

The Employment Program Regulations, 2021

being

[Chapter E-13.1 Reg 15](#) (effective April 1, 2021).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER E-13.1 REG 15
The Executive Government Administration Act

PART 1
Preliminary Matters

Title

- 1 These regulations may be cited as *The Employment Program Regulations, 2021*.

Definitions

- 2 In these regulations:

“**agreement**” means an agreement entered into between the minister and an applicant pursuant to section 6;

“**applicant**” means, a person that applies for financial assistance pursuant to section 4;

“**approved project**” means a project that has been approved pursuant to these regulations and for which an agreement has been or will be signed;

“**employer**” means an employer as defined in Part II of *The Saskatchewan Employment Act*;

“**employer-related support**” means any support that is for the benefit of an employer and:

(a) is based on the skills gap and labour market adjustment needs of the employer; or

(b) is intended to maximize the potential of the employers to prepare for, develop, recruit or retain workers;

and includes labour market research, needs assessments, strategic workforce planning and human resource strategies;

“**employment-related support**” means any support that:

(a) is for the benefit of a participant;

(b) is based on the needs of the participant; and

(c) is intended to maximize the potential of the participant to prepare for, attain or maintain employment or self-employment;

and includes mentoring, translation services, job coaching and equipment;

“**fiscal year**” means the period commencing April 1 in one year and ending on March 31 of the following year;

“**minister**” means the member of the Executive Council to whom for the time being the administration of these regulations is assigned;

“**ministry**” means the ministry over which the minister presides;

“**participant**” means a person who:

- (a) meets the requirements in section 3; and
- (b) takes part in an approved project;

“**personal information**” means personal information as defined in *The Freedom of Information and Protection of Privacy Act*;

“**personal health information**” means personal health information as defined in *The Health Information Protection Act*;

“**project**” means a project, service or activity and includes employer-related supports, employment-related supports and training;

“**record**” includes any information that is recorded or stored in any medium or by means of any device, including a computer or electronic media.

9 Apr 2021 c E-13.1 Reg 15 s2.

PART 2

Application and Basic Requirements

Eligibility re participants

3 To be a participant in an approved project and be eligible to receive or benefit from financial assistance pursuant to Part 3, a person must:

- (a) be legally entitled to work in Saskatchewan;
- (b) be one of the following:
 - (i) a Canadian Citizen;
 - (ii) a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);
 - (iii) if approved by the minister, a person in Canada under a temporary resident permit issued pursuant to the *Immigration and Refugee Protection Act* (Canada); and
- (c) meet any other eligibility criteria required by an applicable program established pursuant to section 4.01 of *The Human Resources, Labour and Employment Act*.

9 Apr 2021 c E-13.1 Reg 15 s3.

Application

4(1) An applicant who wishes to receive financial assistance pursuant to Part 3 shall:

- (a) apply to the minister for financial assistance in a form and manner satisfactory to the minister;
- (b) provide the minister with any information that the minister may reasonably require to:
 - (i) confirm the applicant's eligibility; and
 - (ii) determine whether the applicant's proposed project meets the purposes of Part 3;
- (c) meet any eligibility criteria required by an applicable program established pursuant to section 4.01 of *The Human Resources, Labour and Employment Act*; and
- (d) provide evidence satisfactory to the minister that:
 - (i) the applicant is capable of successfully carrying out the project for which financial assistance will be provided; and
 - (ii) it is in the public interest for the minister to approve the applicant's application for financial assistance.

(2) In addition to the requirements set out in subsection (1), when applying for financial assistance pursuant to Part 3, an applicant shall do any or all of the following if applicable:

- (a) agree to any audit procedures that the minister requires before, during or after the proposed project;
- (b) agree to comply with all applicable labour legislation, including maintaining coverage pursuant to *The Workers' Compensation Act, 2013*;
- (c) agree to disclose any funding received or that may be received pursuant to another program of the Government of Saskatchewan, the Government of Canada or any other source with respect to the same project for which financial assistance is being applied for pursuant to these regulations, including a list of costs covered by the financial assistance received or that may be received pursuant to the other program;
- (d) agree to proceed with the project only after the project is approved;
- (e) agree to contribute to any fees, expenses and other eligible costs in the manner and amount required by the minister;
- (f) provide the minister with informed consent from each participant for provision of personal information respecting that participant to the minister;
- (g) provide the minister with informed consent from each participant for provision of personal health information to the minister for the purposes of clause 8(f) or (k).

Approval

- 5(1)** On receipt of an application pursuant to section 4, the minister may:
- (a) approve the application; or
 - (b) subject to subsection (2), refuse to approve the application if the minister determines that it is appropriate to do so, including for the following reasons:
 - (i) the applicant has not met the requirements set out in these regulations;
 - (ii) the information provided by the applicant to the minister is incomplete, inaccurate or is not provided to the minister within the period specified by the minister;
 - (iii) the applicant has not provided the minister with any required forms or records related to a previously approved project for which an agreement was signed;
 - (iv) the applicant has not met any or all obligations to the Government of Saskatchewan pursuant to any Act or regulation.
- (2) If the minister refuses to approve an application pursuant to clause (1)(b), the minister shall provide the applicant with written notice of the decision together with reasons.

