
BRIEFING NOTE

Date: March 18, 2020 – UPDATED

Prepared for: Division Executive Board; CUPE Local Unions

Speedy amendments to Saskatchewan’s employment law passed providing job-protected leave during COVID-19 pandemic and removes doctor note requirements retroactive to March 6, 2020

The Legislative Assembly of Saskatchewan passed amendments to *The Saskatchewan Employment Act* on March 17, 2020, which ensures all employees have access to job-protected leaves during a public health emergency such as the current COVID-19 pandemic. **The amendments come into force retroactive to March 6, 2020.**

The coronavirus disease outbreak was declared a public health emergency of international concern on January 30, 2020, and it was declared a global pandemic on March 11, 2020. Throughout Saskatchewan, school closures take effect on Friday, March 20, 2020, and many community facilities and workplaces are closing to the public for the time being. Saskatchewan’s chief medical health officer announced a series of restrictions on gatherings and visits to long-term care homes, hospitals, personal care homes and group homes. Recommendations also exist for social distancing and best practices for hygiene as a precaution, and when to enact self-isolation and self-monitoring to limit the spread of illness. On March 18, 2020, the Government of Saskatchewan declared a provincial State of Emergency.

As many CUPE Local Unions will be aware, these new amendments to the law can enhance protections if not otherwise provided for in the union contract. Members should contact their CUPE Local Union first with any questions, or members can contact a CUPE area office.

THE FOLLOWING IS A SUMMARY AND NOT A LEGAL OPINION:

The amendments contained in Bill No. 207, *An Act to amend The Saskatchewan Employment Act respecting Public Health Emergencies*, allow employees to be eligible for Public Health Emergency Leave **when employees are directed to isolate themselves** by their employer, a duly qualified medical practitioner, the Government of Saskatchewan or the chief medical health officer.

The leave also applies if the employee is required to provide care and support to the employee's 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.

An employee is entitled to a Public Health Emergency Leave for the period during which an order of the chief medical health officer is in force. For a list of all updated orders, visit: www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus

While the leave is unpaid and falls short of CUPE Saskatchewan's recommendations to the provincial government to better support front-line public sector workers, employees are entitled to be paid their regular wages and are entitled to their regular benefits during the period if:

- They are authorized by their employer to work at home during that period;
- They comply with the measures set out in the order of the chief medical health officer; and
- They comply with any additional requirements set out in an order made by the provincial government.

If the absence due to illness or injury of an employee is the result of a public health emergency, the following requirements of *The Saskatchewan Employment Act* are removed:

- The requirement of 13 consecutive weeks of employment with the employer prior to accessing sick leave;
- The provision requiring a doctor's note (certificate of a duly qualified medical practitioner) be provided, if requested by an employer.

For more information, contact a CUPE National Representative.

For information regarding Employment Insurance (EI) Sickness Benefits, visit: www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html

To view a full list of CUPE Saskatchewan resources, visit: www.sk.cupe.ca/covid-19

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