



STANDING COMMITTEE ON HUMAN SERVICES

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STANDING COMMITTEE ON HUMAN SERVICES

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Barret Kropf
Dakota-Arm River

Hon. Colleen Young
Lloydminster

[The committee met at 17:04.]

Chair Weger: — Okay, welcome to the Standing Committee on Human Services. My name is Mike Weger and I'll be the Chair. To my left I have Mr. Tajinder Grewal chitting in for Noor Burki, Mr. Bhajan Brar chitting in for Brent Blakley, and Mr. Nathaniel Teed chitting in for April ChiefCalf. On my right I've got Mr. Barret Kropf, Mr. Kim Gartner, and Mr. Kevin Kasun chitting in for Minister Colleen Young.

Bill No. 4 — *The Workers' Compensation Amendment Act, 2024*

Clause 1

Chair Weger: — Today the committee will be considering two bills. We'll first consider Bill No. 4, *The Workers' Compensation Amendment Act, 2024*, beginning with the consideration of clause 1, short title. Minister Reiter is here with officials from the ministry. I would ask that officials please state their names before speaking and please don't touch the microphones. The Hansard operator will turn your microphone on when you are speaking to the committee. Minister, please introduce your officials and make your opening remarks.

Hon. Jim Reiter: — Thank you, Mr. Chair. Today I have with me Phil Germain, who is the CEO [chief executive officer] of Workers' Compensation Board; Veronica Gelowitz, who's the deputy minister of Labour Relations and Workplace Safety; Elissa Aitken, assistant deputy minister; Pat Parenteau, executive director of corporate services; and Anastasiia Solovka, director of policy.

In 2024 amendments came into force that provided firefighters with presumptive coverage for 22 forms of cancer. This made Saskatchewan a leader when it comes to protecting firefighters. Bill 4, *The Workers' Compensation Amendment Act, 2024* looks to provide the same level of presumptive coverage to wildland firefighters.

Additionally we are looking to expand coverage for out-of-province workers whose normal place of residence is Canada. The bill also has several housekeeping amendments to improve the clarity and consistency of the language of the Act.

This bill positions us as a leader in providing protection and compensation for injured workers in Canada. And now, Mr. Chair, we'd be happy to answer any questions.

Chair Weger: — Thank you, Minister. I'll now open the floor for questions. MLA [Member of the Legislative Assembly] Teed.

Nathaniel Teed: — Thank you so much. As I left remarks in adjourned debates, I'm going to jump into questions right away here. But in those remarks yesterday, I mentioned that the official opposition of course supports the coverage extension of wildlife firefighters within Bill 4, as we did the extension of occupational diseases and presumption of firefighters to the 22 cancers they've been lobbying.

I've recently been in contact with a group of actors in the province who find themselves in a situation not covered by the

WCB [Workers' Compensation Board] — a unique situation, as I understand. We're one of the few provinces that doesn't cover actors. They're advocating for coverage because in these cases, actors would need to see, or productions need to see, additional insurance as purchased when productions come into play.

Another example, teachers who've historically been not covered under WCB, instead protected under their own agreement. So my question to start with that preamble is, can you give me a bit of insight into how the government works to decide who is covered and who is not covered under WCB?

Phil Germain: — Phillip Germain, CEO of the Saskatchewan Workers' Compensation Board. So as it relates to coverage-related, there's a list in the regulations regarding occupations and industries that aren't covered. Those will typically get reviewed every five years. Within the Act itself, WCB has a mandatory review of the legislation, regulations, policies, administration of the Act. It's an independent review that happens every five years. And it's those types of issues that typically get raised through the regular cycle of the committee of review.

Nathaniel Teed: — And so in the case of the decisions made, you know, in this bill we're extending coverage to wildland firefighters. But in the cases of . . . For example, the actors continue to be outside. What kind of decision-making process in that review do we say, okay, we're going to bring actors now under WCB? You know, is it feedback from stakeholders or that engagement process?

Phil Germain: — So as it relates to kind of who's in and who's out, a lot of it is historical. But as we move forward, what happens is either groups connect with the government of the day or the opposition or the committee of review itself and, I'll say, lobby, make their case for who's in or who's out of the Workers' Compensation system. We ourselves as the administration don't typically get too deeply involved other than to provide support and research related to the topic.

Nathaniel Teed: — And so in the case with wildland firefighters, would you say that's coming from the minister or is it coming from the legislature? For example, when saying, let's make that decision now; let's move them into the coverage.

Hon. Jim Reiter: — So that decision was made before I was minister. And I'm going to get Phil to give you a bit more detail, but my understanding is that that issue was raised in committee and the minister agreed to take it away and look at it at the time. But, Phil, if you could give more . . .

Phil Germain: — Yeah, so there was a question through committee or through estimates that, as it related to Bill 138 and why wildland firefighters or wildfire firefighters were not necessarily covered under the presumptions, because a couple of other jurisdictions were starting to look at it. And the minister of the day agreed to take that away and look at it and then brought forward the proposed legislation.

Nathaniel Teed: — Fantastic, thank you so much. That offers an understanding of how the process works. And I would certainly share the advocacy work that actors in Saskatchewan have passed on to me, that they feel that it would be better for the whole

system. You know, often actors are considered gig workers, and often there's concerns about productions, specifically non-union productions, not . . . You know, they want to make sure that those insurances are being purchased so that they feel safe when they are working on those productions.

Of course a union production, actors, the insurances are always brought through because that's a requirement of a union set situation. So I just wanted to raise that, and appreciate the clarity on how this process works. And we'll certainly also engage with those stakeholders and perhaps advise them to engage with this committee if that's . . . Awesome, thank you so much.

