

1980-81

CHAPTER 63

An Act to amend The Labour Standards Act

(Assented to May 19, 1981)

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 Labour Standards Amendment Act, 1981*.

S.S. 1980-81, c.63, s.1.

Rev. Stat. c.L-1

2 *The Labour Standards Act* is amended in the manner set forth in this Act.

S.S. 1980-81, c.63, s.2.

Section 43 amended

3 **Section 43 is repealed and the following substituted:**

“Notice of discharge

43(1) Where an employee has been in the continuous service of his employer for at least three consecutive months, the employer shall not:

- (a) discharge the employee, except for just cause; or
- (b) lay off the employee;

without giving the employee at least:

- (c) one week's written notice, where his period of employment is less than one year;
- (d) two weeks' written notice, where his period of employment is one year or more but less than three years;
- (e) four weeks' written notice, where his period of employment is three years or more but less than five years;
- (f) six weeks' written notice, where his period of employment is five years or more but less than 10 years;
- (g) eight weeks' written notice, where his period of employment is 10 years or more.

“(2) For the purposes of subsection (1), shortage of work does not constitute just cause.

“(3) Notwithstanding subsection (1), no employer is required to give notice to an employee under this section where the employment relationship is temporarily terminated for disciplinary purposes for a period of not more than 90 days”.

S.S. 1980-81, c.63, s.3.

Section 44 amended

4 Subsection 44(2) is repealed and the following substituted:

“(2) Where, contrary to section 43, an employer discharges an employee without having given the notice required by that section, he shall pay to the employee, with respect to the minimum period of notice required under section 43, a sum equal to the employee’s normal wages, not including overtime, for that period.

“(2.1) Where, contrary to section 43, an employer lays off an employee without having given the notice required by that section, he shall pay to the employee, with respect to the period of the layoff, a sum equal to the employee's normal wages, not including overtime, for the lesser of:

- (a) the period of the lay-off; and
- (b) the minimum period of notice required under section 43”.

S.S. 1980-81, c.63, s.4.

Section 56 amended

5 Section 56 is amended:**(a) by repealing subsection (1) and substituting the following:**

“Trust created for wages due, “purchase money security interest”

(1) In this section:

(a) ‘**purchase-money security interest**’ means:

- (i) a security interest that is taken or reserved by a seller of personal property to secure payment of all or part of its sale price; or
- (ii) a security interest that is taken by a person who gives value for the purpose of enabling the debtor to acquire rights in or to the personal property, to the extent that the value is applied to acquire such rights;

“**security interest**”

(b) ‘**security interest**’ means an interest in property that secures payment or performance of an obligation.

“(1.1) Notwithstanding any other Act, every employer shall hold all wages accruing due or due to an employee in trust for the employee for the payment of those wages in the manner and at the time provided under this Act and the regulations, and, in the event that such wages are not held in trust, the employer is deemed to hold an amount equal to the amount of wages in trust for the employee.

“(1.2) Wages accruing due or due to an employee are deemed to be secured by a security interest upon the property and assets of the employer or his estate, whether or not such property or assets are subject to other security interests, and the security interest for wages is payable in priority to any other claim or right in the property or assets, including any claim or right of the Crown in right of Saskatchewan, and, without limiting the generality of the foregoing, that priority extends over every security interest, lien, charge, encumbrance, mortgage, assignment, including an assignment of book debts, debenture or other security, whether perfected within the meaning of *The Personal Property Security Act* or not, made or given, accepted or issued before or after the wages accrued due, without registration or other perfection of the deemed security interest for wages.

“(1.3) Notwithstanding subsection (1.2), the charge mentioned in that subsection does not take priority over:

- (a) a purchase-money security interest that is:
 - (i) taken prior to the wages’ accruing due;
 - (ii) registered within the time periods mentioned in section 21 of *The Personal Property Security Act*;
- (b) a mortgage of real property granted by an employer prior to the wages’ accruing due;
- (c) the interest of a seller under an agreement for sale of real property or under a mortgage back arrangement or the interest of a person who gives value for the purpose of enabling an employer to acquire rights in real property, to the extent that the value is applied to acquire such rights”;
- (b) by striking out “subsection (1)” in subsection (2) and substituting “subsections (1.1) to (1.3)”;**
- (c) by striking out “subsection (1)” in subsection (3) and substituting “subsection (1.1)”;** **and**
- (d) by striking out “, (2) and” in subsection 4 and substituting “to”.**

S.S. 1980-81, c.63, s.5.

Coming into force

- 6(1)** Subject to subsection (2), this Act comes into force on the day of assent.
- (2) Sections 3 and 4 of this Act come into force on a day to be fixed by proclamation of the Lieutenant Governor.

S.S. 1980-81, c.63, s.6.

