

READY FOR WORK

Module 7. Fairness Works:

An Introduction



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Fairness Works: An Introduction to Employment Standards

Table of Contents

Introduction	3
Module Description	4
Objectives	4
Resource List	5
Course Outline	6
Learning Activities	
Activity 1: Fairness in the Workplace.....	7
Activity 2: Tools for Promoting Fairness in the Workplace	9
Handout 1: Employment Standards Flash Cards	18
Activity 3: The Gentle Art of the Tough Complaint	26
Handout 2: The Day Off Case Study.....	33
Handout 3: The Break Case Study.....	37
Handout 4: The Vacation Case Study	40
Handout 5: The Gentle Art of the Tough Complaint	44

Introduction

Understanding the rights and responsibilities of employers and workers is important for success and survival in the workplace. Yet we know that many young people aged 14 – 24 do not know much about the basic rules governing fair workplace practices in Saskatchewan. This is the information they need to make sure they are being paid correctly and receiving the appropriate benefits.

The Employment Standards Division's experience suggests that many young workers don't know the rules that affect their wages and working conditions, such as:

- The current minimum wage (visit www.saskatchewan.ca for information)
- Scheduling and overtime pay requirements
- Public holiday requirements
- How long they must work to qualify for notice or pay instead of notice
- The length of required notice periods or the amount of pay instead of notice
- The amount of vacation and vacation pay they should receive

Experience also suggests that most young people gain their first work experiences in the retail and service sectors, most often the restaurant and food services industry. On average, the retail and service sectors account for most complaints and inquiries handled by the Employment Standards Division. Most of these complaints are about failure to pay wages, public holiday and vacation pay, overtime pay or pay instead of notice.

The goals of this module are to help students acquire the knowledge, skills and attitudes they need for a positive work experience while maintaining fair workplace practices. It focuses on three key concepts:

1. Entry-level workers are better prepared for the workplace if they are aware of fair workplace practices.
2. Employment standards set minimum requirements.
3. Both workers and employers have rights and responsibilities.

Module Description

This one-hour module will help teachers introduce students to fair workplace practices and the role of employment standards in setting minimum requirements.

The module contains objectives, learning activities, evaluation tools and lists of resources. It can be used as a separate unit of instruction or the activities can be integrated into existing unit plans.

This module can be used in many courses. It will be particularly helpful in subjects with a transition-to-work dimension. Teachers interested in additional activities or ideas for teaching students about fair workplace practices can use the four-hour module, *Module 8: Fairness Works: Employment Standards for Young Workers*.

Teachers can also use the paper and pencil or online versions of the *Young Worker Readiness Certificate Course* (YWRCC). The course can be accessed through www.saskatchewan.ca/ywrcc.

Objectives

- To become knowledgeable about fair workplace practices
- To develop an awareness of the responsibility and need for fair workplace procedures that must be followed in the workplace
- To develop workplace skills, knowledge and attitudes that may lead to successful employment
- To introduce students to the issues surrounding fair workplace practices
- To develop the skills, knowledge and attitudes required to apply their knowledge

Learning objectives

After completing this module, students will be able to:

- Explain the significance of fair workplace practices
- Identify how employment standards promote fair workplace practices
- Describe young workers' rights and responsibilities for promoting and maintaining fair workplace practices
- Determine and apply strategies for addressing problems arising from unfair workplace practices.

Resource List

1. *Ready for Work* binder series modules
 - *Module 7: Fairness Works: An Introduction to Employment Standards*
 - *Module 8: Fairness Works: Employment Standards for Young Workers*
2. Booklets/pamphlets
 - *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*
Download from: www.saskatchewan.ca
 - *Guide for New Workers*
Download from: www.worksafesask.ca
3. Information/fact sheets
 - *The Minimum Wage Regulations, 2014*
Download from: www.publications.gov.sk.ca
 - *Tips for Young Workers*
Download from: www.worksafesask.ca
4. *Employment Act: Employment Standards*
5. Websites
 - Government of Saskatchewan – www.saskatchewan.ca
 - Young Worker Readiness Certificate Course – www.saskatchewan.ca/ywrcc
 - WorkSafe Saskatchewan – www.worksafesask.ca

Course Outline

Time frame: 60 minutes

Objective	Instructional techniques & strategies	Time frame
<p>Introduce students to the concept of fairness in the workplace and employment standards as a major tool for maintaining fair working conditions in Saskatchewan workplaces</p>	<p><i>Activity 1: Fairness in the Workplace</i></p> <p>Class discussion</p>	<p>10 mins.</p>
<p>Examine how the requirements defined by employment standards promote fair working conditions</p> <p>Identify young workers' rights as well as their responsibilities for participating in and adhering to fair working conditions in the workplace</p>	<p><i>Activity 2: Tools for Promoting Fairness in the Workplace</i></p> <p><i>Handout 1: Employment Standards Flash Cards</i></p>	<p>20 mins.</p>
<p>Identify and apply strategies for addressing problems arising from unfair workplace practices</p>	<p><i>Activity 3: The Gentle Art of the Tough Complaint</i></p> <p>Case studies or class discussion</p>	<p>25 mins.</p>
<p>Summary</p>	<p>Question & answer</p>	<p>5 mins.</p>

Activity 1: Fairness in the Workplace

Specific learning objectives

- To understand the significance of fair workplace practices to workers

Time: 10 minutes

Materials and equipment

- Pen and paper
- White board
- Resources: *Tips for Young Workers* and *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*

Preparation

1. Post questions on white board or Smart Board.
2. Access resources: *Tips for Young Workers* and *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*.
3. Review the information found in the resources.

Activity

1. Discuss the purpose of the activity. It introduces some of the agencies and laws that help maintain minimum standards in most Saskatchewan workplaces. These rules are important because they set working conditions for many of the entry-level jobs that students get.
2. Use some of the questions provided below (or some of your own) to initiate discussion about fair treatment in the workplace:
 - How many of you are presently working or have previously worked for pay? At what kinds of jobs?
 - What are/were working conditions like at these jobs? For example, do/did you get meal breaks, overtime pay, paycheques on time, breaks, etc.?
 - Do you think most employers provide their workers with coffee or meal breaks, overtime pay, work schedules and days off? Can you expect these working conditions or workplace practices to be the same in all workplaces?
 - Do you think these workplace practices contribute to workers being treated fairly in the workplace? Why or why not? How or how not?
 - What do you think is meant by fair workplace practices and being treated fairly in the workplace? If you considered the workplace conditions under which you

worked as fair, what would be happening in your workplace? How would you be treated? Would you get breaks, work schedules, etc.?

