

READY FOR WORK

Module 8. Fairness Works:

Employment Standards



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Fairness Works: Employment Standards for Young Workers

Table of Contents

Introduction to Fairness Works	3
Module Description.....	4
Objectives.....	5
Resource List.....	6
Course Outline.....	7
Activity 1: Promoting Fairness in the Workplace	8
Handout 1: Workplace Quiz	17
Handout 2: Workplace True/False Quiz	24
Activity 2: Managing Anger in the Workplace	28
Understanding the Saskatchewan Ministry of Labour Relations and Workplace Safety's Role	33
Handout 3: Managing Anger Constructively	36
Handout 4: So You're Upset.....	38
Activity 3: Raising Issues Constructively	45
Handout 5: The Sounding Board.....	51
Handout 6: Raising Issues Constructively	52

Introduction to Fairness Works

The resources in this module can help young people have positive work experiences. This module seeks to create an awareness of:

- The need for fair workplace practices
- Everyone's rights and responsibilities for following the rules and maintaining those fair workplace practices

This module specifically focuses on part II of *The Saskatchewan Employment Act: Employment Standards* as a tool for creating and maintaining fair working conditions in Saskatchewan. It aims to teach young people to know and use their rights and responsibilities under part II of this act, which sets the minimum standards for fair working conditions in Saskatchewan workplaces for such things as:

- Overtime
- Work schedules
- Meals breaks
- Minimum wage
- Vacations
- Public holiday pay
- Termination

Part II defines the rules for the workplaces that give many young people their first jobs.

Many young workers don't know the rules that affect their wages and working conditions, such as:

- The minimum wage
- Overtime pay requirements
- The length of their probationary period
- The amount of layoff notice or pay instead of notice required
- How much vacation leave they are eligible for

Young people expect their employers and schools to provide the information they need. Integrating employment standards into the school curriculum can help students have positive work experiences. Whether they become workers, supervisors or employers, students will be better prepared for the workplace if they know and understand their rights and responsibilities with respect to fair workplace practices and procedures.

Module Description

Fairness Works: Employment Standards for Young Workers is a four-hour module designed to help senior high students learn about fair workplace practices and the role employment standards play in setting minimum standards. The module focuses on three key concepts:

1. Entry-level workers are better prepared if they are aware of fair workplace practices.
2. Part II of *The Saskatchewan Employment Act: Employment Standards* sets minimum requirements for fair workplace practices.
3. Under part II, both employers and workers have rights and responsibilities.

The module includes learning activities, objectives, evaluation tools and resource lists that teachers can use with students to explore the concept of fairness in the workplace. The module can be used as a separate unit of instruction or each of the learning activities could be integrated into existing unit and course plans.

It is suitable for use in a number of secondary level courses, but has specific relevance for courses with a transition-to-work dimension.

Teachers interested in additional activities or ideas for teaching students about fair workplace practices may wish to visit www.saskatchewan.ca or www.worksafesask.ca.

These concepts are essential as students make their transition to the workforce. As new workers become supervisors, employers and mentors to other new workers, knowledge of and positive attitudes toward fair workplace practices will continue to be of value.

This module compliments the employment standards information found in the *Young Worker Readiness Certificate Course*.

Objectives

Foundational objectives

- To introduce students to the issues surrounding fair workplace practices
- To develop an awareness of rights and responsibilities with respect to fair workplace practices and procedures
- To develop skills, knowledge and attitudes that will enable the student to act on fair workplace practices and procedures
- To develop a positive disposition to the role of fair workplace practices

Learning objectives

- To explain the concept of fairness as it relates to the workplace
- To describe the roles of various workplace agencies
- To identify how part II of *The Saskatchewan Employment Act: Employment Standards* promotes fair workplace practices
- To explain employer and worker rights and responsibilities for promoting and maintaining fair workplace practices
- To determine the employment standards that exist in the work placement choice or career of interest
- To identify the issues surrounding fair workplace practices
- To identify key questions and how to ask them to determine the working conditions in workplaces of choice or interest
- To 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. *Guide for New Workers*
Download from: www.worksafesask.ca
3. *Minimum Wage Regulations*
Download from: publications.gov.sk.ca
4. *Tips for Young Workers*
Download from: www.worksafesask.ca
5. *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*
Download from: www.saskatchewan.ca
6. Online information: *Bullying and Harassment in the Workplace*
(available at www.saskatchewan.ca)
4. *Ready for Work* q-cards
Download from: www.worksafesask.ca
5. Part II of *The Saskatchewan Employment Act*
6. Websites
 - www.saskatchewan.ca
 - www.worksafesask.ca

Course Outline

Time frame: 4 hours

Purpose	Instructional technique/strategies	Time frame
Identify how workers' rights and responsibilities as defined in part II of <i>The Saskatchewan Employment Act: Employment Standards</i> promote and maintain fair working conditions and practices.	Activity 1: Promoting Fairness in the Workplace Workplace quizzes/discussion questions	40–60 mins.
Use strategies for constructively managing anger in the workplace.	Activity 2: Managing Anger in the Workplace Question sheets/role plays/class discussion	20–30 mins.
Determine and apply communication strategies for constructively raising issues in the workplace.	Activity 3: Raising Issues Constructively Role plays/class discussion	15–20 mins.

Activity 1: Promoting Fairness in the Workplace

Specific learning objectives

- To identify how part II of *The Saskatchewan Employment Act: Employment Standards* promotes fair workplace practices
- To determine the employment standards that exist in their work placements or careers of interest
- To explain employer and worker rights and responsibilities for promoting and maintaining fair workplace practices

Materials and equipment

- *Handout 1* and *2* (student and teacher copies)
- Online resource: *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*
- Fact sheet: *Tips for Young Workers*
- Background notes
- Whiteboard or Smart Board

Time: 60 minutes

Preparation

1. Print or access *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*.
2. Copy a class set of *Handout 1* and *2*.
3. Review background notes and relevant sections of the *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan* booklet and the pertinent answer keys.

Activity

1. Discuss the purpose of the activity. It is designed to increase students' knowledge of the working conditions governed by part II of *The Saskatchewan Employment Act: Employment Standards* in Saskatchewan. This act is important as it sets minimum standards for the working conditions for many of the entry-level jobs students are most likely to hold.
2. Give each student a copy of *Handout 1* and/or *2* and access to *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*.

3. Discuss their answers. To create interest, you may want to identify amounts of money students could potentially have lost in unpaid wages if they did not know the workplace rules that applied to the situations described in each question. (See the teacher's copy for suggested amounts.) Ask students to consider what they might have bought if they had this money in hand.
4. Workers have responsibilities as well as rights. During the class discussion, encourage students to think about their responsibilities as well as their rights. For example, workers are entitled to meal breaks, work schedules and minimum wage. In response to these rights, they are responsible for:
 - Returning to work promptly upon completion of the meal break
 - Checking the work schedules for their hours and to show up as scheduled
 - Performing the tasks that are part of their job efficiently and effectively
5. Ask students to reflect on and respond, verbally or in writing, to the following questions:
 - How does part II of *The Saskatchewan Employment Act* promote fairness in the workplace for both employers and workers?
 - Which employment standards will apply to your work experience or future career workplace of choice? How will they affect this workplace?

Evaluation

1. Assessment of written assignments and students' contributions to the discussion regarding their understanding of the:
 - Scope and purpose of part II of *The Saskatchewan Employment Act*
 - Minimum standards most likely to affect their work experiences or careers of choice
 - Impact of part II of *The Saskatchewan Employment Act* on the employer/worker relationship
 - Rights and responsibilities that both employers and workers have for meeting the established standards

Background notes

Part II of *The Saskatchewan Employment Act* sets a basic or minimum standard for fair working conditions in Saskatchewan. Union contracts and professional association agreements build on the rights provided to workers in this part of the act. The primary purpose of part II is to protect workers by setting minimum standards of employment around working conditions such as hours of work, overtime, termination and holiday pay.

Part II also protects employers from unfair competition in the marketplace. It ensures all employers operate under the same workplace rules. For example, all employers are required to pay the same minimum rate of overtime to all their workers (1.5 times hourly rate).

Part II of the act also ensures that our workplaces reflect what is important to us as a society. For example, as a society, Saskatchewan people value family and family time. The provisions in the act dealing with family leaves (maternity, adoption, parental) reflect this value.