I'm going to move on to coverage for workers outside the province working for Saskatchewan-based companies, again a very welcome amendment. Can you share with me a bit about how prevalent cases of non-residents working for Saskatchewan companies have been up until now?

Phil Germain: — So as it relates to extending coverage for workers outside of the province, the impetus for this was a situation where an employer had a worker working in Quebec. And because the employer didn't have a place of business in Quebec, there was a unique legislative loophole where that worker wasn't covered in Quebec or Saskatchewan.

So we had notified the minister of the day that there was this loophole that existed. That, coupled with the fact that many workplaces are looking across the province, across Canada, across the world to find the talent that they need; some of those people are working remotely. And so with that, we were looking for an opportunity to create a little more flexibility in creating those protections and coverage.

[17:15]

Nathaniel Teed: — Appreciate that. I guess that actually maybe jogs another question is, when you are looking at folks . . . and now companies are engaging so many folks remotely. Does WCB cover workers who work remotely and would be injured in their home?

Phil Germain: — Yes, we do. Like as long as the employer is registered and it's a known worker for the employer that's an actual work situation with a covered industry, a covered worker, they would be covered under work within certain parameters. So it's, you know, if you were out walking your dog during your break and tripped and fell that might not be covered, but you know, if you're in your work area and something happened, there would be coverage for that.

Nathaniel Teed: — Wonderful, thank you so much. My next question involves the compensation to be withheld for workers in prisons outside of Saskatchewan. And so my first question would be, does this bring us in line with other jurisdictions in Canada? Would they be doing a similar process?

Phil Germain: — So the main purpose of the legislative change was just a loophole where if somebody's incarcerated, while on rehabilitation or return to work, they can't rehabilitate or return to work, so they can't attend their medical. And the loophole . . . So within the province, the legislation allowed us to withhold payment while they were incarcerated and then restart the

process once they got out.

But there was a loophole where if that same individual ended up going to another province and got incarcerated, our legislation wasn't specific enough to allow us to stop that payment temporarily while the person was incarcerated. So this is really closing a loophole to make it fair and appropriate for all workers under similar circumstance.

Nathaniel Teed: — Appreciate that. My next question was to ask if we did the same for folks who are on WCB compensation who are incarcerated in Saskatchewan. We pause that, restart it when they are . . .

Phil Germain: — Right.

Nathaniel Teed: — Perfect. Thank you so much. My next question is just about board members. The legislation seeks to see that board members whose terms expired can continue cases. Were we seeing this quite prevalent? Again, is this a loophole that we're closing, or is this allowing board members to finish cases and then finish the end of their terms?

Phil Germain: — Yeah, so this is allowing for a particular circumstance where we had a board member who was partway through a number of appeals. And given the specific or unique nature of our legislation compared to maybe other types of agencies and Crowns, it resulted in the individual not being able to complete those appeal processes. So this legislation allows us to finish the work that's been started and not carry on. So it's less disruptive for the customers.

Nathaniel Teed: — So would those cases be passed on to a new board member then? Or would that . . . I guess if a board member was leaving, would their case file continue with another board member?

Phil Germain: — So in the cases I'm talking about, we actually had to reschedule all those appeals with new people in that particular case. So this legislation will enable that not to happen and be less disruptive for those customers. It was a small number, but it still creates continuity and helps the customer get through their process.

Nathaniel Teed: — Absolutely. Appreciate that. My last question, I just wanted to get a little bit of better explanation on the change when it comes to appeal decisions formatting. Were we seeing appeal decisions quite all over the place? Is that why this legislation goes in to formalize those decisions?

Hon. Jim Reiter: — Can I just get some clarification? You said formatting. I'm not clear on your question.

Nathaniel Teed: — The appeal decisions must be published in a format in keeping with regulations. So that was part of this bill, yeah.

Phil Germain: — The original legislation was prescriptive on us publishing on our website. So what it enabled is us to be able to publish in a much more efficient, effective way. And most agencies publish through a site called CanLII. And so through our research we were able to adopt that. But from a technical perspective, this legislation allows us to publish on a more

readily used site where people go to look for these types of decisions.

Nathaniel Teed: — Well thank you so much. I think that's all my questions for Bill 4 tonight.

Chair Weger: — Are there any more questions or comments from any committee members? Seeing none, we will proceed to vote on the clauses.

Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried.

[Clause 1 agreed to.]

[Clauses 2 to 10 inclusive agreed to.]

Chair Weger: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Workers' Compensation Amendment Act, 2024*.

I would ask a member to move that we report Bill No. 4, *The Workers' Compensation Amendment Act, 2024* without amendment.

Kim Gartner: — I so move.

Chair Weger: — MLA Gartner moves. Is that agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried. Minister, do you have any closing comments?

Hon. Jim Reiter: — I do. I'd like to thank you, Mr. Chair, staff, the committee members, also the opposition members for their respectful discussion and questions, and the staff for being here as well. Thank you, Mr. Chair.

Chair Weger: — MLA Teed, any comments?

Nathaniel Teed: — Yes, thank you so much, appreciate it. Will echo the remarks of the minister. Thank you all for being here tonight, Chair, committee members, and thank you all to the folks who come and make this all happen. So appreciate you being here tonight.

Chair Weger: — And I'll echo those comments. And do we need to take a brief recess to change out officials?

A Member: — We can start right away if you like.

Chair Weger: — Okay, no recess necessary.

Bill No. 5 — *The Saskatchewan Employment Amendment Act, 2024*

Clause 1

Chair Weger: — We will now move on to consideration of Bill

No. 5, *The Saskatchewan Employment Amendment Act, 2024*, beginning with the consideration of clause 1, short title. Minister Reiter again here with his officials from the ministry. I won't report the reminders about the microphone. Minister, please introduce your officials and make your opening remarks.

