



PLANNED AMENDMENTS TO THE SASKATCHEWAN EMPLOYMENT ACT: WHAT EMPLOYERS SHOULD KNOW!

November 19, 2018

In the latest Speech from the Throne on October 24, 2018, the Government of Saskatchewan outlined its intent to enact amendments to the *Saskatchewan Employment Act* during the current legislative session. The first proposed amendment deals with leave provisions around sexual violence. A maximum of 10 days unpaid leave will be provided for employees who have experienced any type of sexual violence. The protected, unpaid days allow victims to seek medical attention, access legal and social support services, make alternative childcare arrangements, or relocate.

Other amendments outlined in the throne speech include:

- Critically ill leave of up to 15 weeks for family members of a critically ill adult;
- Expansion of parental leave from 37 weeks to 63 weeks, and;
- Increasing maternity leave by one week.¹

The focus of this article will be on the planned amendment of up to 10 days of unpaid leave for victims of violence.

Saskatchewan has the highest rate of police-reported violence among all provinces in Canada based on data from the 2015 Statistics Canada report, *Family Violence in Canada*. It has been estimated that employers in Canada lose approximately \$78 million per year due to the costs associated with interpersonal violence.

Clearly, interpersonal violence in the workplace is a serious concern for employers across this province. This problem manifests itself in the form of higher absenteeism, lower company morale, poorer mental health outcomes, lost worker productivity, increased liability-related costs, as well as legitimate safety concerns for victims and their coworkers. It is important to note that the costs associated with interpersonal violence go far beyond the confines of the workplace — interpersonal violence also places an enormous strain on existing publicly-funded services as well.

As the voice of business in the province, the Saskatchewan Chamber of Commerce

¹ Wilson, K., and Tom Richards. "Government Announces Intention to Amend the Saskatchewan Employment Act," MLT Aikins, October 25, 2018. Available online at: <https://www.mltaikins.com/labour-employment/government-announces-intention-to-amend-the-saskatchewan-employment-act/>

(SCC) has been active in the public discussions around leave provisions for victims of sexual violence and the impact of interpersonal violence in the workplace more generally.

Some of the work done by the SCC to date around interpersonal violence in the workplace includes the following:

- Meeting one-on-one with key stakeholders, including employers, Ministry of Labour Relations and Workplace Safety, Ministry of Social Services, Status of Women Canada, Provincial Association of Transition Houses and Services Saskatchewan (PATHS), Saskatchewan Towards Offering Partnership Solutions (STOPS) to Violence, and more.
- Surveying SCC members on the prevalence of interpersonal violence in their own workplaces and learning more about existing policies in place for managing associated risks.
- Publishing a Backgrounder, [Private Members' Bill No. 604 – An Act to Provide Support to Victims of Domestic Violence in June 2017](#).
- Developing an official policy statement and communicating the recommendations outlined in the statement to then Minister of Labour Relations and Workplace Safety, the Honourable Don Morgan, back in November 2017.
- Promoting the *Make it Our Business* series of one-day workshops on recognizing domestic violence organized by PATHS to our Chamber Network.

In March 2017, a private members' bill was tabled by the Opposition NDP as a response to the high rates of interpersonal violence in the province. The private members' bill sought to create additional legal obligations on the part of employers to protect workers from interpersonal violence in the workplace. Among other things, the private members' bill also called for up to five days of *paid* leave for victims of interpersonal violence, provided the worker has been employed with the same employer for a minimum of 90 days.

Upon careful review of the bill, the SCC made the decision not to endorse the Opposition private members' bill as it was written. While the SCC applauded the intent of the bill, it felt the proposed provision requiring employers in the province to *solely* bear the associated costs of providing up to 5 days of paid leave was unfair, particularly to small and medium-sized businesses. The SCC believes the issue of interpersonal violence in this province is a complex and deep-seated societal problem that requires a societal-level solution. This means a shared commitment from *all* segments of society — employers, employees, and governments operating at all levels.

The SCC discovered throughout the course of its discussions with employers that many of them do not currently have the appropriate tools on hand to adequately recognize and manage the risks associated with interpersonal violence in their workplaces. Ultimately, any legislation that seeks to create additional legal obligations for employers without addressing the education and awareness gap is not focusing enough on the deeper problem. The information gathered during these discussions greatly influenced the SCC's decision to emphasize education, awareness, and training as the policy cornerstone for successfully addressing this issue.

In the meantime, the SCC will continue advocating for the following key components of its policy statement on interpersonal violence in the workplace:

- Education, awareness, and training for both employers and employees in recognizing interpersonal violence in the workplace as a much-needed first step.
- Employment Insurance (EI) benefits eligibility should be easier and quicker for victims to cover lost wages or offer leave beyond that which is part of the victim's current compensation. The advantage of this approach is the associated costs of providing paid leave is pooled across the larger society.
- Employers should allow for reasonable time off for those employees impacted by interpersonal violence.
- Victims requiring services and support should be informed of those services provided by the Saskatchewan Ministry of Social Services, as they have current programs and financial support that could serve the victim's needs. The SCC believes that leveraging existing resources and services for victims of interpersonal violence more effectively is key.

Moving forward, the SCC will continue to engage with key stakeholders representing a diverse array of viewpoints on this matter. While we might disagree with some stakeholders on certain policy-related matters, the SCC will continue to be at the table and act as a force for positive change on this issue.

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