Part II of the act applies to most Saskatchewan employers and workers except self-employed contractors, farm workers⁶, casual babysitters, athletes working for their team, workers in businesses that employ only immediate family members, and workers who work in jurisdictions governed by federal law (railways, banks, airports, radio and television, etc.) See the *Tips for Young Workers* fact sheet for a more complete list. Trappers and fishers are exempt from most sections of the act except the rules governing the payment and collection of wages, record keeping and payroll administration.

There are some partial exemptions from specific sections of the act. For example, managers are exempt from the overtime provisions. Teachers are exempt from the sections on vacations, public holidays and hours of work.

Except for the section on pro-rated benefits, the act is applied equally to all workers including part-time, full-time, temporary, seasonal and permanent workers.

The Ministry of Labour Relations and Workplace Safety administers the act. Its offices across the province provide information, investigate complaints, and work with employers and workers to resolve disputes.

⁶Most provisions of part II do not apply to a worker primarily employed in farming, ranching or market gardening. However, the Director of Employment Standards can assist workers to recover unpaid wages. The operation of egg hatcheries, green houses and nurseries, bush clearing and commercial hog barn operations do not fall within the meaning of farming, ranching or market gardening and are covered by part II of the act. Occupational health and safety rules apply to all industries.

Promoting workplace fairness

Part II of the act provides rights and responsibilities to workers and employers. For example, the act provides workers with a 30-minute, unpaid meal break within every five consecutive hours of work. Employers are responsible for providing workers with the meal break as required.

Under part II, employers have the right to determine when workers take annual vacation leave. Workers are responsible for taking their holidays as scheduled.

Both employers and workers are responsible for knowing what employment standards apply to their particular occupation and acting in accordance with them.

Rights and responsibilities

Overtime – Overtime rules do not apply to managerial or professional workers, loggers, certain types of travelling salespersons, or workers working for outfitters, fishers or trappers. There are special rules for workers in some industries.

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

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

³ A MWA is an agreement between the employer and a worker or 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. Modified work arrangements 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 on average less than 30 hours per week cannot be covered by a MWA or permit.

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.

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 a 30-minute, unpaid meal break within every five consecutive hours of work. Workers who cannot take a break must be allowed to eat while working. Workers who must snack regularly for medical reasons must be accommodated. Workers who require an accommodation must let the employer know and work with the employer to establish a reasonable accommodation.

Work schedules – Employers must give workers notice of when their work begins and ends over a period of at least one week. Notice should be in writing and should be posted on a website or other place where workers can easily see it. Employers must give one week's notice of change in schedule unless there is an emergency or something unexpected happens, such as a worker requesting a schedule change or going 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 paid for three hours of work (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. A worker who works 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. However, 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 – Vacation pay is 3/52 of total annual 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 unpaid holiday leave. Workers who leave before completing one year of employment receive whatever vacation pay they have built up.

Shifts – Workers working in a restaurant, hotel, educational institution, hospital or nursing home cannot be scheduled for more than two shifts in any 12-hour period.

Minimum age of employment – Under part II of *The Saskatchewan Employment Act* and its regulations, 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 (a permission slip will do).
2. Must complete either the online or pencil and paper version of the free *Young Worker Readiness Certificate Course* provided by the ministry and obtain a certificate of completion.

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 vacations and school breaks, 14- and 15-year-olds can work the same hours as other workers. The rules governing overtime, rest periods, holiday pay and the minimum wage apply to all workers regardless of age.

Young people under the age of 14 cannot work unless the employer applies for and receives a special permit from the Director of Employment Standards.

Exemptions – These age restrictions do not apply to the self-employed, athletes working for their team, workers employed primarily in farming, casual babysitters, newspaper carriers, and sole proprietors employing only immediate family members. However, occupational health and safety rules apply to these groups.

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 operation
- 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 shall 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.

Visit www.saskatchewan.ca for more information.

Public holidays – Workers in Saskatchewan get paid for 10 public holidays each year, even if they work part time. Public holiday pay for most workers is 1/20th of wages earned (excluding overtime and vacation pay paid on each cheque) in the 28 calendar days (four weeks) before the holiday.

If workers work on the public holiday, they get 1.5 times their regular hourly wage for all hours worked on the holiday, plus public holiday pay.

Equal pay – Male and female workers are entitled to the same rate of pay when they perform similar work in the same establishment, under similar working conditions that requires similar skill, effort and responsibility. Different pay rates are allowed when based on seniority, merit, trainee programs or other non-gender-related criteria.

Layoff and termination – Workers who are terminated may be entitled to notice or pay in lieu of notice. The minimum notice or pay in lieu of notice for which workers are eligible depends upon their length of service. A worker who works less than 13 consecutive weeks with the same employer is not entitled to notice or pay in lieu of notice.

If the worker is terminated for “just cause,” notice or pay in lieu of notice is not required. Part II of *The Saskatchewan Employment Act: Employment Standards* does not define “just cause.”

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

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

“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 (dismissal without cause), 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 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 that 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).

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 they are absent due to an illness or injury or because they are 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
- If the absence is due to a serious illness or injury and does not exceed 12 weeks in a period of 52 weeks

- If the workers is injured and receiving benefits under *The Workers Compensation Act*, and the absence does not exceed 26 weeks in a 52-week period
- In situations where 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 worker 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: Workplace Quiz

Instructions

Test your knowledge of workplace rules by completing the following questions.

- John works for minimum wage in a local restaurant. In the past two weeks he has worked eight evening shifts of four hours each. He will get his first paycheque on Friday. How much will John earn?
- Tyler earns \$12 per hour working part-time (less than 30 hours per week) at the local golf course. In the past week he has worked the following hours:

Day	Hours worked	Total hours
Monday	8 a.m. – noon	4
Tuesday	8 a.m. – noon 12:30 p.m. – 5:30 p.m.	9
Thursday	8 a.m.– noon 12:30 p.m.– 6:30 p.m.	10
Friday	8 a.m. – 1:00 p.m.	5

Tyler thinks he should get overtime pay for Tuesday and Thursday. His boss disagrees. He has told Tyler he must work 40 hours before he gets any overtime. What do you think? How much money do you think Tyler will earn for working in the past week?

- Sally, a Grade 10 student, is working in a bookstore during July and August. She earns minimum wage. Every Wednesday, she attends a one-hour staff meeting but doesn't work for the rest of the day. Her mother thinks she should get paid for attending the staff meeting. Sally doesn't. She was told when she was hired that it was a condition of employment. Besides, they feed her breakfast. Who do you think is right? Why?

4. Stacey works for minimum wage after school at a music store. She finds it hard to plan evenings out with her friends because she never knows what hours she will be working. She has asked her boss if he could give her a work schedule. He has told her she doesn't get one because she is part-time. Should Stacey get a work schedule?

5. Denise works as a cashier in a service station from 3-8 p.m. She would like to take a half-hour break at 6 p.m. to meet her boyfriend for supper. Her supervisor has told her she can have the break this one time only. She has told Denise she doesn't work enough hours to qualify for a meal break. Since she is working over the supper hour, Denise believes she is entitled to a meal break or at least a 15-minute coffee break. What do you think? Why?

6. Laurie started her new job as a sales clerk on Dec. 1 and works a regular schedule of eight hours a day, three days a week (Tuesday, Thursday and Saturday). She earns \$12 per hour. She did not work on Christmas Day as the store was closed. Her friends tell her she should get holiday pay for that day. Her boss says no. What do you think? Do you think she should be paid for Christmas Day even though she didn't work it? How much money do you think she earned during Christmas week?

7. Sam earns \$12 per hour working as a parking attendant after school and on weekends. He works three-hour shifts on Monday afternoon, Thursday evening and Saturday morning. Remembrance Day falls on a Saturday this year. Sam thinks he should earn time and one half for working a public holiday. His friends think he'll only get his regular pay. Who do you think is right? Why? How much money do you think Sam will earn during the Remembrance Day week?

8. Cooper has earned \$4,000 this year working in a fast food outlet as a part-time server. His friend who works full-time at the same outlet has been paid vacation pay on each paycheque. Cooper hasn't. He thinks he isn't eligible for vacation pay because he's part-time. What do you think? Why?

9. Ian earns minimum wage working 15 hours a week at a local gas station as a gas jockey. He has been employed for six months. Business has been slow, so he has been given two weeks' notice that he will be laid off until July 1. Ian thinks the boss owes him severance pay. Because he will be rehiring Ian, the boss thinks he doesn't have to pay him. What do you think? Why?

