

# BILL

No. 91

## An Act to amend *The Saskatchewan Employment Act*

(Assented to )

HIS 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 (Part III) Amendment Act, 2022*.

### SS 2013, c S-15.1 amended

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

### Section 3-1 amended

**3(1) Subsection 3-1(1) is amended:**

**(a) in clause (i) in the portion preceding subclause (i) by adding “or person acting on behalf of an employer” after “employer”; and**

**(b) by repealing subclause (gg)(i) and substituting the following:**

“(i) an individual, including a supervisor, who is engaged in the service of an employer and includes a person who is enrolled in a secondary or post-secondary educational institution and who:

(A) is permitted by an employer, directly or indirectly, to perform work or services; or

(B) is being trained by an employer”.

**(2) Subsection 3-1(6) is repealed and the following substituted:**

“(6) For the purposes of clause (1)(l), subsections (4) and (5), clauses 3-8(d) and (d.1), clauses 3-9(c) and (c.1), clauses 3-10(b) and (b.1) and sections 3-21 and 3-21.1, a worker includes:

(a) a volunteer that an employer permits, directly or indirectly, to perform work or services; and

(b) an independent or dependent contractor”.

### Section 3-8 amended

**4 The following clause is added after clause 3-8(d):**

“(d.1) ensure, insofar as is reasonably practicable, that the employer’s workers are not exposed to violence with respect to any matter or circumstance arising out of the workers’ employment”.

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**Section 3-9 amended****5 The following clause is added after clause 3-9(c):**

“(c.1) ensure, insofar as is reasonably practicable, that all workers under the supervisor’s direct supervision and direction are not exposed to violence at the place of employment”.

**Section 3-10 amended****6 The following clause is added after clause 3-10(b):**

“(b.1) refrain from causing or participating in any violent act towards another worker”.

**Section 3-21 amended****7(1) Subsection 3-21(1) is repealed and the following substituted:**

“(1) An employer shall develop and implement a written policy statement and prevention plan to deal with potentially violent situations after consultation with:

- (a) the occupational health committee;
- (b) the occupational health and safety representative; or
- (c) the workers, if there is no occupational health committee and no occupational health and safety representative”.

**(2) The following subsection is added after subsection 3-21(2):**

“(3) An employer shall ensure that an investigation is conducted into any incident of violence at the place of employment”.

**New section 3-21.1****8 The following section is added after section 3-21:****“Duty re policy on harassment and duty to investigate**

**3-21.1(1)** An employer shall develop and implement a written policy to prevent harassment after consultation with:

- (a) the occupational health committee;
- (b) the occupational health and safety representative; or
- (c) the workers, if there is no occupational health committee and no occupational health and safety representative.

(2) A policy statement required pursuant to subsection (1) must include any prescribed provisions.

(3) An employer shall ensure that an investigation is conducted into any incident of workplace harassment”.

**Section 3-36 amended****9(1) Clause 3-36(2)(c) is amended by striking out “subject to subsection (5),”.****(2) Subsections 3-36(5) and (6) are repealed.**

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## New section 3-37

**10 Section 3-37 is repealed and the following substituted:****“Order to reinstate worker wrongfully discriminated against**

**3-37** If an employer is convicted of taking discriminatory action against a worker contrary to any provision of this Part, the convicting judge shall order the employer:

- (a) to cease the discriminatory action;
- (b) to reinstate the worker to the worker’s former employment on the same terms and conditions under which the worker was formerly employed;
- (c) to pay to the worker any wages the worker would have earned if the worker had not been wrongfully discriminated against; and
- (d) to remove any reprimand or other reference to the matter from any employment records maintained by the employer with respect to that worker”.

## Section 3-43 amended

**11 Section 3-43 is amended:**

- (a) by renumbering it as subsection 3-43(1); and**
- (b) by adding the following subsection after subsection (1):**

“(2) A written report mentioned in subsection (1) must include any prescribed information”.