Hon. Jim Reiter: — Thanks, Mr. Chair. Much the same officials, just with one change, but I'll just run through them quickly. We have our deputy minister, Veronica Gelowitz; Elissa Aitken, assistant deputy minister; Pat Parenteau, executive director of corporate services; Glen McRorie, executive director; and Anastasiia Solovka, director of policy.

Our government believes in fair and balanced employment laws that meet the needs of modern workplaces. Our government listened to stakeholders and introduced amendments that support our growing economy and protects workers.

The amendments include allowing employers to use a calendar day rather than 24 consecutive hours for the purposes of work schedules and overtime provisions; prohibiting employers from withholding tips from their employees; increasing the threshold when employers are required to notify employees, the minister, and the union of a group termination from 10 employees to 25 employees; limiting when employers can request sick notes; providing the director of employment standards with the authority to order reinstatement or compensation for lost wages in cases of discriminatory action by an employer; and extending leave provisions related to sick leave, maternity leave, interpersonal violence leave, and bereavement leave.

These amendments strike the right balance. Now we'd be happy to answer any questions.

Chair Weger: — Thank you, Minister. I'll now open the floor for questions. MLA Teed.

Nathaniel Teed: — Thank you so much, Mr. Chair. As I left remarks on the floor of the Assembly yesterday in adjourned debate, I'm going to jump right into questions. My first question is, is there a specific problem that Bill 5 is looking to solve?

Hon. Jim Reiter: — So officials tell me that this is required by the statute itself. The Act was passed in, I believe, 2014 and so this was the first review. It requires a review after 10 years, and then now subsequent reviews will have to happen every five years. So that's why the review is done.

Nathaniel Teed: — Can you give me a little bit of information on now in the Act . . . I'm going to jump down in my questions here. The Act makes amendments that would change the reviewing of the Act from 5 to 10 years. So the last time this Act was . . . 2014 was passed. Ten years have passed. We've reviewed it now. So can you provide clarity? In the Act now it's saying that we are going to go from 5 to 10 years to review, so that would . . .

[17:30]

Hon. Jim Reiter: — Officials tell me that, as I mentioned, after that first 10-year period it would require five-year increments. But what you were talking about is right. The proposed change here would be to allow it to go 10 years because they're feeling

that, for example, this review that they did — this is before I was minister — but they're saying it takes about 18 months to do. So in a five-year period you're kind of always in or out of a review.

So this would give them an opportunity to sort of give it time, give the amendments time to evaluate, to see if they change before they have to do another full-scale review. But I would just note that wouldn't preclude if some sort of glaring error or concern would come up, that doesn't preclude an amendment in the meantime. It only speaks to the actual review.

Nathaniel Teed: — The overall larger review process.

I guess some of the concerns that I'm hearing from folks is that, you know, in the last 10 years just how much work has changed. And we talk about work from home scenarios for where folks, you know, are they covered under Workers' Compensation Board? And work from home used to be more of a rare situation. Now it's much more commonplace.

I guess I just wonder. A lot of stakeholders are concerned that by moving it to 10 years, work is going to change so much in those time periods — gig economy, work from home, etc. So I guess I'm wondering, is it smart to be moving the time frame to 10 years versus keeping it at that five-year interval? I realize that's probably more work, but with so much change . . .

Hon. Jim Reiter: — So absolutely I get your point. I think this speaks to sort of my earlier question where the kind of changes you're talking about, you sort of can't foresee. You know, technology as you pointed out, has changed things so often. Nothing would preclude us from taking a look at that, making amendment along the way. It would just be the sort of overarching, large-scale review that . . . They're just finding to do an appropriate review with all the consultation and everything is time consuming. And so it's to make that more reasonable lengths of time but not to preclude changes of the sort that you're suggesting.

Nathaniel Teed: — Perfect. Thank you so much. I'm going to jump back to some questions. I know in section 2-1(b) it looks at redefining the employee. I'm just wondering, why is the government proposing this amendment at this point?

Veronica Gelowitz: — Veronica Gelowitz, deputy minister. Thanks for the question. This is an example of an item where, to have some of that flexibility, we would move it into the regulations. And so as things change, we'd be able to be more responsive and identify or define different types of employees such as gig workers. We'd be able to do that. We'd be able to be more responsive.

I think through the view at this time, what we've found through jurisdictional reviews and through some of the consultation, was that these are trends we're just monitoring for now, but they could be in the future things that we do want to identify. So that's where we're moving it to the regulations.

Nathaniel Teed: — Moving something to regulations, how often are those regulations reviewed and/or changed?

Hon. Jim Reiter: — So the regulations, the officials automatically review them any time there's changes to the Act or

when the Act is reviewed. But otherwise there's sort of no prescriptive timelines where they have to be, but they can be at any time on sort of an as-needed basis.

Nathaniel Teed: — You mentioned, you know, gig economy, the prevalence of that happening. Is that something that the ministry is keeping an eye on and would consider regulations to better classify? You know, some of the concerns that I hear a lot is certain industries and employers misclassifying workers as independent contractors. And so we're wondering if, by moving this to regulations, will we see more action on kind of closing some of those loopholes.

Veronica Gelowitz: — So this is something that certainly was identified through the consultation and with other jurisdictions as trends, but at this point we're just monitoring it. We don't have enough that would support making any changes right now.

Nathaniel Teed: — Thank you so much. I'm going to move on to the repealing of section 2-8, prohibition on discriminatory action. We see this repeal as concerning. The prohibition on discriminatory action is an important protection which prohibits the disciplining of workers when exercising their rights in accordance to the SEA [*The Saskatchewan Employment Act*]. Why is the government repealing section 2-8?

Veronica Gelowitz: — So there's nothing being lost by this change. What we're doing is actually amalgamating two sections that spoke about the same piece, so that's 2-8 and 2-42.

