

# ***The Trade Opportunities Program Regulations***

*Repealed*

by Saskatchewan Regulations 40/98 (effective May 13, 1998).

*Formerly*

Chapter T-15.1 Reg 2 (effective May 15, 1986).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**CHAPTER T-15.1 REG 2**  
*The Trade and Investment Act*

**Title**

**1** These regulations may be cited as *The Trade Opportunities Program Regulations*.

**Interpretation**

**2** In these regulations:

(a) **“eligible employee”** means an individual who:

- (i) is a citizen or permanent resident of Canada;
- (ii) possesses a valid Saskatchewan Health Services Card issued for the purposes of *The Saskatchewan Medical Care Insurance Act* or *The Saskatchewan Hospitalization Act*;
- (iii) has successfully completed an approved course of studies at a post-secondary educational institution recognized by the minister within 24 months of the date of commencement of employment with an eligible employer or any further period that the minister may allow; and
- (iv) has been a permanent, full-time employee of the eligible employer for less than one year;

(b) **“eligible employer”** means:

- (i) a corporation, partnership or proprietorship that carries on business in Saskatchewan; or
- (ii) an urban municipality as defined in *The Urban Municipality Act, 1984*, a rural municipality within the meaning of *The Rural Municipality Act*, a northern municipality as defined in *The Northern Municipalities Act* or a board or institution that is, in the opinion of the minister, Saskatchewan based and publicly accountable;

that exports or markets eligible products internationally or has, in the opinion of the minister, the potential and intention to export or market eligible products internationally;

(c) **“eligible products”** means:

- (i) products grown in or produced, mined or extracted from resources in Saskatchewan;
- (ii) products manufactured or processed in Saskatchewan;
- (iii) technology and expertise developed in Saskatchewan; or
- (iv) any products, other than those mentioned in subclauses (i) to (iii), that, in the opinion of the minister, have a significant portion of their value attributable to work carried on in Saskatchewan;

**T-15.1 REG 2**

## TRADE OPPORTUNITIES PROGRAM

- (d) “**grant**” means a grant paid pursuant to section 5;
- (e) “**program**” means the Trade Opportunities Program established in section 3.

23 May 86 cT-15.1 Reg 2 s2.

**Program**

- 3** The Trade Opportunities Program is hereby established.

23 May 86 cT-15.1 Reg 2 s3.

**Application**

- 4(1)** An eligible employer may apply to be enrolled in the program by making an application with the minister on the form provided by the minister.
- (2) The eligible employer and the eligible employee with respect to whom the application is made shall sign the application required pursuant to subsection (1).
- (3) The application required pursuant to subsection (1) is to state:
  - (a) the number of employees of the eligible employer at the time of the application;
  - (b) the eligible products of the eligible employer being exported or marketed internationally;
  - (c) the salary that is actually to be paid to the eligible employee;
  - (d) a description of the training program to be provided to the eligible employee;
  - (e) the duration, location and purpose of the eligible employee’s position;
  - (f) a schedule of locations to which the eligible employee will be expected to travel; and
  - (g) any other information that the minister may require.
- (4) On receipt of an application, the minister:
  - (a) may accept the application;
  - (b) may accept the application and impose any terms or conditions on the acceptance that he sees fit to impose; or
  - (c) shall reject the application if the applicant has not complied with the provisions of these regulations or, in his opinion, it would be contrary to the spirit of the program to accept the application.
- (5) Where the minister has accepted an application pursuant to subsection (4), he shall fix the date on which the eligible employer was enrolled in the program.
- (6) Where the minister has imposed terms or conditions on an acceptance, the eligible employer and the eligible employee who are the subject of the acceptance shall comply with those terms and conditions.

23 May 86 cT-15.1 Reg 2 s4.

**Grants**

**5(1)** Subject to subsection (2) and section 6, the minister may make a grant to an eligible employer in an amount equal to the sum of:

- (a) the lesser of:
  - (i) 50% of the basic salary actually paid to the eligible employee by the eligible employer as determined by the minister; and
  - (ii) \$13,000.00; and
- (b) the lesser of:
  - (i) 50% of the approved business travel expenses which the eligible employer reimbursed or paid on behalf of the eligible employee as determined by the minister; and
  - (ii) \$5,000.00;

during each 12-month period that the eligible employer was enrolled in the program.

(2) The minister may pay a grant pursuant to subsection (1) to the eligible employer on the expiry of each period of three months from the date that the eligible employer was enrolled in the program.

23 May 86 cT-15.1 Reg 2 s5.

**Making and payment of grant**

**6(1)** The minister shall not make a grant unless the eligible employer:

- (a) is enrolled in the program;
- (b) certifies, in a manner satisfactory to the minister, that:
  - (i) no existing permanent employee has or will be replaced, in whole or in part, by an eligible employee; and
  - (ii) the position filled by the eligible employee is a new, full-time position of the eligible employer and an addition to his existing workforce;
- (c) employs the eligible employee in a position that is related to the international marketing or export of eligible products;
- (d) agrees to any audit procedures that the minister requires during or after the period of employment;
- (e) certifies, in a manner satisfactory to the minister, that he has complied with all applicable provincial and federal laws relating to the duties of an employer to an employee; and
- (f) has fulfilled the obligations of employment set out in his application required pursuant to subsection 4(1) for enrollment in the program, together with any terms or conditions imposed by the minister on the acceptance of the application.

(2) The minister shall not pay a grant to an eligible employer unless the eligible employer has:

- (a) submitted a claim on a form supplied by the minister;
- (b) certified, in a manner satisfactory to the minister, that all wages, salaries and business travel expenses owing to the eligible employee have been paid; and
- (c) provided any other documents or information that the minister may require.

23 May 86 cT-15.1 Reg 2 s6.

**Cancellation**

7(1) The minister may cancel the enrollment of an eligible employer and refuse to make any additional grants to the eligible employer where:

- (a) the eligible employer's application was accepted by mistake or error;
- (b) the eligible employer has failed to comply with:
  - (i) any terms or conditions imposed by the minister on the acceptance of his application; or
  - (ii) these regulations;
- (c) the eligible employer made a misleading or erroneous statement on a material point in his application required pursuant to subsection 4(1) for enrollment in the program.

(2) Before cancelling the enrollment of an eligible employer pursuant to subsection (1), the minister shall give the eligible employer an opportunity to be heard.

(3) Where the minister cancels the enrollment of an eligible employer pursuant to this section, any grants paid to the eligible employer, whether before or after the cancellation, are deemed to be an overpayment.

23 May 86 cT-15.1 Reg 2 s7.

**Overpayment**

8 Where an eligible employer has received an overpayment of a grant, the overpayment is a debt due to Her Majesty in right of Saskatchewan and, in addition to any other manner in which it may be recovered, may be recovered by deducting the amount of overpayment from additional grants payable to the eligible employer.

23 May 86 cT-15.1 Reg 2 s8.

**Affidavit**

9 In any proceedings against a person for recovery of an overpayment of a grant, an affidavit by an officer of the department who is designated by the minister for the purpose, sworn before a commissioner for oaths or other person authorized to take affidavits, that he has charge of the appropriate records and stating:

- (a) that a grant was paid to the person; and

(b) that the person was not entitled to a grant or to the amount of the grant made for the reason or reasons stated;

is admissible in evidence as prima facie proof of the facts stated in the affidavit.

23 May 86 cT-15.1 Reg 2 s9.