## New section 3-47

**12 Section 3-47 is repealed and the following substituted:****“Interpretation of Division**

**3-47** In this Division:

- (a) **‘concentration’** means concentration as expressed in the prescribed manner;
- (b) **‘hazardous product’** means any product, mixture, material or substance that is classified in accordance with the regulations made pursuant to subsection 15(1) of the *Hazardous Products Act* (Canada) in a category or subcategory of a hazard class listed in Schedule 2 of that Act;
- (c) **‘label’** means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged;
- (d) **‘pictogram’** means a graphical composition that includes a symbol along with other graphical elements, such as a border or background colour;
- (e) **‘pure substance’** means a substance that is composed mainly of a single biological or chemical ingredient;
- (f) **‘safety data sheet’** means a safety data sheet as defined in the regulations;
- (g) **‘supplier’** means a supplier as defined in the *Hazardous Products Act* (Canada)”.

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**Section 3-50 amended**

**13 Subsections 3-50(4) and (5) are repealed.**

**Section 3-51 amended**

**14(1) Subsection 3-51(2) is amended:**

**(a) in clause (a) in the portion preceding subclause (i) by striking out “section 16” and substituting “section 14”; and**

**(b) in clause (b) in the portion preceding subclause (i) by striking out “section 16” and substituting “section 14”.**

**(2) Subsection 3-51(3) is amended:**

**(a) in the portion preceding clause (a) by striking out “or the appeal board”; and**

**(b) by repealing subclause (a)(ii) and substituting the following:**

“(ii) is obtained by the Government of Saskatchewan or an agent or employee of the Government of Saskatchewan pursuant to an order or decision issued pursuant to the *Hazardous Materials Information Review Act* (Canada) through the inspection of or access to any book, record, writing or other document, of the Minister of Health for Canada”.

**Section 3-53 amended**

**15(1) Subsection 3-53(4) is amended by striking out “Subject to subsection (10) and section 3-54,” and substituting “Subject to subsections (10) and (11) and section 3-54.”**

**(2) The following subsection is added after subsection 3-53(10):**

“(11) The director of occupational health and safety may, at any time after an appeal is made, defer further action if another proceeding, in the opinion of the director, is more appropriate having regard to the nature of the allegations and the remedies available in the other proceeding”.

**Section 3-58 amended**

**16(1) Clause 3-58(2)(c) is amended by striking out “subject to subsection (3).”**

**(2) Subsections 3-58(3) and (4) are repealed.**

**Section 3-63 amended**

**17 The following clause is added after clause 3-63(3)(j):**

“(k) take photographs or recordings of the workplace and activities taking place in the workplace”.

**Section 3-67 amended**

**18 Subsections 3-67(2) and (3) are repealed and the following substituted:**

**(2) An interview held pursuant to subsection (1) is to be held in the absence of persons other than:**

**(a) subject to subsection (3), a person nominated to be present by the person being interviewed; and**

**(b) any other persons whom the occupational health officer may allow to be present.**

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“(3) An occupational health officer may exclude a person nominated pursuant to clause (2)(a) or (4)(b) if, in the opinion of the occupational health officer, it would be fair and reasonable under the circumstances to do so.

“(4) If an occupational health officer excludes a person pursuant to subsection (3), the officer is required to:

(a) inform the person being interviewed of the person’s right to nominate another person; and

(b) allow the person being interviewed to nominate another person to be present.

“(5) No person shall fail to comply with a requirement imposed on the person pursuant to this section”.

**Section 3-70 amended**

**19 Subsection 3-70(3) is repealed.**

**Section 3-75 amended**

**20 Subsection 3-75(2) is amended by striking out “14 days” and substituting “10 business days”.**

**Section 3-83 amended**

**21(1) Subsection 3-83(1) is amended:**

**(a) by repealing clause (g) and substituting the following:**

“(g) for the purposes of section 3-21, prescribing provisions that must be included in a policy statement and prevention plan;

“(g.1) for the purposes of section 3-21.1, prescribing provisions that must be included in a policy statement”; **and**

**(b) by adding the following clause after clause (h):**

“(h.01) for the purposes of section 3-43, prescribing information that must be included in a written report”.

**(2) Subsections 3-83(3) and (4) are repealed.**

**Coming into force**

**22(1)** Subject to subsection (2), this Act comes into force on assent.

(2) Section 7 of this Act comes into force 1 year after the day on which this Act is assented to.

THIRD SESSION

# Twenty-ninth Legislature

SASKATCHEWAN

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## **BILL**

No. 91

An Act to amend *The Saskatchewan Employment Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Don Morgan

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