3. During the discussion, introduce students to some of the following concepts:
 - There are rules that govern how employers and workers interact with each other in the workplace. These rules help keep workplaces fair and ensure workers are treated fairly.
 - These rules have been developed from the experiences of workers and employers to meet emerging needs for fairness.
 - In Saskatchewan, several federal and provincial agencies regulate fair workplace practices. They include Employment and Social Development Canada, the Saskatchewan Human Rights Commission, and the Ministry of Labour Relations and Workplace Safety. Some administer programs and offer services to address safety, harassment and discrimination in the workplace. Others set standards for working conditions and wages.
 - Employment standards apply to most Saskatchewan workers except those who come under federal jurisdiction or self-employed contractors, outfitters and farm workers; athletes working for their teams; casual babysitters; or family businesses employing only immediate family members. Fishers and trappers are exempt from most employment standards, except for the rules governing payment of wages, record keeping and payroll administration.
 - The rules help maintain fair working conditions by setting minimum standards for things like hours of work, schedules, meal breaks, overtime, wages, minimum call-out, termination, equal pay, vacations and holiday pay. These provincial laws are administered by the Employment Standards Division of the Ministry of Labour Relations and Workplace Safety.
4. Provide students with copies of the fact sheet: *Tips for Young Workers*.

Evaluation

Students' willingness to participate and share ideas.

Activity 2: Tools for Promoting Fairness in the Workplace

Specific learning objectives

- To identify how employment standards promote fair treatment in the workplace
- To describe young workers' rights and responsibilities for promoting and maintaining fair workplace practices

Time: 20 minutes

Materials and equipment

- Student worksheets and resources: *Handout 1: Employment Standards Flash Cards*
- Background notes
- Resources: *Tips for Young Workers* and *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*

Preparation

1. Access resources: *Tips for Young Workers* and *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*.
2. Review the background notes on employment standards and the relevant sections of the booklet.
3. Prepare a class set of the flash cards.
4. Determine the number of questions and topics you can cover in the 20 minutes allotted. At a minimum, we recommend using all the cards in the *Hours of Work* section. Questions left over could be assigned as homework.

Activity

1. Discuss the purpose of the activity: to increase students' knowledge of Saskatchewan's employment standards.
2. Some ideas for using the flash cards are presented below:
 - Pass out cards. Randomly ask students to read their question to the class and solicit answers from other class members. Ask each student to share the answer with the class. If time allows, discuss the answer and address additional questions.
 - Divide the class into teams of two or more. Have each team take turns asking questions of another team and providing the answers.

3. Summarize the activity by asking students to respond verbally or in writing to one of the following questions:
 - Do you think employment standards help to maintain fairness in the workplace? How?
 - Identify a job or occupation that interests you (or assign a job - waiter/waitress, service station attendant). What employment standards will apply to this particular occupation?
4. Provide students with copies of the fact sheet: *Tips for Young Workers*.

Evaluation

1. Observe students' participation in activities, including willingness to participate, share ideas and to show respect for others' opinions and ideas.
2. Assess their verbal and written answers and their understanding of how employment standards will affect them as workers and employers.

Background notes

General

Part II of *The Saskatchewan Employment Act* applies to most Saskatchewan employers and workers except:

- Self-employed contractors
- Farm workers⁶
- Casual babysitters
- Outfitters
- Athletes working for a team
- Workers in businesses that employ only immediate family members of the employer
- Workers in jurisdictions governed by federal law (e.g., railways, banks, airports, radio and television, some First Nations activities)

Trappers and fishers are also exempt from most sections of the act except rules governing payment and collection of wages, record keeping and payroll administration. See the *Tips for Young Workers* fact sheet for a more complete list of exemptions.

Except for the section on pro-rated benefits, employment standards apply equally to all workers, including part-time, full-time, temporary, seasonal, casual and permanent workers. There are some partial exemptions from specific requirements. For example, managers are exempt from provisions covering overtime and hours of work. Teachers are exempt from the rules governing vacations, public holidays and hours of work.

The Employment Standards Division of the Ministry of Labour Relations and Workplace Safety administers Part II of the act. Visit the ministry's website at www.saskatchewan.ca for the phone numbers and addresses of district offices.

Promoting fairness in the workplace

Employment standards promote and maintain fair working conditions by setting minimum requirements for such things as hours of work, overtime, vacations, public holiday pay and termination. Employers and workers can agree to terms and conditions of employment that provide more than what is required, but not less.

Employment standards protect employers from unfair competition by ensuring everyone operates under the same rules. For example, employers must provide at least the same overtime pay rate to all eligible workers (1.5 x the employee's hourly wage rate).

⁶Most employment standards do not apply to farm and ranch workers who produce food for consumption. However, the Director of Employment Standards can assist farm workers to recover unpaid wages. Employment standards cover the operation of egg hatcheries, green houses and nurseries, bush clearing operations and commercial hog barns. Occupational health and safety rules apply to all agricultural industries, including farms and ranches.

Employment standards ensure that workplace practices reflect what is important to society. For example, Saskatchewan people value family and family time. Employment standards dealing with family leaves (maternity, adoption, parental, bereavement) reflect this value.

Rights and responsibilities

Employment standards set rights and responsibilities for workers and employers. For example, workers have a right to a 30-minute unpaid meal break for every five hours of work. Employers have the right to determine when workers will take their vacation leave. Workers have the responsibility to take vacation as assigned by the employer.

Overtime – Overtime rules do not apply to managerial or professional workers, loggers, certain types of travelling salespersons, or employees working for outfitters, fishers or trappers.

For scheduling work and calculating overtime, a *day* is any period of 24 hours in a row. A *week* is any period of seven days in a row regularly used to schedule work. Overtime pay is 1.5 times the worker's hourly wage.

A **regular workweek** in Saskatchewan has **40 hours**. Employers can schedule workers to work those 40 hours in four 10-hour days, or five 8-hour days. A week with a public holiday has 32 hours.

Eligible workers earn overtime by the day and week. Eligible workers scheduled to work eight hour days earn overtime after working eight hours. Eligible workers scheduled to work 10 hour days earn overtime after working 10 hours.