10. Terry, a server, drops a tray, breaking \$86 worth of dishes. His next paycheque shows this amount has been deducted from his paycheque. His co-workers tell him his employer can't deduct items like dishes he breaks from his paycheque. He thinks so. Who do you think is right? Why?

11. Susan and Sean work as cashiers at the checkout counter in a grocery store. They do the same job, started the same day and work the same number of hours. Susan is very popular with the customers and works faster than Sean. The boss has decided to give Susan more money than Sean. Sean doesn't think this is fair. Do you think Sean is entitled to the same rate of pay as Susan? Why?

Handout 1: Workplace Quiz

(Teacher's copy)

The answers provided here may change depending on the situation. Please consult the original act and regulations for interpretation and application of the law.

1. **Answer:** John worked eight hours x four days = 32 hours. Multiply the current minimum wage rate by 32 to calculate John's earnings. Visit www.saskatchewan.ca for the latest information about the minimum wage.
2. **Answer:** Tyler is entitled to overtime pay for Tuesday and Thursday. He has worked more than eight hours on these days. He would earn \$354 for the week. This is calculated as:

$$25 \text{ hours at regular wages } (25 \times \$12 = \$300) + 3 \text{ hours overtime pay } (3 \times \$12 \times 1.5 = \$54)$$

Eligible workers are paid overtime after working eight or 10 hours in a day (depending on the worker's schedule) or 40 hours in a week (32 hours in a week with a public holiday.) Overtime pay is calculated at:

$$1.5 \times \text{hourly wage} \times \text{hours worked}$$

Overtime provisions do not apply to managerial or professional workers, workers working for mineral exploration operations north of Township 62, loggers, certain types of traveling salespersons, and workers working for outfitters, fishers or trappers.

Part-time workers who work **less than 30 hours per week** get overtime after working more than eight hours. They cannot be covered by modified work arrangements (MWA) or averaging of hours permits.

Special overtime rules apply to some types of employment, including ambulance attendants or firefighters on a platoon system, oil truck drivers, some hog barn workers, some road construction workers working for rural municipalities, and some city newspaper workers.

Overtime rules are also modified for employers who have negotiated a MWA with their workers or received an authorized averaging of hours permit from the Director of Employment Standards allowing compressed workweeks.

3. **Answer:** Her mother is correct. Sally is eligible for minimum call-out or her wages for the time worked, whichever is greater.

If workers are required to be at a staff meeting, they are generally considered to be at work. Minimum call-out is three times the worker's hourly wage rate every time the employer requires a worker to report for work. Minimum call-out for full-time students (K-12) is one hour at the worker's hourly rate while school is in session. However, because Sally is working during the summer months, she is eligible to receive regular minimum call-out pay.

4. **Answer:** All workers, regardless of the number of hours they work, are entitled to receive work schedules. Employers must give workers notice:
- Of when their work begins and ends over a period of at least one week
 - In writing and posted in a place where it can easily be seen by workers
 - One week in advance of a change in the schedule

When an emergency or unusual circumstance arises, the employer can change the worker's work schedule without notice. Employers can also apply for permits to vary the requirement for providing or posting a work schedule.

5. **Answer:** Denise is entitled to take a 30-minute unpaid meal break within every five hours of work. She is not entitled to a coffee break.

When unforeseeable or unpreventable circumstances occur, employers can require workers to forego a meal break. Employers can also apply for a permit to vary the requirement for a meal break. Workers are not entitled to coffee breaks under Part II of *The Saskatchewan Employment Act: Employment Standards*.

6. **Answer:** Most workers get public holiday pay no matter what days they work. Laurie is entitled to public holiday pay for Christmas Day even though she did not work it. However, she would not get wages for Christmas Day because the store was closed and she did not work that day.
- Public holiday pay is 1/20 (five per cent) of the worker's regular wages for the 28 days/four weeks before the holiday.
 - Laurie's pay in four weeks prior to the holiday varies because Laurie only worked two days during Christmas week. She would earn:
\$12 x eight hours per day x two days = \$192 for that week.
 - Her pay for the remaining three weeks would be:
3 days x 8 hours per day x \$12 = \$288 per week x 3 weeks = \$864
 - The \$192 for Christmas week would be added to the \$864 for the other three weeks for a total of \$1,056 wages in the four weeks before the holiday.
 - Her public holiday pay for Christmas Day would have been five per cent or:
 $1/20 \times \$1,056 = \52.80
 - Laurie would earn \$244.80 for Christmas week:
\$192 wages + \$52.80 public holiday pay
 - There are 10 public holidays in Saskatchewan: New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

7. **Answer:** Most workers who work on public holidays get paid premium pay, which is 1.5 times their regular wages for all hours worked. They will also receive public holiday pay. For working on a public holiday, Sam is entitled to premium pay (1.5 times regular wages) plus public holiday pay.

Eligible workers also get overtime after working more than 32 hours in a week with a public holiday, not including time worked on the holiday.

Sam's pay for the Remembrance Day week will be two days of regular pay plus premium pay plus public holiday pay.

- Regular pay for a day would be:
 $3 \text{ hours} \times \$12 = \36
 $3 \text{ hours} \times \text{three shifts} = 9 \times \$12 = \$108$ for a regular workweek
 - Sam's pay for the four week public holiday calculation period varies, since Sam only worked two shifts during Remembrance Day week. His pay for this week would be:
 $2 \text{ shifts} \times \$36 \text{ per shift} = \$72$
 - Therefore, his public holiday pay would be:
 $\$108 \times 3 \text{ weeks} = \$324 + \$72 \text{ for Remembrance Day week} = \$396 \times 0.05 = \$19.80$
 - Premium pay for working on the holiday:
 $3 \text{ hours} \times 1.5 \times \$12 = \$54$
 - Therefore, Sam's gross pay for Remembrance Day week will be:
 $\$72 \text{ (wages for two shifts)} + \$19.80 \text{ (public holiday pay)} + \$54 \text{ (premium pay)} = \145.80
8. **Answer:** Cooper should receive vacation pay, as it is paid to all workers including those working at full-time, part-time, casual, temporary and seasonal jobs. Vacation pay is calculated on the worker's total wage over a 12-month period. If a worker has been employed for less than 10 years, the total yearly wages for a 12-month period are multiplied by 3/52 (approximately six per cent). Cooper would receive \$230.77 vacation pay.
9. **Answer:** Since Ian's boss has given him the proper notice, he does not have to give him pay instead of notice.

If employers do not give notice of layoff or termination, they must pay the worker pay instead of notice. This is the worker's normal wages (average weekly wage) for the notice period, based on an average of wages earned in the 13 weeks of work before the notice date.

Ian being re-hired has nothing to do with the amount of notice or pay instead of notice to which he is entitled.

Employment standards regulates notice periods and pay instead of notice. It does not regulate severance pay and punitive damages. Civil (employment) law addresses these matters.

10. Answer: The employer cannot deduct money from Terry's wages for the broken dishes. Only deductions required by law (Canada Pension Plan, income tax, Employment Insurance) or voluntary purchase plans can be taken from wages. The employer can recover costs for broken dishes or cash shortages by taking the worker to court and obtaining a court judgement.

11. Answer: Susan and Sean are entitled to the same rate of pay unless there is a merit system, one of them has greater seniority or one is in a training program.

Male and female workers are entitled to equal pay when they perform similar work in the same establishment under similar working conditions requiring similar skill, effort and responsibility. A merit system is a pay system that rewards workers for special effort or work.

Because they were unaware of their rights and responsibilities, workers lost money in unpaid wages in each workplace situation described. The chart below details the amounts for each question. The amounts of money are in **bold**.

1. John worked eight hours x four days = 32 hours. Multiply the current minimum wage rate by 32 to calculate John's earnings. Visit www.saskatchewan.ca for the latest information about the minimum wage.	7. Sam's gross pay for Remembrance Day week will be \$72 (wages for two shifts) + \$19.80 (public holiday pay) + \$54 premium pay = \$145.80.
2. He would earn \$354 for the week. This is calculated as 25 hours at regular wages (25 x \$12 = \$300) + 3 hours overtime pay (3 x \$12 x 1.5 = \$54) .	8. Cooper would receive \$230.77 vacation pay.
3. Sally is eligible for minimum call-out (three hours at her hourly rate) or her wages for the time worked, whichever is greater.	9. \$0 . Since Ian's boss has given him the proper notice, he does not have to give him pay instead of notice.
4. She is entitled to receive a schedule. No money is involved.	10. \$86.00 in illegal deductions.
5. She is entitled to a 30-minute meal break within every five hours of work, but not a coffee break. No money is involved.	11. \$0
6. Laurie would earn \$244.80 for Christmas week (\$192 wages + \$52.80 public holiday pay).	

