

BILL

No. 116

An Act to amend *The Saskatchewan Employment Act* respecting Interpersonal Violence Leave and to make other amendments

(Assented to)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Saskatchewan Employment (Interpersonal Violence Leave) Amendment Act, 2017*.

SS 2013, c S-15.1 amended

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

Section 2-46 amended

3 **Clause 2-46(2)(a) is amended by adding “interpersonal violence leave,” after “compassionate care leave,”.**

New section 2-56.1

4 **The following section is added after section 2-56:**

“Interpersonal violence leave

2-56.1(1) In this section:

(a) **‘interpersonal violence’** means interpersonal violence as defined in *The Victims of Interpersonal Violence Act*;

(b) **‘victim’** means:

(i) an employee;

(ii) a child of an employee;

(iii) a person for whom an employee is a caregiver, regardless of whether the person and the employee have lived together at any time.

(2) An employee is entitled to a leave of up to 10 days in a period of 52 weeks, which the employee may choose to take intermittently or in one continuous period, if a victim is subjected to interpersonal violence by:

(a) a person who has been or who is in a family relationship, spousal relationship, intimate relationship or dating relationship with the employee, regardless of whether they have lived together at any time;

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- (b) a person who is the parent of one or more children with the employee, regardless of their marital status or whether they have lived together at any time;
- (c) a person who is in an ongoing caregiving relationship with the employee, regardless of whether they have lived together at any time; or
- (d) any other person prescribed in the regulations.

(3) Leave pursuant to this section may be taken for one or more of the following purposes:

- (a) to seek medical attention for a victim with respect to a physical or psychological injury or disability caused by interpersonal violence;
- (b) to obtain services from a victim services organization;
- (c) to obtain psychological or other professional counselling;
- (d) to relocate temporarily or permanently;
- (e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the interpersonal violence;
- (f) any other prescribed purpose.

(4) For the purposes of calculating when an employee's period of leave has been fully used in accordance with this section, only the periods during which the employee is on leave are to be used in making the calculation and not the periods during which the employee has returned to work.

(5) An employer must:

- (a) maintain confidentiality respecting all matters that come to the employer's knowledge in relation to leave taken by an employee pursuant to this section; and
- (b) not disclose information relating to the leave to any person except:
 - (i) employees or agents of the employer who require the information to carry out their duties; or
 - (ii) with the consent of the employee to whom the leave relates.

(6) A person to whom information is disclosed pursuant to clause (5)(b) must not disclose it to any other person unless it is to be used for the purpose for which it was originally disclosed or for a different purpose authorized by that clause.

(7) If the employer so requires, the employee shall provide written evidence issued by persons identified in subsection 12.4(4) of *The Victims of Interpersonal Violence Act* to verify the circumstances of the leave".

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Section 2-99 amended

5 Section 2-99 is amended:

(a) by repealing clause (d) and substituting the following:

“(d) imposing terms and conditions applicable to any employer or employee or category of employers or employees exempted pursuant to clause (a) or (b), including terms and conditions prescribing the number of hours that an employee or category of employees may be required or permitted to work or to be at the disposal of his or her employer without the employer being required to pay the employee or category of employees additional wages pursuant to Subdivision 3 of Division 2”; **and**

(b) by adding the following clause after clause (j):

“(j.1) for the purposes of section 2-56.1:

(i) prescribing other persons; and

(ii) prescribing purposes for which leave may be taken”.

Section 9-9 amended

6 Subsection 9-9(5) is repealed and the following substituted:

“(5) If the director is unable to effect service by the methods set out in subsection (2) after making reasonable efforts to do so, the director may serve a document or notice by publishing it in a prescribed manner”.

Coming into force

7 This Act comes into force on assent.