Eligible workers earn overtime after 40 hours in a standard workweek or 32 hours in a week with a public holiday.

Employers and workers who want to work different schedules can negotiate a modified work arrangement (known as a MWA) or apply for a permit from the Director of Employment Standards.³ For example, a permit might allow workers to work more than seven days in a row and then take extended time off. To get a permit, 51 per cent of the workers who will be affected must agree that they want to vary their work schedules by signing the application.

³ A MWA is an agreement between the employer, and a worker or a group of workers that allows you to compress work time in one, two, three or four week cycles. In return, workers get longer periods off from work. MWAs can include averaging:

- 40 hours over one week
- 80 hours over two weeks
- 120 hours over three weeks
- 160 hours over four weeks

Longer work schedules require the employer to get an averaging of hours permit from the Director of Employment Standards. Workers working less than 30 hours per week on average cannot be covered by a MWA or permit.

Part-time workers who work less than 30 hours per week earn overtime after working more than eight hours in a day. These workers cannot be covered by a MWA or averaging permit.

Meal breaks – Workers get an unpaid 30-minute meal break within every five consecutive hours of work. Workers who cannot take a meal break must be allowed to eat while working. Workers who need to snack regularly for medical reasons should be accommodated.

Work schedules – Employers must provide a schedule to every worker at least one week before the schedule starts. Every schedule must cover at least one week of work, be in writing and posted in the workplace or online where workers can find it easily. Employers must give one week's notice of a change in a schedule unless there is an emergency or something unexpected happens, such as when an employee asks for a schedule change or goes home sick.

Minimum wage – The minimum wage is the least amount of money per hour that a worker can be paid. Changes to the minimum wage are made each October. Visit www.saskatchewan.ca for information about the current minimum wage.

Minimum call-out pay – Most workers get three times their hourly wage (minimum call-out pay) each time they report for work (except to work overtime). This applies even if it turns out there is no work for them that day. If the worker works, the worker must be paid either minimum call-out pay or the worker's regular wages for the time worked, whichever is greater. For example, minimum call-out for a worker who earns \$12 per hour is \$36.

Minimum call-out pay for students (K-12) working during the school term is one hour at their hourly wage. For example, minimum call-out for a student earning \$12 per hour is \$12. Regular minimum call-out pay rules apply to students working during school breaks and summer vacations.

Workers called in to work overtime get their overtime pay rate for each hour worked. They do not earn minimum call-out pay. For example, a worker earning \$12 who is called in to work one hour of overtime would earn \$18 and not \$36 minimum call-out.

Vacation pay – Vacation pay is $\frac{3}{52}$ (three weeks in 52 weeks) of total yearly wages during the first nine years of employment with the same employer. All full-time, part-time, seasonal and temporary workers get vacation pay. After one year with the same employer, workers are entitled to three weeks of vacation. Vacation pay can be paid on each cheque.

Shifts – Workers in a restaurant, hotel, educational institution, hospital or nursing home cannot be scheduled for more than two shifts in any twelve-hour period.

Termination (dismissal or layoff) – Workers who are terminated may be entitled to notice or pay instead of notice, depending on their length of service. A worker who has worked less than three months with the same employer is not entitled to any notice or pay instead of notice.

Length of service	Minimum notice
0-3 months	0 weeks
3 months-1 year	1 week
1-3 years	2 weeks
3-5 years	4 weeks
5-10 years	6 weeks
10 years and over	8 weeks

If a worker is discharged for “just cause,” notice or pay instead of notice is not required. Employment standards do not define “just cause.”

“Just cause” generally involves worker misconduct. Employers are expected to manage worker misconduct as they would other worker performance issues. For example, employers should:

- Be objective in assessing worker performance
- Impose proportional disciplinary responses
- Keep records

Remember employers carry the burden of proof. Worker misconduct must not only be serious enough to justify the summary dismissal, but the employer must be able to prove misconduct on an objective standard.

The law in this area can be complex. Employers and workers may want to consult a lawyer.

Any worker who has been employed for at least 13 consecutive weeks with the same employer must provide the employer with written notice at least two weeks before leaving a job. The notice must state the last day the worker will work before leaving the job. Employers may waive workers giving written notice.

There are some exceptions. Some examples include:

- The worker quits for health and safety reasons
- The worker quits due to a wage reduction
- The worker's contract terminates through no fault of either employer or worker (e.g., fire destroys the business)

Minimum age of employment – Young people under the age of 14 cannot work unless the employer has a special permit from the Director of Employment Standards. For more information about this permit, please see [Permits and Variances](#) at www.saskatchewan.ca.

The minimum age at which young people can work in Saskatchewan is 16 years of age. Fourteen or 15 year olds who want to work:

1. Must have written consent from one of their parents or guardians.
2. Must complete the online *Young Worker Readiness Certificate Course* (YWRCC) at www.saskatchewan.ca/ywrcc.

Fourteen and 15 year olds cannot work:

- After 10 p.m. on a day before a school day
- Before the start of school on any school day
- More than 16 hours during a school week

These restrictions apply in any week where there is a school day. During school breaks and summer holidays, 14 and 15 year olds can work the same hours as other workers. Employment standards regulations that govern overtime, rest periods, public holiday pay, vacations and the minimum wage apply to all workers regardless of age.

Exemptions – Minimum age of employment rules do not apply to:

- Family businesses employing only immediate family
- The self-employed
- Workers producing food in traditional farming and ranching operations
- Athletes working for their team
- Casual babysitters
- Self-employed newspaper carriers

There are minimum age requirements under occupational health and safety, alcohol regulations and other laws. If students are 14 or 15, this may limit the type of work they can do.

Under occupational health and safety rules, an employer or contractor must ensure that no person **under the age of 16 years** is employed or permitted to work:

- On a construction site
- In a production process at a pulp mill, sawmill or woodworking establishment
- In a production process at a smelter, foundry, refinery, or metal processing or fabricating operation
- In a confined space
- In a production process in a meat, fish or poultry processing facility
- In a forestry or logging operation

- On a drilling or servicing rig
- As an operator of powered mobile equipment, a crane or a hoist
- Where exposure to a chemical or biological substance is likely to endanger the health or safety of the person
- In power line construction or maintenance⁴

An employer or contractor must ensure that no person under the age of 18 years is employed:

- Underground or in an open pit at a mine
- As a radiation worker
- In an asbestos process
- In a silica process
- In any activity which requires the use of an atmosphere-supplying respirator

Under *The Education Act*, students **under the age of 16** must get written permission from the principal to work during school hours. *The Alcohol and Gaming Regulation Act*, Part VII, Section 115, prohibits minors (under 19 years of age) from working in the sale, handling or serving of alcohol. Under *The Highway Traffic Act*, someone must be at least 16 years of age to operate a motor vehicle.