Handout 2: Workplace True/False Quiz

Instructions

Test your knowledge of employment standards in Saskatchewan by completing the quiz below.

1. The minimum wage in Saskatchewan is \$10.50 per hour.	T	F
2. All workers who work more than eight hours in a day must be paid overtime.	T	F
3. The overtime rate is 1.5 times the worker's regular wage.	T	F
4. Most workers must be paid for three hours at their hourly rate each time they are called out to work.	T	F
5. Most workers are entitled to a coffee break within every four hours of work.	T	F
6. Employers must give workers paid meal breaks.	T	F
7. All workers are entitled to paid sick leave.	T	F
8. Except in emergencies, employers must give their workers notice of changes to their work schedules.	T	F
9. Workers who have worked for the employer for at least 13 weeks in a row must give their employers two weeks' notice when they leave their jobs.	T	F
10. Workers who have worked less than 13 weeks are entitled to one week's notice when laid off.	T	F
11. All workers are entitled to vacation pay.	T	F
12. Most workers must be paid 1.5 times their regular salary for working on a public holiday.	T	F
13. Cash shortages and the cost of replacing broken or damaged goods can be deducted from a worker's wages.	T	F
14. Male and female workers doing similar work can be paid differently only when their years of service differ.	T	F

Handout 2: Workplace True/False Quiz

(Teacher's copy)

The answers provided here may change depending upon the situation. Please consult the original act and regulations for interpretation and application of the law.

1. **False.** Visit www.saskatchewan.ca for the latest information about the minimum wage.
2. **False.** Most workers are paid overtime after working eight or 10 hours in a day (depending on their schedule), 40 hours in a regular week or 32 hours in a week with a public holiday.

There are some exceptions to this general overtime rule. For example, managers are exempt from overtime. Other workers, such as road construction workers employed by rural municipalities, have special overtime rules. Employers and workers can negotiate modified work arrangements to vary the overtime rules, and the Director of Employment Standards can grant permits that allow an employer to vary the hours that workers work.

3. **True.** Workers who work overtime hours are paid at a rate of 1.5 times their hourly wage.
4. **False.** Most workers get a minimum call-out pay of three times their hourly wage rate each time they report for work (unless they are called in to work overtime), even if it turns out that there is no work for them that day. If the worker does work, the worker must be paid either the minimum call-out or the worker's regular wages for the time worked, whichever is greater. Minimum call-out for students (K-12) working during the school term is one hour at their hourly rate. Regular minimum call-out rules apply during school breaks and summer vacations.
5. **False.** Part II of *The Saskatchewan Employment Act: Employment Standards* does not cover coffee breaks. If a break or rest period is given, it is considered time worked and should be paid time.
6. **False.** Employers must give workers an **unpaid** 30-minute meal break within every five consecutive hours of work.

When an incident occurs, urgent work is necessary or another unforeseeable or unpreventable circumstance occurs, employers can require workers to forgo a meal break. Employers can apply for a permit to vary the requirement for a meal break.

7. **False.** Under part II of *The Saskatchewan Employment Act: Employment Standards*, employers don't have to pay wages to workers who are away sick. Some employers do provide sick pay. In most cases, employers cannot fire workers for missing work because of their own or an immediate family member's illness or injury.

8. **True.** All workers, regardless of the number of hours they work, are entitled to receive work schedules. Employers must give workers:
- One week's notice of a change in a schedule
 - Notice of when their work begins and ends over a period of at least one week, including meal breaks
 - The notice must be in writing and posted where it can easily be seen by workers

Employers can change work schedules with little or no notice if an emergency or something unexpected happens. Employers can apply for a permit from the Director of Employment Standards to vary the requirement for a work schedule.

9. **True.** Part II of *The Saskatchewan Employment Act: Employment Standards* requires workers who have worked for their employer for at least 13 weeks to give written notice at least two weeks in advance before leaving the job. 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 business)

10. **False.** The maximum notice an employer must give when terminating a worker depends on the worker's length of service. The worker must have passed the initial probationary period of 13 weeks or three months before they are eligible for any notice.

If the worker does not receive notice then she or he must be given pay in lieu of notice. This is payment of the worker's normal wages for the notice period.

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

11. **True.** Vacation pay is available to full-time, part-time, casual, temporary and seasonal workers (including those who have not worked a full year).

12. Vacation pay is calculated on the worker's total wage over a 12-month period. To calculate holiday pay, multiply the total wages for a 12-month period by $\frac{3}{52}$ if the worker has been employed for **nine years or less** and $\frac{4}{52}$ if employed for **10 years or more**.
13. **True.** Most workers who work on a public holiday get paid premium pay for working on a public holiday. Premium pay is 1.5 times their regular wages for all hours worked. Workers are also eligible for public holiday pay. Public holiday pay is $\frac{1}{20}$ of their regular wages for the four weeks before a public holiday. Regular wages does not include overtime, tips, gratuities, or vacation pay paid on each cheque. Vacation pay paid for vacation days taken, would be included in the public holiday pay calculation.
14. **False.** Only deductions required by law (i.e., income tax, Canada Pension Plan and Employment Insurance) or voluntary worker purchases from the employer can be deducted from wages. Voluntary worker purchase plans involve workers buying an item or a service from the employer and agreeing to have deductions taken from their paycheque until it is paid for.
15. Employers may recover these types of costs, but only if they take the worker to court and win.
16. **False.** Male and female workers are entitled to equal pay when they perform similar work in the same establishment under similar working conditions and requiring similar skill, effort and responsibility. Different rates of pay are allowed when based on seniority, merit or involvement in a trainee program.

Activity 2: Managing Anger in the Workplace

Specific learning objectives

- To identify the issues surrounding fair workplace practices
- To determine and apply strategies for addressing problems arising from unfair workplace practices

Materials and equipment

- Pen and paper
- Background notes
- Online resource: *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*
- *Handout 3* and *4* (student and teacher copies)

Time: 30 - 40 minutes

Preparation

1. Photocopy a class set of *Handout 3* and *4*.
2. Access online resource: *Rights and Responsibilities: A Guide to Employment Standards in Saskatchewan*.
3. Familiarize yourself with the information found in the:
 - Background notes
 - Fact sheets
 - *Handout 3* and *4*

Activity

1. Discuss the purpose of the activity with the class. It is designed to help students identify and practice strategies for dealing with workplace problems and the anger that may result from the feelings of being treated unfairly.
2. Brainstorm actions students could take if they encounter a problem with the working conditions in their workplace.
3. Provide students with a copy of *Handout 3*. Discuss anger as a natural reaction to feeling your rights have been violated. Review the anger management steps outlined on the chart.

4. Divide the class into groups of two. Hand out copies of *Handout 4*. From the role play section, assign one role play to each group. Ask group members to determine who will play the employer or worker and to role play the assigned situation.
5. Upon completion of the role play, instruct each group to complete the questions on the worksheet. In the large group, discuss their answers.
6. Discuss with students and/or ask them to journal about a workplace experience in which they believed they were treated unfairly. If students do not have work experience, suggest that they write about a personal conflict with a friend or family member. Ask students to describe:
 - The event
 - How they felt during the event
 - How the conflict was managed or not managed
 - The result
 - What they might do differently next time
7. Provide students with copies of fact sheets.

Evaluation

1. Informal assessment of student willingness to participate, co-operate and work together in large and small groups.
2. Assessment of students' contributions in large and small groups:
 - Did they understand the anger management steps?
 - Did they exhibit an ability to handle constructively any anger they might experience?

Background notes

Managing conflict in the workplace⁷

Conflict in a workplace is inevitable. When people with different values, culture, backgrounds and expectations come together in one place, disagreements are bound to happen.

All workers have the right to a violence-free workplace as well as the responsibility to not participate in or contribute to the conflict. To prepare for the roles they will have as future employers and workers, students must develop and enhance the skills needed to manage workplace conflict.

