured workers and families.
- Ministry officials engaged with New West Partners, Council of the Federation and through the Canada Free Trade Agreement on harmonizing occupational health and safety standards that inhibit the free flow of people, goods, services and investment across the country. Initial steps include harmonization of certain personal protective equipment provisions.

Conduct legislative/regulatory review of *The Saskatchewan Employment Act* as per statutory requirements.

- In 2019-20, comprehensive reviews of Parts I, IV (Appeals), V (Radiation Health and Safety), and VI (Labour Relations) of *The Saskatchewan Employment Act* were completed in compliance with section 9-13 of the Act, Bill 200:
 - ⇒ Part II – Employment Standards
 - Increases parental leave by up to eight weeks and provides leave to employees running for election to a Band Council.
 - ⇒ Part IV- Appeals
 - Enables appeals under Part V (Radiation Health and Safety); establishes a time period for directors to appeal an adjudicator's decision and allows the Labour Relations Board to compel a decision or replace an adjudicator.

Progress in 2019-20

Ministry Goal Three

⇒ Part V – Radiation Health and Safety

- Provides radiation health officers with additional enforcement mechanisms; establishes an appeal process and introduces a graduated penalty for offences.

⇒ Part VI- Labour Relations

- Repeals the unfair labour practice provisions prohibiting strikes or lockouts when an application is pending before the Labour Relations Board but not while a matter is before a labour relations officer, special mediator or a board of conciliation.

Engage with stakeholders in an open, transparent and inclusive manner.

- Conducted a broad consultation with key stakeholder groups on harmonizing of some personal protective equipment provisions in *The Occupational Health and Safety Regulations, 1996*.
- Consulted with all interested parties on Part V (Radiation Health and Safety) of *The Saskatchewan Employment Act*.
- Worked with partners to lay the foundation for development of enhanced asbestos awareness training and education for workers and employers in Saskatchewan.

In response to COVID-19, *The Saskatchewan Employment Act* and *The Employment Standards Regulations* were amended to address employer and employee issues:

- Bill 207, *The Saskatchewan Employment (Public Health Emergencies) Amendment Act, 2020* establishes an unpaid leave for employees; and
- *The Employment Standards (Public Emergencies) Amendment Regulations, 2020* established a temporary layoff provision during a public emergency.

Performance Measure Results

Percentage of legislative, regulatory and program reviews completed on schedule

- In 2019-20, the ministry completed the two scheduled reviews of Parts of *The Saskatchewan Employment Act*.
- The review of *The Radiation Health and Safety Regulations, 2005* were deferred to 2020-21.

As a result, 67 per cent of the scheduled reviews were completed on time.

Recognizing those that Lost Their Lives in the Workplace

The Government of Saskatchewan is committed to Mission: Zero and to bringing everyone home safe at the end of the day. In 2019, 36 workers lost their lives due to a workplace injury or illness. Not included in that list are the estimated 13 people who lost their lives working on Saskatchewan farms and ranches each year.

We honour each of these individuals by renewing our commitment to health and safety in the workplace.

Those that have lost their lives include:

- Louis Antal
- Shirley Barr
- Lorne Beer
- Mark Biglin
- Murray Broad
- Stephen Brown
- Clifford Bueckert
- Erick (Leroy) Coates
- Morley Coleman
- Leslie Hajdu
- Kris Hockley
- Ian Irwin
- Lisa Johnson
- Francis (Frank) Kunz
- Douglas Lachambre
- John Mansuy
- Kevin Milnes
- Ronald Mogg
- Louis Nault
- Richard Oak
- Knute Olsen
- Wayne O'Quinn
- Reginald Reimche
- Danny Rider
- Thomas (Les) Rogers
- Braeden Rudolph
- Keith Schentag
- Leigh Schroeder
- William Styranko
- Edward Thibault
- Donald Thibodeau
- Brendan Unger
- John Vanderhulst
- Lloyd Wedewer
- Richard Wills
- August Zepick

2019-20 Financial Overview

(in thousands of dollars)				
	2018-19 Actual	2019-20 Budget	2019-20 Actual	2019-20 Variance Over/ (Under)
Revenue				
Proceeds from Other Funds	\$12,858	\$13,822	\$13,020	(\$802) ⁽¹⁾
Receipts from Federal Government	165	250	180	(70)
Privileges, Licenses and Permits	15	9	17	8
Sales, Services and Service Fees	53	58	58	0
Other Revenue	44	0	19	19
Total Revenue	\$13,135	\$14,139	\$13,294	(\$845)
Expenditure				
Central Management and Services	\$4,510	\$4,668	\$4,504	(\$164) ⁽²⁾
Occupational Health and Safety	8,642	9,127	8,976	(151) ⁽³⁾
Employment Standards	2,912	2,978	3,061	83
Labour Relations Board	1,073	1,000	944	(56)
Labour Relations and Mediation	664	689	773	84
Workers' Advocate	965	1,068	1,079	11
Expenditures/Appropriation	\$18,766	\$19,530	\$19,337	(\$193)
Capital Asset Acquisitions	209	0	0	0
Amortization of Capital Assets	92	130	92	(38)
Total Revised Estimates and Expenses	\$19,067	\$19,660	\$19,429	(\$231)