Uniforms – An employer in any industry who requires workers to wear clothing that identifies the business must provide it at no cost to the workers. Deductions from wages for uniforms must not be made.

Employers in hotels, restaurants, educational institutions, hospitals and nursing homes who require workers to wear uniforms or any special article of apparel must provide, repair and launder them free of cost to the employees (this does not apply to registered nurses).

Employers can set a reasonable dress code. Employers do not have to pay for clothing that does not identify the employer's business and can be worn off the job.

Public holidays – All workers in Saskatchewan are paid for 10 public holidays, even if they work part time. Public holiday pay for most workers is 1/20 (five per cent) of total wages earned (excluding overtime and vacation pay paid on each cheque) in the 28 days before the holiday. Workers (including managers) who work on a public holiday get premium pay of 1.5 times their regular hourly wage for all hours worked on the holiday, plus public holiday pay.

Eligible workers earn overtime after working 32 hours in a week with a holiday.

⁴ Occupational health and safety rules are in Part III of *The Saskatchewan Employment Act*.

Equal pay – Male and female workers are entitled to the same rate of pay when:

- They perform similar work in the same establishment.
- They work under similar conditions.
- The work requires similar skill, effort, and responsibility.

Different rates of pay are allowed when based on seniority, merit, trainee programs or other non-gender-related criteria.

Protection for injured or ill workers – An employer may not terminate or discipline a worker who has worked for them for more than 13 consecutive weeks because the worker is absent due to an illness or injury or caring for an ill or injured dependent family member if:

- The worker is receiving or waiting to receive compassionate care leave benefits, and the absence does not exceed 16 weeks in a 52-week period
- The absence is due to a serious illness or injury and does not exceed 12 weeks in a period of 52 weeks
- The worker is injured and receiving benefits under *The Workers' Compensation Act, 2013* and the absence does not exceed 26 weeks in a 52-week period
- Absences do not exceed 12 days in a calendar year

Employment standards do not require employers to pay workers who are away sick.

Employers can terminate workers who abuse their right to absences of up to 12 days in a calendar year if the employer can show that the employee has a record of chronic absenteeism and there is no hope for improved attendance.

Workers who cannot come to work because of an illness or injury should inform the employer as soon as possible. The employer can ask the worker for a doctor's note.

Handout 1: Employment Standards Flash Cards

Work schedules and time off work	
<p>Meal breaks must be paid.</p> <p>a) True b) False</p>	<p>Answer</p> <p>False. Meal breaks are a 30-minute unpaid break.</p>
<p>How many unpaid meal breaks can I take if I work eight hours?</p> <p>a) Three b) Two c) One</p>	<p>Answer</p> <p>One. Workers are entitled to one half-hour unpaid meal break within every five consecutive hours of work.</p>
<p>My employer must post work schedules telling me when my work begins and ends over a period of at least one week.</p> <p>a) True b) False</p>	<p>Answer</p> <p>True. Employers must give their workers notice of when their work begins and ends over a period of at least one week. The notice should be in writing and posted in the workplace or online where workers can find it easily.</p> <p>Employers must give one week's notice of change in schedule.</p>

Minimum wage	
<p>If I am required to wear a uniform as part of my job as a service station attendant, my employer has to pay for it.</p> <p>a) True b) False</p>	<p>Answer</p> <p>True. Any employer who requires workers to wear special clothing that identifies the business must provide it free of charge.</p>
<p>Under employment standards, I am entitled to a coffee or rest break every four hours.</p> <p>a) True b) False</p>	<p>Answer</p> <p>False. Employment standards do not require coffee or rest breaks. If a coffee break is given, it must be a paid break.</p>
<p>Can I be paid less than minimum wage?</p> <p>a) Yes b) No</p>	<p>Answer</p> <p>Yes. If you are exempt from employment standards (farm workers, outfitters, athletes, casual babysitters) or the minimum wage rules (come-in care providers), you can be paid less than minimum wage.</p>

<p>If I work for a company owned by my friend, can I be paid less than minimum wage?</p> <p>a) Yes b) No</p>	<p>Answer</p> <p>No. The minimum wage is the least amount of money per hour that most workers covered by employment standards can be paid.</p>
<p>How much is minimum wage?</p>	<p>Answer</p> <p>Check www.saskatchewan.ca for the latest minimum wage in Saskatchewan.</p>
<p>What is minimum call-out?</p>	<p>Answer</p> <p>Minimum call-out is a minimum payment of three times the worker's hourly wage. It must be paid every time the employer requires a worker to report for work, even if there is no work for him/her. Minimum call-out for students (K-12) during the school year is one hour at the student's hourly wage.</p>
<p>Only female workers working in a hotel after 12:30 a.m. are entitled to free transportation home.</p> <p>a) True b) False</p>	<p>Answer</p> <p>False. An employer in a hospital, hotel, restaurant or nursing home shall provide free transportation home for each worker (male or female), who is required or permitted to finish work between the hours of 12:30 a.m. and 7 a.m.</p>

<p>Students must be 16 before they can get a job.</p> <p>a) True b) False</p>	<p>Answer</p> <p>False. Under employment standards, 14 and 15 year olds can work if they have their parent or guardian's consent and have completed the YWRCC. There are minimum age requirements under OH&S legislation and other laws that may limit the type of work that can be done.</p>
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Overtime	
<p>How much is overtime pay?</p> <p>a) 1.5 x the hourly wage b) 1.5 x the hourly wage c) 1.75 x the hourly wage</p>	<p>Answer</p> <p>1.5 x the hourly wage</p>
<p>What is overtime?</p>	<p>Answer</p> <p>For most workers, overtime is time worked over eight or 10 hours in a day, (depending on the worker's schedule) over 40 hours in a regular week, or over 32 hours in a week with a public holiday.</p>