The first step

When a problem occurs, the first step is to determine your rights and responsibilities. In Saskatchewan, a number of agencies can help. They include:

- The Human Rights Commission
- Saskatchewan Ministry of Labour Relations and Workplace Safety
- Saskatchewan Workers' Compensation Board
- Employment and Social Development Canada, Labour Division

Anger: A normal human reaction

Anger is usually the first reaction for workers who feel or know their rights have been violated. Their immediate impulse may be to angrily confront their supervisor or employer.

Anger is a natural reaction to feelings of being treated unfairly. However, it is important to channel the anger from destructive into constructive actions.

Destructive anger

There may be consequences to losing your temper:

- Most employers will not tolerate a worker who they see as a problem and who uses aggression or violence to address workplace problems.
- Workplaces are required to have policies outlining serious consequences for emotional or physical displays that have the potential to harm others.
- Workers or employers could lose credibility with colleagues and staff with whom they may need to work in the future.

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It is important to find constructive ways to channel anger or feelings of frustration into productive behaviour.

Constructively managing your anger

There are some general rules for constructively managing anger in the workplace:

- 1. Recognize and admit the anger.** Anger is a natural, healthy and normal human feeling. Judging, denying or rejecting anger, feeling guilty or apologetic for being angry or creating more anger by “reliving” the incident over and over again can be a counterproductive, energy draining activity.

One method for getting past the negative feelings of anger may be to engage in positive self-talk. Permission is given for the emotion, ("It's OK for me to feel angry sometimes.") but not for negative behaviour (yelling, using physical force intended to harm others) which may accompany the anger.

- 2. Try to understand the other person's perspective and intentions.** It is important for everyone to stay calm and be non-threatening. It is important to not jump to conclusions about the other person's intentions.

Try walking a mile in the other person's shoes. This means trying to see the issue from another point of view, as well as getting all the facts. You may increase understanding, help to solve the problem and build (or re-build) a positive working relationship.

- 3. Make a decision about what to do with the anger.** Consider the risks and advantages to expressing anger:

- Directly to the employer or worker
- Indirectly, for example, to a friend
- Not at all

Whether you decide to act, wait awhile or do nothing will depend upon the amount of power the other person has over your job security or satisfaction and how important the relationship is to you. In reflecting on the decision, think about how reasonable the other person is. For example:

- Are they likely to make life miserable if they don't want to hear what you have to say?
- Is it better to talk directly to the person involved or blow off steam in another way?
- Is it healthy to not express the anger at all?
- Which action might contribute to the situation getting worse?

- 4. Express the anger directly, if appropriate.** As in most workplace conflicts, timing is significant. It is important to wait until there is enough time to discuss the problem in private without interruption.

The manner in which the discussion is started and subsequently handled may also impact its success. Throughout the discussion, each party must exhibit a willingness to let go of their anger and maintain a positive relationship with the person.

- 5. Express the anger indirectly when it is inappropriate to express it directly.** If expressing the anger directly is inappropriate, try some indirect methods for getting rid of the emotion. This may include getting some physical exercise, using relaxation techniques or talking privately to someone you trust.

Sometimes, you may realize that the problem will not go away and your only alternative may be to end the relationship or, if possible, stay away from the person.

A conflict of interest or a personal conflict?

A final method for handling the anger may be to try to think of the situation in a different way, to take it out of the personal realm and see it as a conflict of interest.

Daniel Johnson describes a **conflict of interest** as when the actions of one person attempting to reach his or her goals prevent, block or interfere with the actions of another person attempting to reach his or her goals. For example, in a workplace the employer or supervisor's desire to maximize profits may sometimes conflict with a worker's desire to maximize their wages. 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 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 and determine an effective conflict management strategy if they realize that the events are not directed at them personally.

Understanding the Saskatchewan Ministry of Labour Relations and Workplace Safety's Role

The Employment Standards Division of the Ministry administers part II of *The Saskatchewan Employment Act: Employment Standards*. The division suggests that workers address employment standards concerns this way:

1. Call the Employment Standards Division or read *Rights and Responsibilities* to determine what employment standards rules apply to your situation.
2. Discuss the issue with the employer.
3. Make a formal complaint to the Employment Standards Division if the issue is not resolved.

Talk to the employer

The Employment Standards Division recommends that workers start by talking to their employer about their employment standards concerns. It is important to note that most employers want the opportunity to address the problem before outside intervention. There are many factors that could affect the outcome of your discussion(s) with your employer.

1. Employers may not be aware of the law or 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 and seek advice and information as needed.
2. Some employers may be open to discussing working conditions or receiving information or suggestions from their workers. Others may not. The discussion could result in actions that the worker may see as unfair or disciplinary.
3. The way you initiate the discussion may impact its success or failure. You may want to start the conversation 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 often opens the door to further discussion.

If you cannot resolve a concern about unpaid wages with the employer, or you have left the job, you may want to file a formal complaint for unpaid wages.

Employment standards investigations

Once it receives a formal complaint, the Employment Standards Division will review the complaint and may ask the worker for more information. An Employment Standards Officer will also contact the employer and may inspect the employer's payroll records, talk with other workers and gather other evidence.

Employment standards officers have the authority to:

- Enter a workplace under their jurisdiction
- Require the employer to produce payroll records for inspection
- Talk to anyone who might have information about the case

If the officer finds that wages are owed to the worker, the officer will ask the employer to pay the wages owed. If the evidence is unclear or contradictory, the officer may attempt to negotiate a settlement. The worker then has to decide whether to accept any negotiated amount offered. If the complaint can be resolved, no fees will be charged to the employer or corporate directors.

If the complaint is not resolved, the Director of Employment Standards may issue a document called a *Wage Assessment* stating how much money the officer believes the employer owes to the worker. Once served, the employer or worker has 15 business days (not including Saturday, Sunday or a holiday) to appeal. Appeals are heard by adjudicators appointed by the Labour Relations Board.

If the officer finds that no wages are owed, the officer will send the complainant (worker) and the employer a letter summarizing the results of the investigation.

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 of workers who want a workplace standards issue addressed and corrected while they remain employed with an employer. A complaint can involve monetary or non-monetary issues. Written complaints with some supporting evidence are preferred.

When an anonymous complaint is made, the Employment Standards Division works with the employer to ensure that the provisions of *The Saskatchewan Employment Act* are followed from that point on. Only written complaints will be reviewed. Complainants should provide any supporting evidence with the written complaint.

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. Anonymous employment standards complaint forms can be downloaded from www.saskatchewan.ca and submitted to the Employment Standards Division. Completed forms can be dropped off, mailed or faxed to the nearest Employment Standards Division regional office. Include any supporting documentation with the complaint.

If the complaint is to recover unpaid wages, the worker must file a formal complaint.

Waiting it out

Workers may opt not to pursue their complaint immediately. They may decide to wait and file a complaint for unpaid wages with the Employment Standards Division once they have left their place of employment. It is important to note that workers can make a claim for unpaid wages **within one year** of the time the wages were due.

Keeping records

The Employment Standards Division suggests that workers keep all their pay stubs and any other employment records they have. 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.

The Employment Standards Division's mandate

The Employment Standards Division is available to:

- Answer inquiries from workers and employers about how part II of *The Saskatchewan Employment Act* might apply to specific workplace situations
- Advise workers and employers on strategies for resolving workplace problems relating to employment standards
- Investigate complaints
- Collect unpaid wages

Handout 3: Managing Anger Constructively⁹

Steps	Do	Don't	Examples of things to say
Recognize and admit that you are angry.	<ul style="list-style-type: none"> Tell yourself that anger is a natural, healthy, normal human feeling and it is OK to become angry. 	<ul style="list-style-type: none"> Fear, deny or reject your anger, feel guilty or apologize for being angry. Re-live the incident over and over again. Become aggressive, use physical force or yell when angry. 	<p>Say to yourself:</p> <p>"It's OK for me to feel angry sometimes. It's not OK to get violent or abusive."</p>
Try to understand the other person's perspective and intentions.	<ul style="list-style-type: none"> Try to stay calm and non-threatening. Tell the other person how his or her behaviour makes you feel. Ask if your reaction is what he or she wanted. Show you are listening and trying to understand. Try to decide if the other person is deliberately trying to make you feel angry. 	<ul style="list-style-type: none"> Jump to conclusions about what you think the other person wanted you to feel. React until you have all the facts. Make less, or more, of the incident until you have as much information as possible. Ignore the other person's needs and feelings. 	<p>Say to the other person:</p> <p>"When you told me yesterday that I didn't understand how public holiday pay was calculated, I felt like you were suggesting I didn't know what I was talking about. Is that how you feel?"</p>
Decide what to do with your anger.	<ul style="list-style-type: none"> Consider the risks and advantages of expressing your anger directly to the other person. Determine the bad or good results that might occur if you sound off. Consider the risks and advantages of expressing your anger indirectly, to a friend, for example. Consider the risk of not expressing it at all. 	<ul style="list-style-type: none"> Forget to consider both short-term and long-term consequences. Forget to reflect on how much power the other person has over your job security/satisfaction. Forget to consider the consequences for your physical and mental health. 	<p>Say to yourself:</p> <p>"How reasonable is this person? Can he or she make my life miserable if they don't like what I have to say? Is it better to talk directly or blow off steam some other way? Is it healthy to keep my anger to myself? Will it get worse?"</p>

