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The Government of Saskatchewan took several legislative steps this week designed to address labour and employment issues as Saskatchewan employers reel from the economic impact of COVID-19 and official government health strategies focused on social distancing.

The Saskatchewan Employment (Public Health Emergencies) Act, 2020 (the “Act”) amends *The Saskatchewan Employment Act* (the “SEA”). The provisions of the Act and *The Employment Standards (Public Emergencies) Amendment Regulations, 2020* are not operative unless there “public health emergency,” as that term is defined in the Act.

A “public health emergency” only exists for the purposes of this new legislation if a public health emergency of international concern has been determined by the World Health Organization. Once a public health emergency has been declared, the Act grants certain new protections to employees and employers, which did not exist prior to the Act coming into force.

Employee protections in the Act and Regulations include:

- a waiving of the usual 13-week requirement for an employee to be entitled to an employment leave under the SEA;
- a waiving of the usual requirement for proper medical evidence if the employment leave involves a medical issue;
- a new employment leave – the public health emergency leave – for the period in which the chief medical health officer of Saskatchewan has issued an order declaring a disease present in Saskatchewan is sufficiently harmful to public health that individuals in Saskatchewan must take measures to prevent or reduce the spread of disease, including isolating themselves from other individuals;
- an employee is also entitled to take a public health emergency leave if they are required to provide care and support to a child family member who is affected by a direction or order of the Government of Saskatchewan or an order of the chief medical health officer; and
- entitlement to regular wages and benefits if the employer has authorized them to work from home during a public health emergency leave, and they comply with the terms of the chief medical health officer’s order.



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Employer protections in the Act and Regulations include:

- the ability to impose a public health emergency leave on an employee, or a group of employees;
- the ability to exclude certain key personnel from being permitted to take a public health emergency leave on the basis that those personnel are necessary to provide critical public health and safety services; and
- the ability to layoff employees during a public emergency period without providing notice or pay in lieu of notice under either the individual or group layoff or termination provisions of the SEA, as long as the employer-initiated layoff is 12 weeks or less in a 16-week period.

These legislative amendments have provided some legal clarity during a difficult time for both employers and employees. Employers considering labour and employment strategies in dealing with the operational, economic, and occupational health and safety aspects of COVID-19, such as workforce reductions, temporary salary top-ups, or other such issues, are strongly encouraged to seek legal advice from experienced labour and employment counsel.

About the Author:

Kit is an associate in the Saskatoon office and maintains a litigation practice with particular emphasis on Labour and Employment Law and Commercial Litigation.

About McKercher LLP:

McKercher LLP is one of Saskatchewan's largest, most established law firms, with offices in Saskatoon and Regina. Our deep roots and client-first philosophy have helped our firm to rank in the top 5 in Saskatchewan by Canadian Lawyer magazine (2019/20). Integrity, experience, and capacity provide innovative solutions for our clients' diverse legal issues and complex business transactions.



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