Layoff and termination	
<p>What is “just cause” for dismissal?</p>	<p>Answer</p> <p>“Just cause” is not defined in employment standards. It is defined by court cases.</p> <p>“Just cause” for dismissal is when the employer is justified in immediately firing a worker. Usually very serious offences like fraud, theft or violence are considered “just cause.” Employers are not required to give notice or pay instead of notice if a worker was fired for “just cause.”</p>
<p>Before I am eligible for notice I am being terminated, I must have worked more than:</p> <p>a) Three months b) Six months c) 12 months</p>	<p>Answer</p> <p>Three months or 13 weeks is generally regarded as a probation period. Employers do not have to give notice or pay instead of notice during the first three months.</p>
<p>Workers cannot be dismissed if they take time off to be with a sick family member.</p> <p>a) True b) False</p>	<p>Answer</p> <p>True. Employers may not discharge or discipline employees who have worked for them more than 13 consecutive weeks because of absence due to illness or injury of the worker or a dependent family member.</p>

Holiday pay	
<p>What is public holiday pay?</p> <p>a) Pay I get whenever there is a public holiday</p> <p>b) Pay I get only if the holiday falls on a regular day of work for me</p>	<p>Answer</p> <p>Pay for whenever there is a public holiday. It is calculated by multiplying regular wages, excluding overtime and vacation pay, paid on each cheque, earned in the 28 days before the holiday by 1/20 (five per cent).</p> <p>Workers get public holiday pay for 10 public holidays in Saskatchewan, even if they work part time.</p>
<p>As a casual, temporary, seasonal or part-time worker, I am entitled to vacation pay.</p> <p>a) True</p> <p>b) False</p>	<p>Answer</p> <p>True. All workers who work in the province of Saskatchewan are entitled to vacation pay of 3/52 (six per cent) of the worker's total (gross) wage over 12 months.</p>
<p>After working part-time for a year for the same employer, I am entitled to vacation leave of:</p> <p>a) One week</p> <p>b) Two weeks</p> <p>c) Three weeks</p>	<p>Answer</p> <p>Three weeks</p>

<p>What is vacation pay?</p>	<p>Answer</p> <p>Money that is paid for annual vacation. It is calculated by multiplying your total wages for a year by 3/52 or approximately six per cent.</p>
<p>Name two public holidays.</p>	<p>Answer</p> <p>Saskatchewan has 10 public holidays: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, and Christmas Day.</p>
<p>As a casual worker, I am entitled to vacations.</p> <p>a) True b) False</p>	<p>Answer</p> <p>True. All workers in Saskatchewan are entitled to vacations, no matter what hours they work.</p>

<p>Wages/payroll administration section</p>	
<p>My employer can deduct from my paycheque, cash shortages or the cost of replacing goods I accidentally break or damage.</p> <p>a) True b) False</p>	<p>Answer</p> <p>False. Only deductions required by law (CPP, Employment Insurance, and income tax) or voluntary worker purchases can be deducted from your wages. Employers may recover other costs only if they take the worker to court and win.</p>

My employer must provide me with a written statement of earnings showing vacation pay and public holiday pay I earned for the pay period for which I am being paid.

- a) True
- b) False

Answer

True. Your paycheque must include a written statement that is detachable from the cheque and includes, among other items, the public and vacation pay you have earned during that pay period.

Activity 3: The Gentle Art of the Tough Complaint

Learning objectives

- To determine and apply strategies for addressing problems arising from unfair workplace practices

Time: 30 minutes

Materials and equipment

- Student handouts: Handouts 2-4 (case studies), Handout 5
- Answer keys: Handouts 2-4
- *Ready for Work q-cards*
- Harassment prevention information on www.saskatchewan.ca
- Background notes
- Flip chart
- Pens

Preparation

1. Copy class sets of :
 - Handouts 2-4 (case studies)
 - Handout 5
2. Review the case studies and answer keys.
3. Review the information found in background notes.

Activity

1. Divide classes into groups of two to four students. Provide each group with a case study. Ask each group to appoint a recorder and a spokesperson. Provide about 10 minutes to complete the case study. Have each group provide the larger group a synopsis of their case study and their answers to the questions.
2. Provide students with copies of Handout 5 and *Ready for Work q-cards*. If time permits, review and discuss the wallet cards and Handout 5.

Evaluation

Ask students to complete the following statements:

- One thing I already knew about fair workplace practices and employment standards ...
- One thing I learned today ...
- One thing I will remember from this module is ...
- One question I still have ...
- The information would have been more meaningful if ...

Background notes

Handling conflict in the workplace⁷

At some point in their work life, workers will likely encounter conflict in their workplace. Conflict is as normal in the world of work as it is in other life situations. For workers to be effective at their jobs, they will need to learn some strategies or techniques for dealing with conflict.

Handling anger effectively

If workers feel their rights have been violated, they may feel angry and frustrated. Their initial reaction may be to confront their supervisor/employer. Anger is a natural reaction to feelings of being treated unfairly. However, it is important for all workers to understand there may be consequences to losing one's temper. Most employers will not tolerate a worker seen as a problem in the workplace.

Workplaces generally have policies outlining serious consequences for emotional or physical displays that have the potential to harm others. As well, workers could possibly lose credibility with colleagues they may need to work with in the future. It is important to find an effective way to channel this anger into productive behaviour.

A conflict of interest or a personal conflict?

One strategy for dealing with anger might be to take a time out to reflect on the conflict. A "time out" may enable you to find a way to think of this conflict in a different way (i.e., to take it out of the personal realm). You will have time to determine if this is a conflict of interest or a personal conflict.

Daniel Johnson describes a conflict of interest as when the actions of one person attempting to reach his or her goals prevents, blocks or interferes with the actions of another person attempting to reach his or her goals.⁸ For example, in a workplace, the employer or supervisor's desire to schedule a worker to work a particular shift may be in conflict with the worker's wish to have the day off. This is a conflict of interest.

A conflict of interest can occur between people who like or respect one another. A personal conflict is often described as one that involves negative feelings. Workers may find it useful to see their problems with their working conditions as a conflict of interest rather than a personal conflict. It may help them to deal with their feelings of anger and frustration if they realize that what is happening is not directed at them personally.

⁷ Reprinted/adapted with permission. *Reaching Out: Interpersonal Effectiveness and Self-Actualization*, sixth edition, 1997, Daniel W. Johnson. Also from *Helping to Solve the Employment Puzzle: A Toolbox for Middle and Secondary Levels*, SIAST and the Saskatchewan Ministry of Advanced Education, Employment and Employment.