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Steps	Do	Don't	Examples of things to say
<p>If appropriate, express your anger directly.</p>	<ul style="list-style-type: none"> • Wait until there is enough time to discuss the problem; speak to the person in private. • Describe the other person's behaviour and describe your feelings of anger. • Be assertive (not aggressive) and try suggesting a solution that respects both persons' needs. • Ask the other person to tell you how he or she feels about the situation. • Show you want to let go of the anger and maintain a good relationship. 	<ul style="list-style-type: none"> • Complain about the other person behind his or her back, verbally attack anyone's character or intelligence, or get physically aggressive. • Try to discuss the problem in front of other people or when the other person is busy or preoccupied. • Make less, or more of, what you are actually feeling. • Ignore the other person's needs and feelings. • Make it seem like you will hold a grudge. 	<p>Say to the other person:</p> <p>"Do you have a couple of minutes to talk to me in private? This morning, you asked if I could work some overtime. When I said no, you indicated that you seem to be getting the short end of the stick regarding workload. I am concerned about the suggestion that I'm not carrying my fair share. I work hard, and I work overtime when I'm asked. Why don't we discuss this at the next staff meeting? Maybe we could set up a system for taking turns. How does that sound to you?"</p>
<p>Express your anger indirectly when it is inappropriate to express it directly.</p>	<ul style="list-style-type: none"> • Get some physical exercise or use relaxation techniques. • Express your anger privately with someone you trust. • Accept that the problem might not go away and that you may need to end the relationship or stay away from the other person. • Try to think of the situation differently. 	<ul style="list-style-type: none"> • Express your anger in a way that injures or damages you, another person or property. 	<p>Say to yourself:</p> <p>"This person is the boss's friend. If he doesn't like what I have to say, the boss might hassle me. I've got to keep this in perspective. I don't like it, but it's not as if I have to put up with this for the rest of my life. This is only a summer job. After work today, I'll go to the rink and take some slap shots. I'll pretend he is the goalie! I'll feel better after some exercise."</p>
<p>Think about how you managed your anger.</p>	<ul style="list-style-type: none"> • Congratulate yourself for managing your anger constructively • Recognize that you get better at anger management by practicing and reflecting on how you might handle similar problems in the future. • Stay focused on improving relationships others. 	<ul style="list-style-type: none"> • Expect yourself and others to be perfect. • Expect to find a perfect solution to all problems. • Give up on managing anger constructively. 	<p>Say to yourself:</p> <p>"I'm really glad I brought that issue up. I did a good job of handling that situation. However, next time I might take a little longer to research the problem. I really didn't have all the information I should have had to talk to the boss about overtime pay."</p>

Handout 4: So You're Upset⁸

Role play 1

Employer: I wanted to talk to you about the dishes you broke last week.

Worker: Oh yes, that wasn't my fault. Tom came out the door, and he hit me while I was carrying a large tray of dirty dishes from table 7. There were a large number of people there so I was really loaded down.

Employer: I don't know what Tom did, but I know it was you who dropped the tray full of dishes. It will cost me a lot of money to replace those dishes. And you know we have a policy that you have to pay for what you break.

Worker: But it wasn't my fault.

Employer: I don't care whose fault it is. I need to buy more dishes and that will cost me money. So I have deducted \$122.93 from your wages this week.

Worker: But that means I'll only take home \$50. I'm supposed to get my car repaired and it will cost me more than \$50. This isn't fair!

Employer: Well there isn't anything I can do about it. If you think it was Tom's fault, why don't you try collecting it from Tom?

Worker: Tom won't pay me for it. Why should he when the money is already coming off my paycheque? So you mean I'm stuck with paying for someone else's mistake?

Employer: Well, I don't know if I would put it that way. But I do know that I have a lot of broken dishes and I didn't break them, so I'm not paying for them. Besides, I think it's time you got back to work. You have a lot of customers in your area.

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Role play 2

Worker: I just got my paycheque, and I don't think I got paid all the money I'm owed for this pay period.

Employer: I don't have time to talk to you right now.

Worker: But I think I'm owed another \$50. You paid me straight time. You should have paid me double time for working Thanksgiving Day.

Employer: No, I shouldn't have. Your paycheque is right. Besides, I really don't have time to talk to you about it right now.

Worker: Well, in my last job when you worked on a holiday, you got paid double time.

Employer: Not in retail, you don't; it's straight time. You worked in construction before. This is different.

Worker: No, the rule is the same for all jobs. It doesn't matter where you work. According to my calculations, you owe me more money. I was counting on getting that \$50. I borrowed money from my brother, and I have to pay him back.

Employer: That is your problem. You have been paid all the money you were owed. Now, I think maybe it's time to get back to work. There are some customers at the front of the store waiting for some help.

Role play 3

Worker: I just got my paycheque, and I wanted to know what this deduction for linens is all about.

Employer: Oh that's the deduction for the uniform that I provided you. We take off five per cent of every one's gross earnings for the cost of buying uniforms.

Worker: Five per cent off every cheque? That's \$3 off every paycheque. That's \$15/month, \$180/year.

Employer: Yes it is. The uniform is really worth a lot. It costs \$150 to make. I pay for made-to-measure uniforms for my staff, and sometimes they work for six months and leave. Then I'm stuck with a uniform that no one else can use. Besides, you're a big person and wear a larger size, which takes more cloth, and that costs more.

Worker: Do I have to wear a uniform?

Employer: Most luxury hotels require their front desk clerks to wear uniforms. Most of their uniforms aren't half as nice as ours.

Worker: It hardly seems fair that I should have to pay for it. My friend who works in one of the downtown hotels doesn't pay for his. Are you sure I have to pay?

Employer: Yes, you do. Besides, the uniform shows the customer you are connected with this hotel, so you get tips because you are wearing it.

Worker: Yes, I get tips, but because of my service not because of my uniform.

Employer: I'm not so sure I would agree with you.

Worker: So I keep paying until I have paid you \$150?

Employer: No, you will be charged that deduction on every paycheque for as long as you work here. Don't forget that one will wear out and I'll have to have another one made. I also have to repair and launder it.

Worker: You mean I have to continue to pay for this uniform for as long as I work here?

Employer: Yes. You're getting the benefit, so you should pay for it.

Worker: I don't think that's fair.

Role play 4

Employer: That's not the right way to clean rooms. You have to have a system.

Worker: But that's how Anne taught me to do them.

Employer: I can't believe Anne would tell you to make a bed like that. She was really good at this job.

Worker: Well, she did!

Employer: Well, it's wrong. You better learn it the right way because you're taking far too long to do this work.

Worker: If you show me how, I'm sure I can speed up. But I need someone to teach me the right way.

Employer: What's the matter with you? Are you stupid or something? Everyone knows how to make a bed. Didn't your mother teach you anything? I guess a little kid like you wouldn't know how to do important things like make a bed. I suppose you'll have to get a college degree to know how to do that.

Worker: Of course my mother taught me how to make a bed. But it looks like you want it made differently.

Employer: I'll get my wife to show you if she has time. You'd think when you hire women to do housekeeping duties, they'd know a little bit about it. Don't mothers teach their kids anything nowadays? Get back to work. At least you can scrub the floors until she has time to come and show you. Or are you too young to even know how to do that?

Question sheet

1. What is the issue or problem in this role play?
2. What are the employer's and worker's rights and responsibilities in this situation?
3. In your group, complete the "Things to Do and Say" column. Determine what the worker could say and do at each step to constructively respond to this situation.