Nathaniel Teed: — Thank you so much. I'm going to move on to the regulating of tips and gratuities. Will the ministry see an enhanced budget allocation to advance this legislative change?

Glen McRorie: — Hi. Glen McRorie, the executive director for employment standards. So regarding tips oftentimes what we see, even currently, any of our claims have multiple aspects to them. And so we would investigate whether it's unpaid wages, unpaid public holiday pay, or a termination. And so we would investigate that along with the tip issue. So it would be another one of, you know, kind of our regular investigations. So although we do anticipate some activity obviously, we think we're well positioned to be able to kind of manage that. And we'll of course be monitoring it.

Nathaniel Teed: — Wonderful. I guess that's my next question, is what sort of inspections and enforcements will be put in place for service establishments and other industries where gratuities are normally collected, making sure that those businesses are in line with this new legislation?

Glen McRorie: — Okay, so we have an anonymous complaint process. So people can come in and file a claim. We keep the name confidential and we'll go out then and inspect that. We also identify kind of high-claim employers. And so if they have kind of routine violations then we'll assess those. We'll determine if follow-up action is needed. Typically we start off with education and then we can move that up to enforcement, depending on, you know, the co-operation that we get for those.

Nathaniel Teed: — Would you have any information of what enforcement might look like in this case?

[17:45]

Glen McRorie: — So there will be further information coming in the regulations. But even currently the process that we use will be the process that we use to assess for tips, for example. So if we find that there's unpaid tips, then we can treat them . . . they're basically deemed to be wages and we can assess for them and collect just like we do any other wages through our civil process, which is a wage assessment process. Of course we always start with education first, and we do get pretty good co-operation on that. And then if we don't, then we move toward more of an enforcement type of role.

Nathaniel Teed: — Can you comment on the prevalence of tip theft or how often you're seeing, you know, industries like food service or industries that collect tips, how often you're seeing that, that employers are withholding those dollars?

Glen McRorie: — Yeah, of course because we didn't regulate it, we don't have experience with it. But certainly kind of anecdotally and with some . . . You know, people come in and ask us questions and stuff like that. So for example, like the classic dine-and-dash or if there's breakage, this is designed to make sure that that doesn't come off an employee's tips. So it's to protect the tips.

Nathaniel Teed: — I guess that leads to another question. Like you mentioned the dine- and-dash. Will this protect those employees from those situations as well, or will those employees still be on the hook for those lost dollars?

Glen McRorie: — So of course wages are protected already, but with this new provision then the tips will also be protected, yeah.

Nathaniel Teed: — Thank you so much. Part of their regulation was that the employee may establish a pooling arrangement regarding gratuities. And in it you mention that those regulations would be brought about with the updated regulations. Do you have a timeline on the release of those regulations?

Elissa Aitken: — Elissa Aitken, assistant deputy minister. Our anticipation would be that we'd be doing those this fiscal year, so sometime during '25-26.

Nathaniel Teed: — And can you provide any update on what that might look like, if you have any information about what those regulations might look like for this tip pooling?

Elissa Aitken: — That's work that we still have yet to do, is look through what the regulations might contemplate. So once we're through the bill, that's when we would turn our mind to the regulations.

Nathaniel Teed: — Thank you. One of the questions that I received when doing some work on this was, what if an employer believes that the business itself or its managers or owners are entitled to be part of that pool? Is that something that's being considered? How will that be handled?

Elissa Aitken: — Again the details we'll have to work through as we work through the regs. But we do know in a couple of other jurisdictions they do allow the employers to participate in the arrangement where they're doing the same work that the

employees are doing. So you can imagine a scenario where the owner of a small business is serving customers as well. So those are the kind of scenarios that they've contemplated in other jurisdictions. But we'll work through that when we look at the regs.

Nathaniel Teed: — I guess the rest of my questions probably pertain to those regs. I'll just put them on the record as thoughts that I've received — the possibility of allowing staff to collectively negotiate on those tip pooling, similar to modified work arrangements. Another was, you know, will businesses be required to make this a formal policy, make it public? Is it a handshake deal? Those were all kind of questions that I've received around the tip-pooling regulations. And so am happy to put those on the record but I appreciate that they're still being developed, and we hope to see them when they're available.

I'm going to jump on to the next section I have some questions for, which is changes to the definition of a day. And you know, I canvassed this area yesterday in my adjourned debate. You know, we definitely see some concern raised by stakeholders around changing the definition from a 24-hour period to a calendar day, just with some of the worries around rest periods. Again raised the issue of someone working till 11:59 p.m. and then working again at 8 p.m. the next day. You know, we're certainly seeing not really allowing folks to have those proper rests in between.

So I guess my question would be, can the minister give some explanation as to the decision-making process that went into changing this or making this amendment?

Elissa Aitken: — Thanks for the question. So the proposed amendments will allow employers to define a day as either a calendar day or that 24-hour period. And two additional changes are being made just, again, to make sure that this provision works well.

Maintaining that eight hours of rest is certainly important and protecting that for employees. So the change to subsection 2-13(1) — we're amending that to maintain the restrictions on the maximum length of shifts, so clarifying that employees are entitled to at least eight hours of rest in any period of 24 hours, regardless of how the employee defines a day.

And then another change we're making is to subsection 2-11, and that's to require employers to inform employees of what constitutes a day for the purposes of work hours and overtime, when they're providing that work schedule.

Nathaniel Teed: — I appreciate that. I guess I'll jump to my question. Will employers have any consent process in that? Will they be part of the decision if a business decides "I want to do a 24-hour period" or "I want to do a calendar day"? Will employees have any say in that process?

[18:00]

Elissa Aitken: — Allowing employers to choose the definition of the day — so it's on the employer piece — it provides more flexibility for them to design something that suits their business needs.