⁸ Reprinted/adapted with permission. *Reaching Out: Interpersonal Effectiveness and Self-Actualization*, sixth edition, copyright 1997, Daniel W. Johnson.

It may also help them become more effective in determining a strategy to deal with the conflict.

Conflict resolution strategies

There are many strategies for dealing with a conflict of interest in the workplace. There is a greater potential for the strategy to be successful if workers are aware of their own personal style for dealing with conflict, as well as their goals for the situation. For example, they may find conflict difficult and will try to avoid it at all costs. Alternatively, they may be determined to win at all costs.

When deciding upon a conflict resolution approach, consider two important questions:

- How important is your goal(s)? Remember that a conflict of interest happens when workers' attempts to reach their goal are blocked.
- How important is their relationship with their boss/supervisor/colleague?

If attaining goals are important and the relationship is not, strategies to help you reach your goals should be the focus of any actions. However, if the relationship is important, the strategies used will need to work towards preserving the relationship. In determining strategies, the following factors are significant:

- How much power does the supervisor/employer have over your job security and satisfaction?
- How much power does the supervisor/employer have over your future employability in other businesses?
- Is your relationship with the supervisor/employer likely to deteriorate if the issue is raised?
- How much influence do you have with the supervisor/employer?
- Is quitting the job an option?
- How important is your need to realize your goal(s)?

Here are some general guidelines that may help you determine your approach:

- In ongoing relationships, it is usually better to deal with the conflict than to withdraw from it. In ongoing relationships, forcing, persuading, threatening or manipulating the other person into giving in may cause him or her to seek revenge at a later point.
- Seriously consider if the relationship is of importance to you. You can't always be certain you will not have dealings with the person at a later date.
- It is important not to give up on your goals if they are very important to you. Giving up a goal of significance may lead to frustration and anger, which could manifest itself at a later point in the relationship.
- Not all problems or conflicts can be addressed or solved immediately. Some may require a long-term strategy, which is put in place gradually and over time. Most problem-solving strategies take a lot of time. However, if there is time, problem-

solving negotiations are often the best choice for addressing problems constructively.

Using outside agencies

There are outside agencies that help workers address workplace problems. One of these is the Ministry of Labour Relations and Workplace Safety. This is procedure the Employment Standards Division recommends using when addressing workplace concerns:

1. Call the Employment Standards Division to determine your rights and responsibilities.
2. Discuss the issue with the employer.
3. If the concern is still not resolved, make a formal complaint to the Employment Standards Division.

Talk to the employer

The Employment Standards Division recommends that workers start the problem solving process by talking to their employer. It is important to note that most employers want the opportunity to address the existing problems before there is outside intervention.

There are many factors that will affect the outcome of your discussions with your employer:

- Employers may not be aware of the law. Alternatively, they may not know how the law specifically affects their particular work situation. If at all possible, it is important that the worker and employer take the time to discuss the matter, seeking advice and information as needed.
- Some employers may be open to discussing working conditions or receiving information or suggestions from their workers. However, not all employers may be prepared to discuss working conditions with their workers. The discussion could result in actions the worker may see as unfair or disciplinary.
- The manner in which you start the discussion may affect its success or failure. You may want to start by asking for information or clarification about the issue. For example, you could ask how your wages were calculated or how to read your pay stub. Asking for clarification opens the door to further discussion.

Early intervention

If you decide it is impossible to approach your employers or if your attempts have been unsuccessful, you may want to seek the assistance of the Employment Standards Division. If they determine employment standards have been violated, they will call the employer on your behalf to discuss the issue. If you agree, they will use your name to explain the problem with the employer. Alternatively, if you desire, your name will not be used in the discussion.

Formal complaint for unpaid wages

If the employer does not respond to attempts to resolve the problem, the Employment Standards Division will invite you to make a formal complaint. You will need to complete a complaint form (www.saskatchewan.ca) explaining the problem and provide pay stubs and any records you may have.

Once a formal complaint is made, an Employment Standards Officer will investigate it. If they find wages are owed, they will use a variety of methods for collecting them. If a wage assessment is filed, employers or workers can appeal it. An adjudicator appointed by the Saskatchewan Labour Relations Board will then conduct a hearing into the problem and make a decision. The adjudicator's decision can be appealed to the board on a matter of law or jurisdiction.

Waiting it out

You may opt not to pursue your complaint at this particular time. You may decide to wait and file a complaint for unpaid wages with the ministry once you have left your place of employment. It is important to note that you can make a claim for unpaid wages within one year of the time the wages were due.

Anonymous complaints

Anonymous complaints can be filed by anyone including a worker or a third party such as a parent, friend or a member of the community. The anonymous complaint process best meets the needs workers who are, and want to remain, employed with an employer, and want a workplace employment standards issue addressed and corrected. A complaint can involve monetary or non-monetary issues. Written complaints with some supporting evidence are preferred.

Upon receiving an anonymous complaint, the Employment Standards Division will contact and work with the employer to correct the employment standards problem. Problems are usually corrected on a "go-forward" basis to ensure that from this point on the provisions of the act will be followed in the workplace.

The Employment Standards Division contact information can be found on www.saskatchewan.ca for anyone interested in filing an anonymous or third party complaint

Keeping records

The Employment Standards Division suggests that workers keep their pay stubs and any other employment records. They may also want to track their hours of work, meal breaks, overtime hours, etc., on a calendar. This information may be useful if they need to file a formal complaint. Workers can make a claim for unpaid wages up to one year after the wages were due.

The Employment Standards Division's mandate

- Answer inquiries from workers and employers about how employment standards might apply to specific workplace situations
- Offer advice to workers and employers for strategies for resolving workplace problems relating to employment standards
- Investigate complaints
- Collect unpaid wages

Most employers respond quickly to complaints about working conditions in their workplaces.

Handout 2: The Day Off Case Study

Casey is a Grade 11 student working at a 24-hour neighbourhood convenience store during the summer months. He works a six-hour shift (5:30 p.m. – midnight) with a 30-minute supper break at 6:30 p.m. Tuesday and Wednesday are his usual days off, and he likes to sleep in on those days. His employer has started scheduling staff meetings for 7-8 a.m. on Wednesday mornings. This is considered the best time because the rest of the staff, except for Casey, is already working. Business is usually slow at that time of day. Since breakfast is provided to all the staff, Casey has been told he will not be paid for attending. He has been told it is critical for him to attend these meetings.

