

## EMPLOYMENT STANDARDS AND CODES

This info sheet provides useful information and resources on employment standards for Temporary Foreign Workers in Saskatchewan, including the process of filing an employment standards complaint.

### Introduction

In Saskatchewan, the Employment Standards Act and Regulation sets the minimum standards which apply to most workplaces<sup>1</sup>.

Temporary Foreign Workers working in Saskatchewan are advised to go to [www.saskatchewan.ca](http://www.saskatchewan.ca) to find information about employees' rights and responsibilities under the Saskatchewan Employment Act, Part II - Employment Standards and Part III - Occupational Health and Safety or call 1-800-667-1783.

Workers employed by a [business or industry that is federally regulated](#) should consult [Federal Labour Standards](#).

### Wages

Wages offered to temporary foreign workers should be similar to wages paid to Canadian citizens and permanent resident employees hired for the same job and work location, and with similar skills and years of experience.

For the purpose of the Temporary Foreign Worker Program, employers must pay the prevailing wage which is defined as the highest of either:

- the median wage on [Job Bank](#)
- the wage that is within the wage range that you are paying your current employees hired for the same job and work location, and with the same skills and years of experience<sup>2</sup>

**Wage Deductions:** An employer may make deductions to wages as required by law (e.g. provincial and federal income taxes, Canada Pension Plan (CPP) contributions, Employment Insurance (EI) Premiums, Union dues).<sup>3</sup>

For the Seasonal Agricultural Worker Program (SAWP) Stream, the employer must provide living accommodation to its employees. Employers of SAWP workers may also make health insurance deductions for non-occupational medical coverage as per the appropriate SAWP contract. Workers should consult their contract for other potential deductions.

**Payment of wages:** Wages must be paid in Canadian currency by cheque, draft, money order or direct deposit to an employee's bank account. Effective October 1, 2020, the minimum wage is \$11.45 per hour<sup>5</sup>.

Employers must provide a written or electronic pay statement each payday that shows all details about hours worked, rate of pay, earnings and deductions.

### Working hours and breaks

Most working hour rules are based on an 8 or 10 hour day and 40-hour work week<sup>5</sup>. Workers are entitled to at least one 30-minute break if worked for 5 hours in a row. In addition to the 30-minute break, SAWP workers are entitled to 2 rest periods of 10 minutes each.

Most workers are entitled to overtime pay if they work for more than 8 hours per day or more than 40 hours in a week.

Employment terms for SAWP<sup>5</sup> workers shall be not less than 240 hours worked in a period of 6 weeks or less, nor longer than eight months. When no actual work is possible for any reason, SAWP workers shall receive an advance to cover personal expenses. For workers in the Agricultural Stream, work permits cannot exceed 2 years of employment.

### EMPLOYERS CANNOT

Charge a fee	To a temporary foreign worker for: <ol style="list-style-type: none"> <li>Hiring costs, recruitment or</li> <li>Information about prospective jobs</li> </ol>
Deduct from wages	Any portion of business costs incurred: <ol style="list-style-type: none"> <li>To bring a temporary foreign worker to Canada</li> <li>Due to theft, damage, poor quality of work or failure to pay by customers</li> </ol>
If employment ends	Force a temporary foreign worker to return to their home country before their Temporary Resident Visa or equivalent travel document expires.  Note: SAWP workers sign a contract stating that they will return to their home country at the end of their contract.

### References

<sup>1</sup> Employment Standards Available at: <https://www.saskatchewan.ca/business/employment-standards>

<sup>2</sup> Program Requirements for Low-Wage Positions. Available at <https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/low/requirements.html#h2.7>

<sup>3</sup> Getting paid for work. Deductions. Available at <https://www.saskatchewan.ca/business/employment-standards/payment-of-wages-and-payroll-administration/payroll-administration/deductions>

<sup>4</sup> Minimum wage Available at <https://www.saskatchewan.ca/business/employment-standards/payment-of-wages-and-payroll-administration/minimum-wage-and-reporting-for-duty-pay>

<sup>5</sup> Working hours and breaks. Available at <https://www.saskatchewan.ca/business/employment-standards/work-schedules-permits-and-modified-work-arrangements/work-schedules-and-breaks#work-schedules>

<sup>5</sup> Employment contracts for Temporary Foreign Agricultural Workers. Available at <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/>

## Termination

An employer may terminate an employee upon giving the required written notice or pay in lieu of notice. An employee who voluntarily quits is not entitled to written notice of termination or compensation for length of service.

See more details on [Termination and Lay Offs](#).

SAWP workers may transfer to work to another farm under certain conditions, which are outlined in their appropriate employment contract.

## Open work permits for vulnerable workers

Temporary foreign workers in Canada on employer-specific work permits may be eligible to receive an open work permit if they are experiencing or are at risk of abuse in their employment in Canada.

Abuse consists in any of the following:

- physical abuse, including assault and forcible confinement
- sexual abuse, including sexual contact without consent
- psychological abuse, including threats and intimidation
- financial abuse, including fraud and extortion

See eligibility and how to apply for an [open work permit in situations of abuse](#).

## FILE A COMPLAINT

If you believe that your employer failed to meet the employment standards set out in Part II of *The Saskatchewan Employment Act*, you can file a formal complaint with the Employment Standards Division<sup>6</sup>. If the complaint is to recover unpaid wages, the employee must file a formal complaint<sup>6</sup>.

Prior to submitting a formal complaint, it is recommended that you and your employer try to resolve disputes yourselves. If the complaint is for unpaid wages, you have one year following the last day that wages were payable to register your complaint with the Employment Standards Division<sup>6</sup>.

### The process of filing a complaint<sup>6</sup>

Formal employment standards complaints can be submitted by using

- Online Formal Complaint Form (recommended) or
- downloading a formal complaint form

The downloaded formal complaint form can be dropped off mailed or faxed to the closest regional Employment Standards Division office<sup>6</sup>.

## References

<sup>6</sup>Employment Standards Complaints. Available at: <https://www.saskatchewan.ca/business/employment-standards/complaints-investigations-enforcement-and-fines/file-an-employment-standards-complaint>

<sup>7</sup>Report serious injuries. Available at <https://www.saskatchewan.ca/business/safety-in-the-workplace/complaints-and-appeals/reporting-serious-injuries-fatalities-and-dangerous-occurrences>

An official from the Branch will contact the worker and the employer and will make a decision based on the law.

Workers under the Temporary Foreign Worker Program can also file an anonymous complaint using the [TFW Program online reporting tool](#) or call the toll free confidential tip line at 1-866-602-9448.

For more information visit: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/fraud.html>

## STAY SAFE

It is important that workers keep track of their working hours. Employment contracts, pay stubs and any other important documents should be kept in a safe place. Employers should also keep a copy of these records on file.

Under *The Occupational Health and Safety Regulations, 2020*, there is a legal requirement to report all serious injuries, fatalities and dangerous occurrences which occur in the workplace to the Occupational Health and Safety Division.

Remember that employment contracts outline additional employment standards, but a contract can never offer a standard that is below that outlines in Provincial or Federal laws.

Department	Phone number to call
Employment Standards Division	1-800-667-1783
Workplace health and safety offices	1-800-567-7233
Occupational Health and Safety Division	1-800-567-7233 (1-800-567-SAFE)

## Further Resources

- [Employment Standards](#) in Saskatchewan
- [Reporting bullying and harassment](#) including Occupational Health and Safety Regulation.
- [Work safe](#) Saskatchewan
- Temporary Foreign Workers rights under the [Temporary Foreign Worker Program](#)