But with the agreement of the employer then it could allow employees to change their shifts to balance their, you know, work-life balance a little bit better. So one example would be an employee working an evening shift, and then if they wanted to come in earlier the next day to allow them to have flexibility so that they can go to something with their kids in the evening or the afternoon. So it would allow that kind of flexibility for employees.

Nathaniel Teed: — Thank you. I guess I have a two-part kind of question. What oversight will be in place to ensure that workers are treated fairly in this process? And you know, what processes might be in place for employees that are seeing this abused? Is there a way that those folks can have some recourse in the decision-making process if they're feeling that the employer is building shifts that just don't allow for those breaks or they're not feeling that their work-life balance is being respected?

Glen McRorie: — So of course, if an employee has a concern, then as we said earlier there's a couple processes they can use, either a formal complaint or anonymous complaint. And if an employer is kind of juggling the process, then that's something that we could actually investigate and see, are they properly following the advance notice, the scheduling requirements, and so on.

So there would be a remedy for an employee to come in, and we would be able to review that and ensure that the employer is in compliance or bring them into compliance.

Nathaniel Teed: — I appreciate that. I guess my next question is, what industries are being served by this amendment? And I guess another part of the question is, like were there stakeholders that were specifically interested in making these amendments that you might be able to share?

Glen McRorie: — So this provision was primarily brought forward by employers. But our experience has been that oftentimes employers are actually asking for permits to allow employees to modify their hours for the very reason we talked about earlier, kind of for work-life balance, so they can trade a shift with someone because they want to start the weekend earlier or whatever the case may be.

So that's what we were experiencing, those kinds of requests. And those requests require of course a majority support of the employees.

Nathaniel Teed: — Thank you so much. That's really helpful. I know some of the concerns that we heard were, you know, unions probably have days already negotiated into their collective agreements, but folks who are in non-unionized environments don't necessarily have those protections. Even some unions don't have those day definitions baked into their collective agreements. And so just, you know, just got those concerns.

But from what it sounds like, this has been fairly employee-driven in that folks are looking for quality of life and things like that. Comments on the record would be just, you know, those concerns about ensuring that we're seeing folks have appropriate rest periods. Even if employees are trying to, you know, modify their schedule, I feel like in some cases, there should be . . . saying hey, you know, you actually do need more than eight

hours between your shifts, even if you want to start the long weekend early. But I totally understand.

During those adjourned debates, I left remarks on the record, you know, working until 11:59, starting at 8 the next day. I'm wondering if safety of workers, workplaces were brought into consideration when this was brought forward. I worry about folks who are not seeing appropriate rest showing up in their workplaces. I think of retail. I think of food service, where you're not getting enough sleep and an accident can happen around the corner. So I'm wondering if safety was considered.

Veronica Gelowitz: — So we certainly consider safety in everything we do. That requirement is a current requirement now, that eight hours, and so that's not a change. That isn't anything less in the amendments.

Nathaniel Teed: — I've also received some concerns around the loss of overtime that workers might face with the work arrangements especially if, you know, again choosing calendar day, and like working 4 p.m. to 12 a.m. and then 8 a.m. to 4 p.m., you know, basically working 16 hours in that what you see the 24-hour period but now would not constitute . . . exempt for overtime if you're not hitting those hours. Was overtime considered in this policy change?

Veronica Gelowitz: — So I would say one of the things that we were finding were employees were not being availed of straight-time hours because it would put them into an overtime position and so they were losing out on some straight-time shifts. And so this actually will resolve that, and they will have more opportunities for more hours worked.

And I just wanted to clarify a piece on the eight-hours break. So there isn't an opportunity for, with agreement, that you would ever forgo that eight-hour break. That is still a requirement in the legislation, even with the agreement for that shift change or that flexibility.

Nathaniel Teed: — You know, I really appreciate that, just getting a better understanding of the way it works. I have just been hearing just general concern from stakeholders, and you know, primarily workers on the changes made. And I really appreciate the very valid points that you've made and giving me better clarity on it.

And again I apologize, Minister, I really should have written you in advance. I do have amendments that I will bring later, that I would like to scratch the changes of the calendar day to 24-hour day from the legislation. I should have given the committee more advance notice. I feel bad for springing it on them, but I'll just let you all know that at the end I would be making those amendments. And so I appreciate that. I think I'm going to wrap up on the calendar day, 24-hour period.

I'm going to jump over just the use of sick notes. And I guess my question is — you know, again I really welcome change — was there any consideration to go farther and reduce the use of sick notes altogether?

[18:15]

Elissa Aitken: — So just to clarify the amendment. So under the

change, employers won't be able to request sick notes unless the employee has been absent for more than five consecutive days or has already had an absence of two or more working days in the past 12 months. So it's a narrowing of the situation where it's acceptable. Our goal with the change is to reduce the workload and the paperwork that physicians are required to fill out and potentially reduce the spread of illness in the workplace as well.

The goal with the amendment is to balance the needs of employers to get some verification of sickness and illness in some situations with the needs of the health care system. So it's really about finding that balance. This is one where we'll continue to monitor it and, as we look at the next review into the future, we'll see how it's going and consider amendments if they're needed.

Nathaniel Teed: — Thank you. I'm going to move on to some questions about some of the changes made to the authority of the director of employment standards. I understand that what used to be done in the courts, moving to this director of employment standards. I guess I'm just wondering about if you can give me a bit of background on that change.

And then I'm kind of looking to see what kind of guardrails are put in place to ensure that folks are receiving similar resolution. So kind of twofold: background, and you know, what are the guardrails that are going to be protecting folks going through those processes.

You know, you think the courts . . . again, a long process, but you're getting that kind of . . . maybe there's a perception of a fairer system. What kind of guardrails are going to be in place when the director takes over those decisions?