Casey's mother thinks Casey should be paid for attending. Casey thinks that since he is getting breakfast, he should not be paid. However, he does not want to attend the meetings. Since he doesn't usually work on these days, he doesn't see why he should.

1. What are the workplace problems or issues in this situation?
2. What do you think Casey's rights and responsibilities are in this situation?
3. Where could he go for more information about his rights and responsibilities?
4. Do you think this is a conflict of interest or a personal conflict?
5. What is one strategy Casey might use to address this problem?
6. If Casey decides to discuss the issue with his employer, how could he start the discussion? What are some "openers" he could use?
7. Before starting a job, what would you like to know about the working conditions of this job? When would be a good time to ask these questions?

Handout 2: The Day Off Case Study

(Teacher's copy)

1. What are the workplace problems or issues in this situation?

- Not being paid for attending the staff meeting
- Attendance at the staff meetings
- Days off
- The boss's need to hold staff meetings that all staff can attend to provide information to improve the effective functioning of his business

2. What do you think Casey's rights and responsibilities are in this situation?

Rights: For attending the staff meeting, Casey is eligible for a minimum call-out, or his wages for the time worked, whichever is greater, regardless of whether he is fed breakfast. Since Casey is working during the summer months, he is eligible for minimum call-out.

Whenever the employer requires an employee to be at his or her disposal, the worker is deemed to be at work and must be paid. Casey is eligible for two consecutive days off in every seven days if he works in retail for more than 20 hours a week and there are more than 10 workers in the business. One of those days should be Saturday or Sunday whenever possible. If Wednesday is his only day off, Casey may be eligible for another day off as the staff meeting is regarded as time worked.

Responsibilities: If his boss requires him to be at the staff meeting, it is Casey's responsibility to attend the meeting as required. He needs to know his rights under employment standards as it applies to this situation.

4. Where could he go for more information about his rights and responsibilities?

Sources of information: Internet, school, local library, government blue pages, Public Legal Education Association (PLEA)

Sources of assistance: Ministry of Labour Relations and Workplace Safety and Employment and Social Development Canada (ESDC)

5. Do you think this is a conflict of interest or a personal conflict?

A conflict of interest. Casey's interest is not having to attend the meeting, but if he does attend he should be paid accordingly. The owner's interest is to ensure his staff members are trained and up to date on the most current issues.

6. What are some strategies Casey might use to address this problem?

Casey needs to determine if his relationship with his boss or his goal is more important to him or if they are of equal importance. This decision will help him decide on a strategy.

Strategy 1: If his relationship is very important and his goal unimportant, he may decide not to bring the issue to the boss's attention.

Strategy 2: If his goals are very important and his relationship with his boss is unimportant, he may decide to confront his boss and ask for minimum call-out and a day off.

Strategy 3: If the relationship and attaining his goals are of equal importance, he may decide to try a problem-solving approach that will allow both parties to attain their goals and maintain a positive relationship.

Strategy 4: If Casey feels he cannot raise the issue with his boss, he could ask for assistance from Employment Standards Division. They could call on his behalf. This might entail using or not using his name in the discussion. It may even require asking him to file a formal complaint with the division.

Strategy 5: Casey might also decide not to raise the issue with his boss at this time, but rather to wait until he has moved on to a new job.

7. If Casey decides to discuss the issue with his employer, how could he start the discussion? What are some "openers" he could use?

- "I wonder if I could get some information about Wednesday's staff meeting."
- "I am confused about whether my attendance at the staff meeting is considered work time. I wonder if we could talk about it."
- "I would like to find some time to talk about my attendance at the staff meeting."

8. Before starting a job, what would you like to know about the working conditions of the job?

Some possible questions:

- What hours will I be working?
- What will I be paid?
- How and when will I be paid?
- What will be deducted from my paycheque?
- Will I need to purchase anything? (uniforms, tools, boots)

- Who is my supervisor?
- Will I be provided with training?
- What are some of my duties?
- What days do I get off?
- Are there staff meetings? Are they held during work time? Do I have to attend?

Questions might be asked at the initial interview or at the orientation.

Handout 3: The Break Case Study

Angela is a Grade 12 student working at a local restaurant during the summer months. She typically works a shift from 2:30 p.m. - 11 p.m. She is allowed to take a 20-minute lunch break and two 10-minute coffee breaks. After a week of work, Angela explained to her parents that she could never have a break because the restaurant was too busy and she was often on the floor by herself. When another server was on with her, they would arrange who would take a break and when they would take it. Angela was very upset when she learned that she couldn't take a break when the restaurant was very busy regardless of the arrangements that had been made with her colleague.

On a less busy day, some high school friends of Angela's came into the restaurant for coffee. Angela arranged with her colleague to take a 10-minute break so she could visit with them. When her 10 minutes were up, she went back to work. Her employer told her that it was company policy that workers were not allowed to take breaks with restaurant clients.

1. What are the workplace problems or issues in this situation?
2. What do you think Angela's rights and responsibilities are in this situation?
3. Where could she go for more information about her rights and responsibilities?
4. Do you think this is a conflict of interest or a personal conflict?
5. What is one strategy Angela might use to address this problem?
6. If Angela decides to discuss the issue with her employer, how could she start the discussion? What are some "openers" she could use?
7. Before starting a job, what would you like to know about the working conditions of this job? When would be a good time to ask these questions?

Handout 3: The Break Case Study

(Teacher's copy)

1. What are the workplace problems or issues in this situation?

- Not being able to take breaks if the restaurant is busy
- Not being able to visit with friends (clients) on breaks
- Not knowing the rules about breaks
- Employer's need to ensure s/he has adequate staff to serve customers

2. What do you think Angela's rights and responsibilities are in this situation?

Rights: Coffee breaks are not covered under employment standards. However, if a coffee break is provided, then it is considered time worked and should be paid time.

Employers must give workers a 30-minute unpaid meal break within every five consecutive hours of work. Workers have the right to leave the premises during that time.

Responsibilities: It is Angela's responsibility to learn the employment standards rules that apply to her situation (coffee and meal breaks). Angela should be receiving a 30-minute lunch break. Any coffee breaks she receives should be paid time.

If her employer has a "no visiting with clients" rule, then it is her responsibility to comply with that rule.