9 Apr 2021 c E-13.1 Reg 15 s5.

Agreements

- 6(1)** For the purposes of these regulations, the minister may enter into agreements with applicants.
- (2) Following approval of an application pursuant to section 5, the applicant shall enter into an agreement with the minister with respect to the approved project.
- (3) Every agreement between the minister and an applicant must:
- (a) be in writing;
 - (b) be signed by the applicant and the minister;
 - (c) set out the amounts, including any maximum limits, of the financial assistance to be paid to the applicant;
 - (d) set out in detail the terms and conditions necessary for the payment of the financial assistance;
 - (e) provide for a payment schedule, that may include advance or interim payments and that sets out the terms and conditions for the advance or interim payments;
 - (f) provide for an on-site monitoring visit by a representative of the minister during the term of the agreement or a reasonable alternative as determined by the minister;

- (g) provide for the applicant to make any audited financial records and statements that may reasonably be required by the minister to be made available to the minister;
- (h) set out the details of the approved project to be completed or provided and any other details that may be required by the minister;
- (i) set out either or both the results and outcomes that the approved project is intended to achieve and provide for methods satisfactory to the minister of measuring the results and outcomes; and
- (j) contain any other terms and conditions that the minister may determine that are consistent with the purpose and intent of these regulations.

9 Apr 2021 c E-13.1 Reg 15 s6.

PART 3

Training, Supports and Employment Partnerships

Criteria for this Part

7 Subject to the other provisions of these regulations, the minister may provide financial assistance pursuant to this Part for the following purposes:

- (a) to improve or strengthen participants' employability including helping participants prepare for, attain or maintain employment or self-employment;
- (b) to assist employers with the development, recruitment or retention of workers.

9 Apr 2021 c E-13.1 Reg 15 s7.

Amount of financial assistance and eligible costs

8 The amount of financial assistance that the minister may pay to an applicant with respect to an approved project that is the subject of a written agreement is an amount equal to the amount that the minister considers necessary to cover the following costs:

- (a) any instructor or mentor salaries, including any mandatory employer costs related to employing an instructor or mentor;
- (b) any administrative costs;
- (c) any costs associated with facility and equipment rentals required for the approved project;
- (d) any costs associated with project development;
- (e) any costs respecting learning materials, including costs related to supplies, textbooks, software, equipment or any other required materials;
- (f) any costs associated with acquiring employment-related supports reasonably required by participants;
- (g) any costs associated with acquiring employer-related supports;

- (h) any costs associated with services provided to participants by persons other than those employed or engaged by the applicant;
- (i) any costs for insurance to cover the applicant and participants;
- (j) any costs to subsidize the wage or salary of participants;
- (k) any costs incurred by the participant for dependent care, disability needs, transportation and other special needs;
- (l) any costs associated with travel, meals or accommodations reasonably required in delivering the approved project;
- (m) tuition fees, examination fees, mandatory student fees or fees charged by a training provider;
- (n) any costs associated with the delivery of outcomes mentioned in clause 6(3)(i);
- (o) any other costs similar to those mentioned in clauses (a) to (n) that the minister considers appropriate.

9 Apr 2021 c E-13.1 Reg 15 s8.

Liability insurance

9 Applicants who receive financial assistance pursuant to this Part must ensure that participants are covered by adequate liability insurance in the event of damage or injury as a result of participating in the approved project.

9 Apr 2021 c E-13.1 Reg 15 s9.

**PART 4
Administration**

Limits on financial assistance

10 Notwithstanding any other provision of these regulations, if the minister considers it appropriate, the minister may do either or both of the following:

- (a) limit funding in any area, region, sector or respecting any project initiative;
- (b) limit the total amount of financial assistance paid to any applicant or participant.

9 Apr 2021 c E-13.1 Reg 15 s10.

Payment

11(1) Subject to the other provisions of these regulations and the terms and conditions of the agreement, financial assistance is payable when the minister is satisfied that the applicant has complied with all of the requirements of these regulations and the agreement.

(2) The minister may withhold any payments if the applicant has not complied with the requirements set out in these regulations or the agreement.

9 Apr 2021 c E-13.1 Reg 15 s11.

Overpayment

12(1) If an applicant contravenes any provision of these regulations or the agreement, the minister may declare that any payments received by the applicant pursuant to these regulations are overpayments.

(2) Any overpayment made to an applicant is a debt due to the Crown and may be recovered in any manner authorized by law.

9 Apr 2021 c E-13.1 Reg 15 s12.

PART 5**Repeal, Transitional and Coming into Force****RRS c G-5.1 Reg 83 repealed**

13 *The Employment Program Regulations* are repealed.

9 Apr 2021 c E-13.1 Reg 15 s13.

Transitional re agreements and applications

14(1) In this section, “**former regulations**” means *The Employment Program Regulations* as they existed on the day before the coming into force of these regulations.

(2) Any agreement entered into pursuant to the former regulations is deemed to be an agreement entered into by the minister pursuant to these regulations and may be dealt with pursuant to these regulations.

(3) Any application for financial assistance made pursuant to the former regulations, but not completed before the coming into force of these regulations, is continued and is to be dealt with pursuant to these regulations as if it were made pursuant to these regulations.

9 Apr 2021 c E-13.1 Reg 15 s14.

Coming into force

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

9 Apr 2021 c E-13.1 Reg 15 s15.