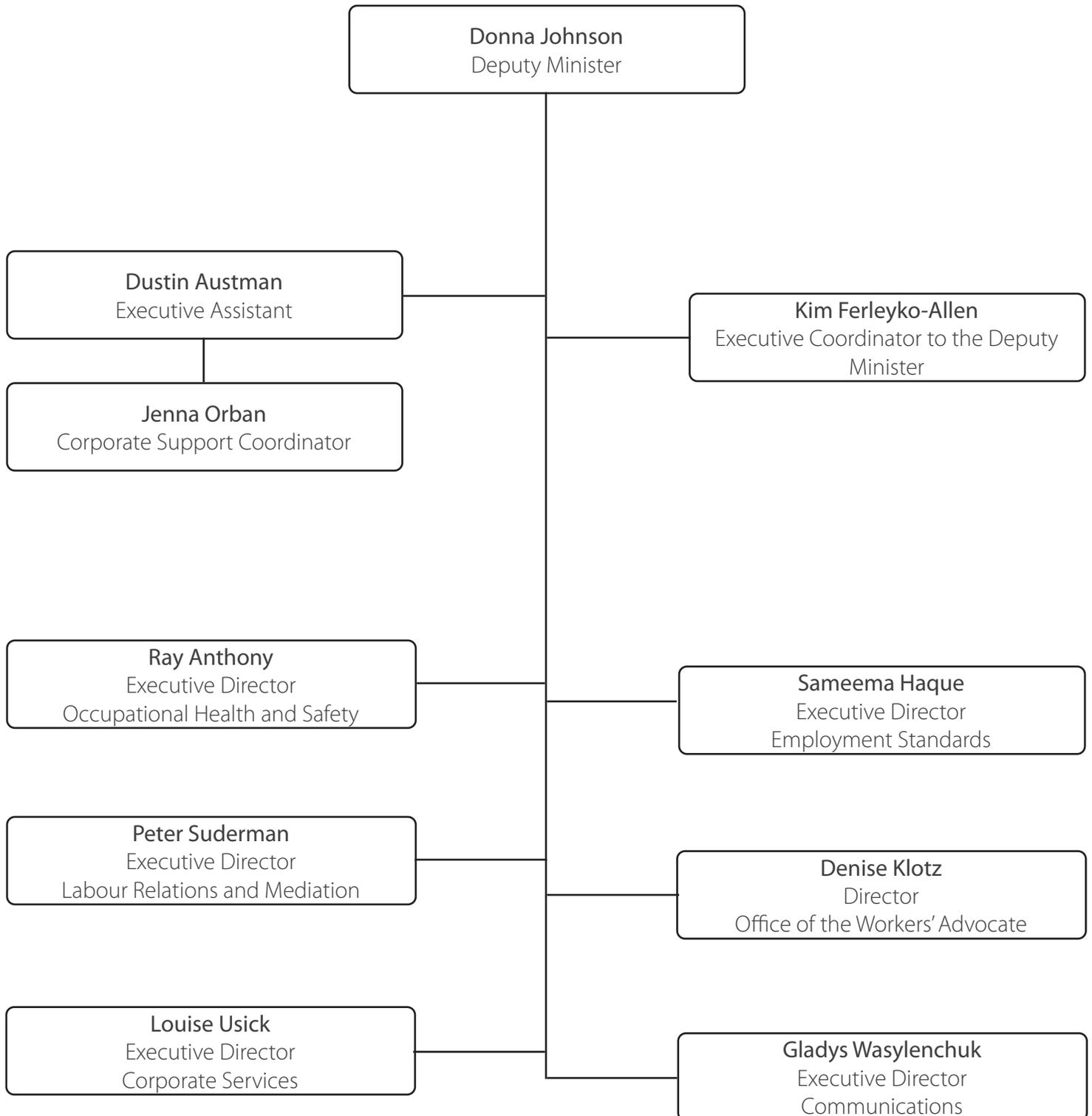
Explanation of variances which exceed \$100,000 between Budget and Actual:

1. Lower than anticipated revenue from the Workers' Compensation Board due to a decrease in filled positions.
2. The variance was due to savings in communications expenditures.
3. The variance was due to vacancy management.

Additional financial information can be found in the Government of Saskatchewan Public Accounts located at <https://publications.saskatchewan.ca/#/categories/893>

Organization Chart

Ministry of Labour Relations and Workplace Safety Organization Chart



For More Information

If you have any questions or comments, we invite you to call (306) 798-5020 or contact:

Ministry of Labour Relations and Workplace Safety
Communications
300-1870 Albert Street
Regina, Saskatchewan S4P 4W1

To obtain more information about the programs and services contained in this annual report or to view other annual reports from this ministry, please visit our website at saskatchewan.ca.