Elissa Aitken: — This change is about ensuring that the director of employment standards can order a reinstatement or compensation for lost wages in those cases of discriminatory action by the employer. Of course the director's decision will be appealable. So that appeal goes to an adjudicator and then to the Labour Relations Board and finally to the courts. So that's the standard process that we use for a lot of our appeal processes — well established, works quite well.

This change is really about timing the resolution of complaints, and so making sure that we're more responsive to the need of employees. And it also does align us with other jurisdictions. So there's a number of other jurisdictions that have that same authority for the director.

Nathaniel Teed: — Will any of the decisions that they make be made public?

Elissa Aitken: — Through the adjudicator process the Labour Relations Board does post all of those employment standards adjudications on the Labour Relations Board. So you can see all of those appeals there.

Nathaniel Teed: — Fantastic. And you answered my other question, would there be an appeal process.

And so I think I can move on to my next set of questions just around increasing the number of group terminations. Can you give the committee a little bit more rationale around the intention

to raise the group termination limits? I know we chatted a bit about it in estimates.

Veronica Gelowitz: — Thanks for the question regarding raising the threshold from 10 to 25. There are many businesses asking for the threshold to actually be increased to 50, and that would actually align with many other jurisdictions including BC [British Columbia] and Alberta, Manitoba and Ontario, and Newfoundland and the federal government. We felt 25 really strikes a balance between what business was looking for and what labour would appreciate, and it now aligns us with three other jurisdictions. And now there's only two other jurisdictions that remain at 10.

Nathaniel Teed: — Could you give me a little bit of understanding how that process works? And I know in some of the explanation, it is just about like removing red tape, removing paperwork. It does sound like we strike a nice balance at 25, hearing that there's other jurisdictions at 50 and some still at 10. Is it an onerous process for an employer to go through notification when this process is happening?

Elissa Aitken: — The process for giving the written notice for termination is that an employer must provide written notice to the Minister of Labour Relations and Workplace Safety, each employee whose employment is being terminated, and any union that represents those affected employees. And the written notice must include the number of employees who will be terminated, the effective dates of their termination, and the reasons for the termination. So that's sort of what's required under the legislation.

Nathaniel Teed: — Sounds good. Thank you so much. I'm just going to review my questions here.

Could you remind me of the cool-down period between layoffs? And again I know we kind of had mentioned this in estimates but the question was, you know, if I lay off 24 people today . . . Could you remind me of that?

Elissa Aitken: — So as the legislation exists today, group termination includes when 10 or more employees in a workplace or number of workplaces in one community with a common employer in any four-week period. And termination includes a layoff with no recall date or a layoff of 26 weeks or more.

Nathaniel Teed: — And that won't change in this regulation? The four-week period will remain?

Elissa Aitken: — Correct.

Nathaniel Teed: — Thank you. I'm going to jump over to some of the clauses around the modified work arrangement for part-time employees. I'm wondering if you can give me a better understanding. Just from my maybe understanding is that a part-time or casual employee would kind of always be a modified, work-arranged employee. Like they would kind of work not full-time; they would work hours that an employer would need based on kind of casual or that. So I'm just wondering if you can give me a little maybe background as to why those changes are being brought forward.

Glen McRorie: — So what we were experiencing and seeing is

that casual employees in a lot of cases wanted to work the extra hours, whether it was a 10-hour shift or a 12-hour shift that the employer had negotiated. And especially in rural Saskatchewan, if an employee was driving in to do the shift, they certainly didn't want to do a six-hour shift. They tended to want to do the 10-hour shift or the 12-hour shift.

And so this provision allows them to participate in a modified work agreement. So they would be working the same hours, the same shifts. They could replace a full-time employee, and they could work the full shift.

Nathaniel Teed: — Right, and they just wouldn't actually have any . . . As a casual, you'd be taking hours as you get them. You want the shifts. You're going to take the shifts. And so I guess just to clarify, so a casual employee originally would have to do an eight-hour day. That would be the max, would be under the current . . .

[18:30]

Glen McRorie: — Yes, they were limited to eight hours, and that's why sometimes they weren't getting the shifts. They were limited. And especially if the shift was a 12-hour shift or a 10-hour shift, or whatever the case may be, yeah. But they were limited to eight hours. Yeah.

Nathaniel Teed: — That makes sense. Thank you so much. No, certainly I did get a flag on this one from some of the stakeholders I was engaging. Just concerned. You know, there is a feeling from some folks in the labour community that modified work arrangements are seen as being abused a little bit. Again, just trying to protect workers from those situations. But you know, again, it's a very fair perspective to say that if you want to work a 10-, if you want to work a 12-hour shift, and those are the hours available to you, folks are looking for that. No, I really appreciate that.

Do you have any idea about which industries were advocating for this? You mentioned rural Saskatchewan, but are there any overarching industries that are seeing this need for a modified work arrangement on those casual or part-time?

Glen McRorie: — So this amendment was really about responding to what we were seeing in employment standards out in the community, and what we were responding to and some of the challenges that we were dealing with, and some of the employees who wanted to do those shifts. And so that's what this is more about.

Nathaniel Teed: — I have a question about the changes. Well there's an amendment allowing employers to change meal breaks without union notification. So that was another one that was a concern that was brought to me. Again, allowing employers with non-unionized employees to apply for variants for meal breaks and notice of work schedule change with written consent.

So the concerns that I was seeing was the losing the oversight of the employment standards, bypassing unions in workplaces. Is there any protections being put in place to protect workers from, you know, being treated unfairly in that process? Do workers have to agree to this process?