Step	Things to do and say
1. Recognize and admit that you are angry.	
2. Make sure you understand what the other person intended.	
3. Decide what to do with your anger.	
4. Express your anger directly when appropriate.	
5. Express your anger indirectly when it is inappropriate.	
6. Think about how you managed your anger.	

Handout 4: So You're Upset⁸

(Teacher's copy)

1. What is the issue or problem the worker and employer are having in this role play?

Role play 1: Who is responsible for paying for the broken dishes?

Role play 2: What should a worker be paid for working on a public holiday?

Role play 3: Who should pay for the uniform?

Role play 4: Should a worker be disciplined if s/he has not been properly trained to do his/her job?

2. What are the employer's and worker's rights and responsibilities in the situation?

Role play 1:	Under part II of <i>The Saskatchewan Employment Act: Employment Standards</i> , employers cannot deduct money for broken dishes from the worker's wages. However, the employer can go to court and get a court judgement (in the employer's favour), and garnish the worker's bank account or paycheque. The employer has the responsibility to determine the rules for making deductions from workers' wages. The employer has the right to go to court to try to recover the money for the broken dishes.
Role play 2:	Under part II of <i>The Saskatchewan Employment Act: Employment Standards</i> , the worker should be paid time and one-half for working on a public holiday as well as public holiday pay for Thanksgiving Day. Public holiday pay is 1/20 of the worker's wages in the four weeks preceding the holiday. The employer is responsible for knowing the rules regarding public holiday pay and paying the worker accordingly.

⁸ From Daniel Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*, sixth edition, copyright 1997 by Allyn and Bacon, publishers. Reprinted/adapted with permission. Also from *Helping to Solve the Employment Puzzle: A Toolbox for Middle and Secondary Levels*, copyrighted by SIAST and the Saskatchewan Ministry of Advanced Education, Employment and Labour. Adapted/reprinted with permission.

Role play 3:	<p>Under part II of <i>The Saskatchewan Employment Act: Employment Standards</i>, if the worker is working in a hotel, restaurant, educational institution, hospital or nursing home, the employer must provide the uniform free of charge, launder and repair it. Employers are responsible for knowing the law regarding uniforms as it applies to their place of business. They can ask for a deposit for the uniform. However, the deposit should be returned when the worker leaves the place of employment and returns the uniform.</p>
Role play 4:	<p>This situation is not covered under part II of <i>The Saskatchewan Employment Act: Employment Standards</i>. However, this may be harassment of the worker on the basis of age. Consult part III of <i>The Saskatchewan Employment Act: Occupational Health and Safety</i> and <i>The Human Rights Code</i> for more information about the rules governing policies on harassment and age discrimination.</p> <p>The employer has the responsibility for ensuring the worker is adequately trained to perform his or her duties. The employer has the right to expect the job will be performed adequately once the worker has been properly trained and coached to perform the tasks associated with the job. The employer is responsible for not harassing workers. The worker is responsible for performing the job adequately as trained. The worker has the right to expect a harassment-free workplace.</p>

Activity 3: Raising Issues Constructively¹⁰

Specific learning objectives

- To identify the issues surrounding fair workplace practices and procedures
- To determine and apply strategies for addressing problems arising from unfair workplace practices and procedures

Materials and equipment

- Pen and paper
- Background notes
- Student handouts: *Handout 5* and *6*
- Online resource: *Bullying and harassment in the workplace* (www.saskatchewan.ca)

Time: 20 – 30 minutes

Preparation

1. Photocopy class sets of *Handout 5* and *6*.
2. Access *Bullying and Harassment in the Workplace* online at www.saskatchewan.ca.
3. Review the information found in the:
 - Background notes
 - Student handout
 - Brochure

Activity

1. Discuss the purpose of the activity with the class. It is designed to help students initiate discussion with their employers and supervisors about workplace issues. The activity will help them identify to what to say, as well as provide the opportunity to practice saying it.
2. Brainstorm with students, methods they use to raise issues or concerns with friends, family and people in authority.
3. Discuss:
 - The methods, which worked, and those that didn't
 - Reasons for the varied successes of these methods

¹⁰ From Mediation Services, Saskatchewan Justice, *Resolving Conflict Constructively: A Collaborative Approach to Problem Solving*, copyrighted by Saskatchewan Justice. Reprinted/adapted with permission.

4. Provide students with a copy of *Handout 6*. Review the content in the handout.
5. Provide each group with a copy of *Handout 5*. Using scenario 1 as an example, discuss and, if possible, demonstrate how to raise this issue.
6. Ask each group to choose two scenarios from the worksheet. Using the information from *Handout 6*, ask them to decide how to raise the issue in each scenario. Ask the groups to role play each scenario rotating the roles of participant and observer.
7. In the large group, debrief the group by asking:
 - What worked?
 - What didn't?
 - Why or why not?
8. Ask students to journal about a situation where they might have liked to raise an issue in a workplace or with a family member or friend, but didn't. They could also journal about a situation in which they raised the issue and the result was not positive. Ask them to consider how they might handle (re-handle) the situation(s) for more positive results.

Evaluation

1. Informal assessment as students participate in both large and small groups:
 - Willingness to participate, share ideas and respect the other person's contribution
 - Co-operate fully with other group members and encourage others' participation

Background notes

Raising issues constructively¹¹

One of the more difficult parts of any conflict is finding a way to raise the issue. The primary reason for doing this is to get the other person to talk about it, now or later.

Prior to raising the issue

Before deciding to raise the issue, consider the following:

- Is the issue important enough to be raised? What will happen if the conflict is ignored?
- Is the timing and location appropriate? Are all the right parties available?
- Should a meeting be scheduled? (Avoid procrastination.)
- What is the best location? (My place? Your place? A neutral place?)
- Are all parties in the right frame of mind?
- Does the issue need to be addressed at this very moment or could it wait over a period of time?

Unsuccessful ways of raising issues

People often tend to raise issues in ways that produces negative or no results.

Examples include:

- Dropping vague hints hoping the other person catches on
- Producing a solution without identifying the issue or getting a commitment from the other people involved to resolve the situation
- Using a direct confrontational approach that makes the other person defensive, causes hurt feelings or leads the other person to tune out and deny any responsibility
- Introducing a number of issues or concerns at once
- Avoiding the issue entirely
- Involving a third party (Tom has this problem too)

How to raise the issue

- Start the conversation by introducing the reasons for asking for the meeting/discussion.
- Use “I” language to make an objective statement about the facts as seen by the initiator of the meeting (I think, I believe, it seems to me).
- Avoid attacking, blaming and judging statements. Focus the conversation on actions or behaviour, not the person. (“When you slam the door, ...”)

¹¹ From Mediation Services, Saskatchewan Justice, *and Resolving Conflict Constructively: A Collaborative Approach to Problem Solving*, copyrighted by Saskatchewan Justice. Reprinted/Adapted with permission.

- Include a description of the feelings being experienced. (“When you slam the door, I feel frightened.”)
- Focus the conversation on the needs of the persons involved. (i.e., “I need to feel better about working here.”) If at all possible, the parties involved should avoid taking a position. The focus needs to be on the future, not the past.

A formula approach

A formula approach can help to raise an issue by providing a series of steps to follow such as:

Step 1: State the facts or situation as perceived.

“It seems to me that...”

“It is my perception that....”

Step 2: Identify how the situation feels and/or its effect on the person speaking. Talk about interests or needs not a solution.

“I feel frustrated/upset/...”

“It’s affecting my....”

Step 3: Get a commitment to talk about it or an agreement that there is an issue to discuss.

“Can we find some time to talk about it?”

“I’d like to see if we can resolve this.”

Other variations and options

- *Mutualize* – Show the other parties that this is a common concern or that resolving the issue may be beneficial to all concerned. “I understand that this is an issue that has occurred before. It might be nice to solve it so it doesn’t happen again.”
- *Normalize* – Indicate that conflict in a workplace is normal. Different people have different values, perspectives and standards. It is inevitable that there will be some conflict. Indicate that these situations are never nice, often difficult and uncomfortable to get through.
- *Don’t rationalize* – The parties involved should not make excuses for how they feel or are affected.
- *Include positives* – Starting with a positive observation, as long as it is sincere, can sometimes create a climate for collaborative problem solving. Avoid “buts” or “however’s.”

Blockers

Some people intentionally or unintentionally “block” attempts to create an understanding of the issue and address it.

