

BILL

No. 153

An Act to amend *The Saskatchewan Employment Act* respecting Leaves

(Assented to _____)

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 (Leaves) Amendment Act, 2018*.

SS 2013, c S-15.1 amended

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

Section 2-46 amended

3 **Clause 2-46(2)(a) is amended by adding “, critically ill adult care leave” after “critically ill child care leave”.**

New section 2-47

4 **Section 2-47 is repealed and the following substituted:**

“Medical evidence

2-47(1) In this section, ‘**nurse practitioner**’ means a nurse who is entitled pursuant to *The Registered Nurses Act, 1988* to practise in the nurse practitioner category.

(2) If an employment leave involves a medical issue and the employer so requires, the employee shall provide written evidence in the form of a certificate from a duly qualified medical practitioner or nurse practitioner as to the reason for the leave or the extension of the leave.

(3) If an employment leave requires the verification of other circumstances and if the employer so requires, the employee shall provide written evidence to verify those circumstances, in the prescribed manner”.

Section 2-48 amended

5 **Subsection 2-48(1) is amended by striking out “52 weeks” and substituting “78 weeks”.**

Section 2-49 amended

6(1) **Subsection 2-49(1) is repealed and the following substituted:**

“(1) Subject to subsections (2) and (7), an employee who is pregnant is entitled to a maternity leave of 19 weeks commencing at any time during the period of 13 weeks preceding the estimated date of birth, and no later than the date of birth”.

(2) **Subsection 2-49(5) is amended in the portion preceding clause (a) by striking out “12 weeks” and substituting “13 weeks”.**

(3) Subsection 2-49(6) is amended by striking out “12 weeks” and substituting “13 weeks”.

(4) Subsection 2-49(8) is repealed and the following substituted:

“(8) Subject to subsection (2), the maternity leave to which an employee is entitled pursuant to subsection (7) is to consist of a period not exceeding 15 weeks commencing at any time during the period of nine weeks preceding the estimated date of birth”.

Section 2-50 amended

7 Section 2-50 is amended by striking out “18 weeks” and substituting “19 weeks”.

Section 2-51 amended

8(1) Subsection 2-51(1) is amended:

(a) in clause (a) by striking out “34 weeks” and substituting “59 weeks”; and

(b) in clause (b) by striking out “37 weeks” and substituting “63 weeks”.

(2) Subsection 2-51(2) is amended:

(a) in clause (a) by striking out “12 weeks” and substituting “13 weeks”; and

(b) in clause (b) by striking out “52 weeks” and substituting “78 weeks”.

New sections 2-56.1 and 2-57

9 Sections 2-56.1 and 2-57 are repealed and the following substituted:

“Interpersonal violence and sexual violence leave

2-56.1(1) In this section:

(a) ‘interpersonal violence’ means interpersonal violence as defined in *The Victims of Interpersonal Violence Act*;

(b) ‘victim’ means:

(i) an employee;

(ii) a child of an employee;

(iii) a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

(2) An employee is entitled to a leave of up to 10 days in a period of 52 weeks, which the employee may choose to take intermittently or in one continuous period, if a victim is subjected:

(a) to interpersonal violence by:

(i) a person who has been or who is in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee, regardless of whether they have lived together at any time;

(ii) a person who is the parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time;

- (iii) a person who is in an ongoing caregiving relationship with the employee, regardless of whether they have lived together at any time; or
 - (iv) any other prescribed person; or
- (b) to sexual violence.
- (3) Leave pursuant to this section may be taken for one or more of the following purposes:
 - (a) to seek medical attention for a victim with respect to a physical or psychological injury or disability caused by interpersonal violence or sexual violence;
 - (b) to obtain services from a victim services organization;
 - (c) to obtain psychological or other professional counselling;
 - (d) to relocate temporarily or permanently;
 - (e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal violence or sexual violence;
 - (f) any other prescribed purpose.
- (4) For the purposes of calculating when an employee's period of leave has been fully used in accordance with this section, only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.
- (5) An employer must:
 - (a) maintain confidentiality respecting all matters that come to the employer's knowledge in relation to leave taken by an employee pursuant to this section; and
 - (b) not disclose information relating to the leave to any person except:
 - (i) employees or agents of the employer who require the information to carry out their duties; or
 - (ii) with the consent of the employee to whom the leave relates.
- (6) A person to whom information is disclosed pursuant to clause (5)(b) must not disclose it to any other person unless it is to be used for the purpose for which it was originally disclosed or for a different purpose authorized by that clause.
- (7) If the employer so requires, the employee shall provide written evidence issued by one of the persons identified in subsection 12.4(4) of *The Victims of Interpersonal Violence Act* to verify the circumstances of the leave.

“Critically ill family care leave

2-57(1) In this section:

- (a) **‘critically ill adult’** means a critically ill adult within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada);
- (b) **‘critically ill child’** means a critically ill child within the meaning of the regulations made pursuant to the *Employment Insurance Act* (Canada);
- (c) **‘family member’** means a member of a class of persons prescribed pursuant to the regulations made pursuant to the *Employment Insurance Act* (Canada).

(2) An employee is entitled to:

- (a) critically ill child care leave of up to 37 weeks to provide care and support to the employee’s critically ill child family member; and
- (b) critically ill adult care leave of up to 17 weeks to provide care and support to the employee’s critically ill adult family member.

(3) An employee’s leave pursuant to subsection (2) ends:

- (a) if the employee is no longer providing care or support to the child family member or adult family member;
- (b) 52 weeks from the date the medical certificate is issued;
- (c) on the termination of the 37-week period or 17-week period, as the case may be, mentioned in subsection (2); or
- (d) on the death of the employee’s child family member or adult family member”.

Section 2-87 amended

10 Clause 2-87(1)(a) is amended in the portion preceding subclause (i) by adding “to make a representation on behalf of the Government of Saskatchewan or” before “to represent”.

New section 6-82

11 Section 6-82 is repealed and the following substituted:

“Interpretation of Division

6-82 In this Division:

- (a) **‘designated employers’ organization’** means a person, including a health sector employer, designated in the regulations made pursuant to this Part as the bargaining agent for health sector employers;
- (b) **‘health sector employer’** means a prescribed employer who provides publicly funded health services”.

Section 6-125 amended

12 Clause 6-125(a) is repealed and the following substituted:

“(a) for the purposes of Division 14:

- (i) designating a person to be the designated employers’ organization;
- (ii) imposing terms and conditions that the designated employers’ organization shall comply with in carrying out its duties and exercising its powers;
- (iii) prescribing principles that the board is required to consider when determining or changing any multi-employer bargaining units in the health sector;
- (iv) prescribing circumstances in which a member of the Executive Council or a prescribed person may intervene in any application before the board respecting a health sector employer or in any other matter governed by that Division;
- (v) prescribing any other matter or thing the Lieutenant Governor in Council considers necessary for the purposes of that Division; and
- (vi) prescribing health sector employers”.

Coming into force

13(1) Subject to subsection (2), this Act comes into force on assent.

(2) Sections 11 and 12 come into force on proclamation.

THIRD SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

No. 153

An Act to amend *The Saskatchewan Employment Act*
respecting Leaves

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