Glen McRorie: — So currently there's a requirement for the union to get a permit if they want to modify that. This provision is really designed to give the union the authority to negotiate directly with the employer or the employer directly with the union, much like they can do, as you mentioned earlier, with respect to the hours-of-work provisions. In other circumstances, in a non-unionized environment, they would have to come to the director of employment standards to get that variance.

And we're seeing some of those requests because people want to work six hours and go home. They don't want to have a 30-minute meal break. And so we want to be able to respond to some of those requests, but certainly this gives the authority to the union and the employer to negotiate that.

Nathaniel Teed: — And in those non-unionized environments, they still have to go to the director of employment standards? Okay, thank you. The next questions I have are just regarding the removal of the two consecutive days off. I wonder if you can give me a little bit more information about the decision-making process on this.

Elissa Aitken: — This provision was a bit of an interesting one in our legislation. It was a bit of an historical piece. So when the two-days-of-rest provision for retail was established, retail was the only sector that was open on Saturdays and Sundays. And so that's sort of the time frame of how long this provision has existed in the legislation.

And so for other businesses — and now many other businesses are open seven days a week — we wanted to make sure that the rules are the same for all sectors. So this really treats retail the same that every other sector is treated.

We were the only jurisdiction in Canada that had this provision as well, so a little bit of an anomaly. It doesn't affect, however, overtime provisions. So the same overtime provisions still apply regardless of that change from two days to one day off a week.

Nathaniel Teed: — I'm going to jump over to clarifying wages can be paid in cash. I'm just wondering, how does the ministry see this provision will work? So one of the concerns that was brought forward was if folks are, you know, paying spousal support, and you confirm that you're being paid in cash.

How does the ministry check in on employers, making sure that pay stubs, payslips are being generated — I think of appropriate CPP [Canada Pension Plan], all those — if folks are, you know, if we're doubling down on paying cash?

Glen McRorie: — So the change to cash is really just . . . It's always been allowed. This is just clarification. If someone has a dispute, then of course they still have the opportunity to file a claim with us. And we would investigate, and the employer would have to prove and establish that those wages were paid. So this is more of an administrative update because it's always been allowed.

Nathaniel Teed: — Okay, sounds good. I imagine, yeah, that would be a process of having to prove bank payments or bank withdrawals of cash or etc. Would that be fair to say if, like, it became a conflict?

Glen McRorie: — Of course with respect to our investigations, it always comes down to what the evidence is. So we look at a broad spectrum of evidence to determine whether wages have been paid. And if there isn't any evidence, then the determination would be that they weren't paid.

Nathaniel Teed: — Okay, thank you so much. I just have two remaining-ish questions. We've got about 15. I might stretch it here. In the stakeholder outreach there were a couple items that never showed up in Bill 5, and one of them was the right to disconnect. Can you explain what feedback might have been garnered on right to disconnect and why it wasn't included in the provisions for Bill 5?

Veronica Gelowitz: — Thanks for the question. So the hours-of-work provisions of the Act establish the requirements for overtime and reporting-for-duty pay and ensuring employees are fairly compensated for working outside their standard hours. So employers must also provide employees with at least 24 consecutive hours away from work every week and eight hours of rest in a day. So these were existing protections that promote a positive work-life balance while maintaining that flexibility in the workplace. So we're not introducing the legislated right to disconnect at this time because those provisions already exist.

Now there are a couple of jurisdictions who have introduced some type of legislation around this and so we're going to monitor that.

Nathaniel Teed: — Did you receive any feedback on the topic — through like during the stakeholder engagement process — that was for? Against? Interested in it, would you say?

[18:45]

Veronica Gelowitz: — So the stakeholder feedback on that was really split, I would say. And we're really going to monitor those two jurisdictions where they have introduced it and see how it works there.

Nathaniel Teed: — Appreciate, thank you. My next question is around minimum wage. I know that the public engagement for Bill 5 included a feedback request for minimum wage. Can the minister or officials give me a sense of what was received in those engagements?

Veronica Gelowitz: — So the feedback was certainly split on the minimum wage. And the minimum wage, the hourly rate, is prescribed in regulation, and per the regulations it would go back to an indexing formula.

Nathaniel Teed: — Okay and so is there . . . I think possibly maybe we asked about this in estimates. Is there a timeline or what that indexing formula may be or like the next date we would see a minimum wage increase?

Veronica Gelowitz: — So the regulations would require it to be effective in October of each year and to be published by June, the end of June.

Nathaniel Teed: — You should have an idea, kind of end of June, what an October increase might look like. Thank you so much. I really appreciate that.

My last question . . . I guess I still have a couple more minutes. We'll keep everyone here till 7. I have a question. Was there any feedback gathered around the recognition of National Truth and Reconciliation Day as making that a stat holiday in Saskatchewan?

Hon. Jim Reiter: — So officials tell me it was discussed at that time. I would just make some comments. First one, you're absolutely right. September 30th is a very important day, whether it's a statutory holiday or not. And it needs to be acknowledged, recognized. So they tell me during the discussions that it was . . . As you can imagine, it was split opinions on it, but they also did a jurisdictional scan on it.

So the only jurisdictions in Canada that have a higher number of statutory holidays annually is British Columbia and Yukon, who have 11. Saskatchewan is next with 10, followed by Alberta, Manitoba, and Ontario, who all have nine. Quebec, New Brunswick, Prince Edward Island have eight. Nova Scotia and Newfoundland and Labrador have six. Oh, I'm sorry. I missed some on the subsequent page. Northwest Territories is also at 11. Nunavut and the federal government are the same as Saskatchewan with 10.

Nathaniel Teed: — I really appreciate that. Lastly, the concern about wage theft was brought up. Was wage theft brought up in the consultation? Was there any consideration of including it in Bill 5?