Any response to a workplace issue or concern that diminishes or shuts down the other person’s ability to work towards understanding and addressing it is a blocker. Examples of intentional blockers include:

- Denial, anger or blaming (“If I get really mad, she’ll go away.”)
- Immediate agreement, apologies or quick solutions (getting an apology from someone who usually takes fault quickly).

An example of **unintentional blocker** is:

- Not realizing the seriousness of the issue to the people involved or receiving a placating response. (“Oh I’m sure that he really didn’t mean to cause any harm.”)

Dealing with blockers

1. If the other person immediately apologizes, indicate that the apology is appreciated and that it might be useful to talk about ways to ensure the situation doesn’t occur again.
2. If the other person begins to get loud or swear, indicate that the intent is not to deal with the situation in a way that is upsetting or dissatisfying. It might be useful to ask the other person how to deal with the issue in a way that is better for him or her. It is important that both parties feel good about the situation, as they will have to continue to work together.

Other approaches might include:

- Shift the focus from the content to the specific actions of the other party. For example, the discussion may focus on the anger that one of the parties is showing.
- Raise the issue clearly and directly, allowing the other person to respond. Encourage two-way discussion. The longer one person speaks, the greater the likelihood that the other person feels left out, blocked, defensive or annoyed.
- Ask for a response if it seems that the other person is reluctant to talk. For example, ask if the other person understands the concern and if they have any thoughts or questions.
- Re-emphasize that the reason for the conversation is mutual understanding. Blockers are sometimes old ways of dealing with criticism to avoid feeling rejected or being viewed as bad.
- Reflect before responding to the blockers. The parties involved will need to take the time to assess what is being said and their individual reactions to it.

The approach taken for dealing with blockers will depend upon:

- The individual’s personality

- The existing relationship with the parties involved
- Nature and type of relationship the parties might like to continue to have with one another
- An assessment of the other person's personality

Dealing with blockers is important. If the issue is not dealt with, it may remain unresolved, resulting in negative consequences for the workplace parties, their relationship with one another and their co-workers.

Handout 5: The Sounding Board

Instructions

Read through the scenarios assigned to you. Spend a few moments with your group members deciding how you might raise the issue. With a partner, role play raising the issue in the scenario. The third group member acts as an observer and provides feedback to the role players.

Scenario 1: You are working on a project with several students. One member of the group is not doing his or her share of the work.

Scenario 2: Your supervisor has dumped extra work on your desk and you're already swamped. You are scheduled to leave on holidays after work and need to get everything current.

Scenario 3: You've just learned that a co-worker has been paid overtime pay for working extra hours on Sunday. You also worked those extra hours and would like overtime pay as well.

Scenario 4: Your supervisor has told you a co-worker wants to change shifts because she has a doctor's appointment. The supervisor has given him your shift and you are to take his. This will interfere with some plans you have with your buddies.

Scenario 5: You have a co-worker who spends too much time on the phone talking to friends. She is always behind in her work and is constantly asking for help to catch up.

Scenario 6: The co-worker who shares your workstation and works the shift just before yours has been drinking coffee at the workstation. This is against the workplace rules. It also leaves a mess that you have to clean up. You have spoken to him about it and he has told you to mind your own business. The supervisor is a good buddy of his.

Scenario 7: Your supervisor is always joking about how big you are. You are very uncomfortable with the remarks and would like her to stop.

Scenario 8: You supervise a worker who is quite sloppy and you often have to spend extra time correcting his work. He is a creative worker and has many good ideas that have helped to keep things running smoothly. You've talked to him about his work without any results. He is also related to the boss.

Scenario 9: One of the workers you supervise has a bad attitude, constantly grumbling about everything. This co-worker is well liked, however it seems the bad attitude is contagious for everyone at work and morale is terrible.

Scenario 10: You think you are owed vacation pay for the last pay period. Your boss doesn't like having his authority questioned.

Handout 6: Raising Issues Constructively¹¹

Making the decision

You are having a problem with your boss or one of your co-workers and you would like to do something about it. For many people, the most difficult part of conflict is raising the issue with the other party. Before you get started, here are some things to think about.

- Is the issue significant enough to be raised? What might happen if you don't address it?
- Are the timing and the location appropriate?
- Are the right parties available?
- Do you need to schedule a meeting?
- What is the best location?
- Are all the parties in the right frame of mind?

How to raise the issue

- Identify why you want to talk to the person.
- Use “I” language and make an objectives statement about the facts as you see them (I think, I perceive, I believe, it seems to me).
- Avoid attacking, blaming or judging.
- Express curiosity.
- Focus on actions or behaviour – not the person.
- Avoid using absolutes (always, never).
- Describe how the situation makes you feel. Discuss what you need, not your position or what you want as an outcome. (Don't try to solve the problem.) Focus on the change needed in the future, not on the past.
- Listen to the other person. Find out what she or he needs (active listening). Try to get an agreement and commitment to talk more about the issue.

¹¹ From Daniel W. Johnson, *Reaching Out: Interpersonal Effectiveness and Self-Actualization*, sixth edition, copyright 1997 by Allyn and Bacon, publishers. Reprinted/Adapted with permission. Also from *Helping to Solve the Employment Puzzle: A Toolbox for Middle and Secondary Levels*, copyright by SIAST and the Saskatchewan Ministry of Advanced Education, Employment and Labour. Adapted/Reprinted with permission.

Formula approach

- Step 1:** State the facts or situation as you see it.
“It seems to me that....”
“It is my perception that....”
- Step 2:** Identify how the situation makes you feel and/or how it affects you.
“I feel frustrated/upset/....”
“It’s affecting my....”
- Step 3:** Get agreement that there is an issue and/or a commitment to discuss it.
“Can we find some time to talk about it?”
“I’d like to see if we can resolve this.”

The steps in the process do not necessarily need to be completed in the order listed.

Other methods to try

1. Try showing that the issue is a common concern and resolving it would be beneficial to both of you. (“I think we might both be more productive if we could solve this problem.”) This is called **mutualizing**.
2. Indicate that it is normal to have conflict in a workplace where people have different values, perception and standards. Conflict is difficult and a normal reaction to it is to feel uncomfortable. This is called **normalizing**.
3. Don’t make excuses for how you feel about the situation or that it may be adversely affecting you. Making excuses is called **rationalizing**.
4. If possible, start with some positive observations if they can be made sincerely. Once you have done that, avoid, if possible, following up with “buts” and “howevers.”

Blockers

Any response that diminishes or shuts down attempts to raise the issue and work towards resolution is a “blocker.” Blockers can be intentional and unintentional.

- *Anger, denial, blaming.* “If I get mad, maybe she’ll go away” is an example of an **intentional block**.
- *Immediate concurrence, apologies or quick solutions.* “If I apologize, she’ll leave the issue alone” is an example of an **intentional block**.
- *Receiving a placating response.* “Oh that really isn’t very important” is an example of an **unintentional block**.

Dealing with blockers

The first step is to recognize blockers when they are used and have a plan for dealing with them.

1. Think about the types of responses you might get and how you might deal with them. For example, if she immediately apologizes, tell her that you really appreciate the apology and want to talk about what “we” can do to ensure the problem doesn’t occur again.
2. Establish an environment where blockers are unnecessary or even inappropriate. For example, if he begins to get mad and swear, tell him you don’t want to raise the issue in a way that he finds upsetting. Ask him if there is another way to deal with the situation that feels better for him. Tell him that it is important that both of you are happy with how this is done, as you have to continue to work with one another.
3. Know your limit for dealing with blockers. For example: “If she gets depressed and really down about this, I just can’t deal with it and will have to move on and not worry about it.”
4. Shift the discussion from the issue to how you feel the discussion is going and what you perceive is happening at this moment. For example: “I see that you have turned your chair and are looking out the window. I wonder if you might be concerned about something.”
5. Raise the issue clearly, concisely, and directly. Allow the other person time to respond. Encourage two-way discussion. The longer **you** talk, the greater the likelihood that you have lost the other person’s willingness to participate.
6. Ask for a response if you don’t get one. For example, ask if they understand your concern and if they have any thoughts or questions about what has been said.
7. Re-emphasize that you are looking for a mutual understanding. People sometimes habitually block as one way of dealing with criticism and rejection.
8. Reflect before responding to the block. Take time to assess what is being said and how you are reacting to it.
9. The specific approach you decide to use when dealing with blockers will depend upon:
 - Your personality
 - The relationship you feel you have with the other party
 - The type of relationship you feel you might like to have with the other party
 - Your assessment of the other persons’ personality

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