3. Where could she go for more information about her rights and responsibilities?

Sources of information: Internet, school, public library, government blue pages, Public Legal Education Association (PLEA)

Sources of assistance: Ministry of Labour Relations and Workplace Safety and Human Resources Skills Development Canada (HRSDC)

4. Do you think this is a conflict of interest or a personal conflict?

A conflict of interest

5. What is one strategy Angela might use to address this problem?

A possible strategy might be to talk to her employer about her concerns. She could also contact the Employment Standards Division to ask for information and for a possible intervention.

6. If Angela decides to discuss the issue with her employer, how could she start the discussion? What are some “openers” she could use?

- "I wonder if you might have some time to discuss the break policy."
- "I'm confused about how meal and coffee breaks are handled here. It seems to be very different from my previous workplace. Could we take some time to discuss it?"

7. Before starting a job, what would you like to know about the working conditions of this job? When would be a good time to ask these questions?

Some possible questions:

- What hours will I be working?
- What will I be paid?
- How and when will I be paid?
- What will be deducted from my paycheque?
- Will I need to purchase anything? (uniforms, tools, boots)
- Who is my supervisor?
- Will I be provided with training?
- What are some of my duties?
- What days do I get off?
- Are there staff meetings? Are they held during work time? Do I have to attend?

Questions might be asked at the initial interview or at the orientation.

Handout 4: The Vacation Case Study

Clint has just graduated from Grade 12. He has decided to work for a year or two before beginning post-secondary studies. He has been employed since July 1 by a local car dealership and service station, which is owned and operated by his uncle.

During the summer, he worked at odd jobs, but he is now employed in the parts section of the business. Since the job seemed steady, he planned to spend the Thanksgiving weekend with friends in Calgary. However, he was told he had to work for that entire weekend. He asked about overtime pay. He was told workers do not get overtime pay and that working the odd weekend here and there was “part of the job.”

Clint was also asked to work the Remembrance Day weekend since the annual parts orders were due shortly after and staff could not get the orders completed in their regular working hours. He worked again on the Victoria Day weekend.

By June, Clint was looking forward to taking holidays in July and traveling to California with some friends. He had heard that he could expect to take holidays only after being employed for one year. However, his employer has told him that he would only be allowed holiday time after September 1, since he had only been employed as a regular worker rather than summer help after that date. His employer also warned that if they were too busy at work, Clint might have to settle for holiday pay instead of a vacation.

1. What are the workplace problems or issues in this situation?
2. What do you think Clint's rights and responsibilities are in this situation?
3. Where could he go for more information about his rights and responsibilities?
4. Do you think this is a conflict of interest or a personal conflict?
5. What is one strategy Clint might use to address this problem?

6. If Clint decides to discuss the issue with his employer, how could he start the discussion? What are some “openers” he could use?

7. Before starting a job, what would you like to know about the working conditions of this job? When would be a good time to ask these questions?

Handout 4: The Vacation Case Study

(Teacher's copy)

1. What are the workplace problems or issues in this situation?

- Overtime pay
- Public holiday pay
- Vacation pay
- Vacation leave

2. What do you think Clint's rights and responsibilities are in this situation?

Rights: Clint would be eligible for public holiday pay for all public holidays. Most employees get 1/20 of their regular wages earned in the four weeks before the public holiday as public holiday pay, no matter what their days of work. The calculation includes all wages and holiday pay, but not overtime or vacation pay paid on each cheque.

All full-time, part-time, seasonal and temporary workers get vacation pay and annual vacation leave. After one year with the same employer, workers are entitled to three weeks of unpaid holiday leave. Once a worker is eligible for the vacation, it is expected he will take three weeks off in the following year. Although Clint is eligible for vacation after July 1, his uncle has the right to schedule Clint's vacation when it is convenient for his business. He does so by giving Clint four weeks' notice of when the vacation is to be taken.

Clint should receive vacation pay regardless of whether he takes annual vacation leave. Vacation pay is calculated by multiplying total annual wages by 3/52 (approximately six per cent). He would also be eligible for three weeks of vacation starting on July 1.

Responsibilities: Clint has a responsibility to become knowledgeable about employment standards that apply to his situation.

3. Where could he go for more information about his rights and responsibilities?

Sources of information: Internet, school, public library, government blue pages, Public Legal Education Association (PLEA)

Sources of assistance: Ministry of Labour Relations and Workplace Safety, Employment and Social Development Canada (ESDC)

4. Do you think this is a conflict of interest or a personal conflict?

A conflict of interest

5. What is one strategy Clint might use to address this problem?

One strategy would be to discuss the issue with his employer. He also needs to become familiar with the employment standards rules that apply to his situation. He could call the Employment Standards Division to discuss the issue, seek advice or ask for early intervention.

6. If Clint decides to discuss the issue with his employer, how could he start the discussion? What are some “openers” he could use?

- “I would like to get more information about vacations and vacation pay.”
- “I am confused about when you become eligible for vacations and vacation pay. I wonder if we could talk about it.”
- “I would like to find some time to talk about vacation and vacation pay.”

7. Before starting a job, what would you like to know about the working conditions of this job? When would be a good time to ask these questions?

Some possible questions:

- What hours will I be working?
- What will I be paid?
- How and when will I be paid?
- What will be deducted from my paycheque?
- Will I need to purchase anything? (uniforms, tools, boots)
- Who is my supervisor?
- Will I be provided with training?
- What are some of my duties?
- What days do I get off?
- Are there staff meetings? Are they held during work time? Do I have to attend?

Questions might be asked at the initial interview or at the orientation.

Handout 5: The Gentle Art of the Tough Complaint

If you have a problem with working conditions in your workplace:

1. Identify the issue or problem.
2. Research the problem.
3. Determine a strategy for addressing the issue.

If possible, start by discussing the issue with your employer. If not possible, call the Employment Standards Division for help at 1.800.667.1782 or www.saskatchewan.ca.

Labour Relations and Workplace Safety
Occupational Health and Safety Division
300 - 1870 Albert Street
Regina SK S4P 4W1
Toll free: 1.800.567.SAFE(7233)

Online: www.saskatchewan.ca



WorkSafe Saskatchewan
Head Office
200 - 1881 Scarth Street
Regina SK S4P 4L1

Saskatoon Office
115 24th Street East
Saskatoon SK S7K 1L5

Phone: 306.787.4370
Toll free: 1.800.667.7590
Fax: 306.787.4311
Toll-free fax: 1.888.844.7773

Online: www.worksafesask.ca