Glen McRorie: — So wage theft specifically wasn't polled. But certainly in terms of our agency and what we do, fundamentally that's our role, dealing with those kinds of things. So employees can come in and file a claim with us. We'll investigate. We have a very active collection team that goes out. And we will put liens on property, we'll seize bank accounts. We'll do whatever we can to make that whole.

And actually we're pretty successful right now with that. And so there are options for employees to come in, and like I say, that's kind of what we do in employment standards.

Nathaniel Teed: — Thank you so much. I appreciate that. I think at this time, that is all the questions that I have for the committee. I appreciate your time.

Chair Weger: — Are there any other questions or comments from any other committee members? Seeing none, we'll proceed to vote on the clauses. I will mention, Minister, that if you or any of your staff didn't want to stick around for this, it's not required. If you did, Minister, want to make any closing comments, though . . .

Hon. Jim Reiter: — Sure. Thank you, Mr. Chair. I'd like to thank you and staff here as well and committee members and the opposition for the questions and discussion, and for staff that were here in support as well. Thank you. Thank you all very much.

Chair Weger: — Okay, thank you, Minister, and all of your officials. We will now proceed to vote on the clauses. Clause 1, short title, is that agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried.

[Clause 1 agreed to.]

[Clause 2 agreed to.]

Clause 3

Chair Weger: — Clause 3, is that agreed?

Nathaniel Teed: — Mr. Chair, I have an amendment.

Chair Weger: — Okay. For clause 3?

Nathaniel Teed: — Yes.

Chair Weger: — Okay. I recognize MLA Teed.

Nathaniel Teed: — I have an amendment:

Clause 3 of the printed Bill

Amend Clause 3 of the printed Bill by striking out subclause 3(a).

Chair Weger: — MLA Teed has moved an amendment to clause no. 3. Do committee members agree with the amendment as read?

Some Hon. Members: — No.

Chair Weger: — The question before the committee is the amendment moved by MLA Teed. I would like to inform committee members that I will be exercising my right to a deliberative vote. Those in favour of the amendment please say aye.

Some Hon. Members: — Aye.

Chair Weger: — Those opposed to the amendment please say no.

Some Hon. Members: — No.

Chair Weger: — I think the nos have it. I declare the amendment defeated. We will continue with the original clause 3. Clause no. 3, is that agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried.

[Clause 3 agreed to.]

[Clauses 4 and 5 agreed to.]

Clause 6

Chair Weger: — Clause 6, is that agreed?

Nathaniel Teed: — I have an amendment, Mr. Chair.

Chair Weger: — Okay, I recognize MLA Teed.

Nathaniel Teed: — Thank you. I have:

Clause 6 of the printed Bill

Amend Clause 6 of the printed Bill by striking out subclause 6(3).

Chair Weger: — MLA Teed has moved an amendment to clause no. 6. Do committee members agree with the amendment as read?

Some Hon. Members: — Aye.

Some Hon. Members: — No.

Chair Weger: — The question before the committee is the amendment moved by MLA Teed. I would like to inform committee members that I will be exercising my right to a deliberative vote. Those in favour of the amendment please say aye.

Some Hon. Members: — Aye.

Chair Weger: — Those opposed to the amendment please say no.

Some Hon. Members: — No.

Chair Weger: — I think the nos have it. I declare the amendment defeated. We will continue with the original clause. Clause no. 6, is that agreed?

[19:00]

Some Hon. Members: — Agreed.

Chair Weger: — Carried.

[Clause 6 agreed to.]

[Clauses 7 to 19 inclusive agreed to.]

Clause 20

Chair Weger: — Clause no. 20, is that agreed?

Some Hon. Members: — Agreed.

Some Hon. Members: — No.

Chair Weger: — I recognize MLA Teed.

Nathaniel Teed: — I request to strike out clause 20 of the printed bill . . . Or I guess I request a recorded division.

Chair Weger: — We'll have a recorded vote. I would like to inform committee members that I'll be exercising my right to a deliberative vote, and a recorded vote has been called.

All those in favour of this clause 20 please raise your hand.

All those opposed to clause 20 please raise your hand.

Those in favour of clause 20, four. Those opposed to clause 20, three. I declare clause 20 carried.

[Clause 20 agreed to on division.]

[Clauses 21 to 35 inclusive agreed to.]

Clause 36

Chair Weger: — Clause 36, is that agreed?

Some Hon. Members: — Agreed.

Some Hon. Members: — No.

Chair Weger: — I'd like to inform the committee members that I'll be exercising my right to a deliberative vote. Those in favour of clause 36 say aye.

Some Hon. Members: — Aye.

Chair Weger: — Those opposed to clause 36 say no.

Some Hon. Members: — No.

Chair Weger: — I think the ayes . . .

Nathaniel Teed: — Recorded division.

Chair Weger: — Okay. A recorded vote has been called.

All those in favour of clause 36 please raise your hand.

All those opposed to clause 36 please raise your hand.

Those in favour of clause 36, four. Those opposed to clause 36, three. I declare clause 36 carried.

[Clause 36 agreed to on division.]

[Clause 37 agreed to.]

Chair Weger: — His Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Saskatchewan Employment Act, 2024*.

I would ask a member to move that we report Bill No. 5, *The Saskatchewan Employment Act, 2024* without amendment. MLA Kropf moves. Is that agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried. MLA Teed, any closing comments?

Nathaniel Teed: — No. Thank you so much, Mr. Chair, and thank you to the committee members this evening. And thank you to the minister and his officials and my fellow opposition committee members.

Chair Weger: — Thank you to everyone as well. That concludes our business for the day. I would ask a member to move a motion of adjournment. MLA Kasun has moved. All agreed?

Some Hon. Members: — Agreed.

Chair Weger: — Carried. This committee stands adjourned to the call of the Chair.

[The committee adjourned at 19:06.]