



UNIVERSITY OF REGINA
FACULTY ASSOCIATION

Saskatchewan Employment Act (SEA) Review
Submission from the University of Regina Faculty Association
Submitted: October 26, 2023

Who we are

The University of Regina Faculty Association (URFA) is a union that represents a diverse membership of more than 1500 workers at Campion College, First Nations University of Canada, Luther College, and the University of Regina.

Since 1977, URFA has represented the people who make these post-secondary institutions work — from administrators to career counsellors, parking services to professors, lab instructors to librarians. Our members work in Regina, Saskatoon, Prince Albert, on other satellite campuses, and remotely from across Canada and the world. URFA is a member of the Saskatchewan Federation of Labour (SFL) and the Canadian Association of University Teachers (CAUT).

Introduction

Thank you for the invitation to submit feedback on the employment standards provisions of The Saskatchewan Employment Act (SEA) and the four associated regulations. We hope that the Government of Saskatchewan will take this review as an opportunity to strengthen the laws that protect the working people of Saskatchewan, raise the floor on wages and benefits, and create better jobs for the next generation.

Our feedback today is guided by the three areas of impact that we see changes to the SEA having: the impact on our members, the impact on all workers in the post-secondary sector, and the impact on the students we serve.

Improvements to the SEA

The following is our submission of the eight priority areas where we would like to see positive change to the Act and associated regulations:

1. Raising wages for everyone
2. Creating better jobs by strengthening employer-employee definitions
3. Creating safer workplaces
4. Supporting work-life balance through the right to disconnect
5. Recognizing the diversity of families
6. Honouring commitments to reconciliation
7. Paid sick days for all workers
8. Giving workers faster access to resolution via Employment Standards Officers

Priority 1: Raising wages for everyone

Saskatchewan still has the lowest minimum wage in the country, and minimum wage earners have felt some of the worst impacts of Canada's recently ballooning inflation rates. Food bank use is increasing, there is a homelessness crisis in our communities, and too many families are living paycheque-to-paycheque. The students we serve are feeling squeezed between high tuition rates and wages that are not high enough to support themselves through school.

The current rate of \$14 per hour is woefully inadequate, and the planned raise next year to \$15 also falls short of allowing working people to earn a dignified wage. A living wage for 2022 was \$17.80 per hour in Regina and \$18.95 per hour in Saskatoon (Canadian Centre for Policy Alternatives, 2023) — and we know that recent inflation has further eroded workers' buying power.

We would like to see the Government of Saskatchewan immediately implement a raise to the same level as the federal minimum wage of \$16.65, with planned increases that reflect living wage rates for Saskatchewan by 2025. Furthermore, these rates should then be indexed to inflation to ensure that minimum wage earners are able to maintain a dignified standard of living going forward.

Priority 2: Creating better jobs by strengthening employer-employee definitions

Applying employment standards universally should be a key tenet of the SEA. The recent push by employers for the casualization and gig-ification of jobs should be resisted by governments at all levels, and any attempts to weaken the employer-employee relationship should be roundly rejected in this review.

Changes to the SEA should prevent the misclassification of workers as "independent contractors." The SEA should have a clear definition of an "employee" that encompasses anyone who supplies services or performs labour for monetary compensation — and the onus should be on employers to prove that a person is *not* an employee, rather than the other way around.

Finally, the SEA should clarify the rights of students as workers and clarify that apprentices are not "student learners" who are excluded from the Act.

Priority 3: Creating safer workplaces

Any remaining exceptions to occupational health and safety standards under the Workers' Compensation Act should be eliminated, ensuring that protections and standards are upheld for all workers in the province.

Priority 4: Supporting work-life balance through the right to disconnect

Technology has changed workplaces immeasurably, and the COVID-19 pandemic brought peoples' work lives into their homes in unprecedented ways. The influence of these two massive changes cannot be understated in terms of their impact on how we work and on mental health. The creep of work into home life, often created by workplace culture or direct employer demands for access to "non-work" time, should be stopped in its tracks.

The right to disconnect should be enshrined in the Act as part of how working hours are defined. A complaint mechanism with fines should be introduced to enforce normal working hours and the right to disconnect.

The Act should also include the right to refuse overtime. The federal government amended the Canada Labour Code recently to include a limited right to refuse overtime in order to fulfill a family responsibility. Saskatchewan should explore methods for introducing a similar right into provincial employment standards

Priority 5: Recognizing the diversity of families

The government should take the opportunity of this review to examine how the definition of "family" impacts workers' right to take leaves, and to make changes that recognize the diversity of families. It's important to recognize that the definition of "family" is dependent on cultural context, and often extends beyond blood ties and legal relationships. For example, the current standards say that bereavement leave applies to immediate family only, but we know the reality of many workers' situations does not fit this narrow definition.

We urge the government to expand the application of these provisions using the definition of family member included in regulations pursuant to the Employment Insurance Act, which other provisions of the SEA reference and incorporate. Expanded definitions should also be applied to other leaves including caring for someone who is critically ill or nearing the end of life.

The SEA should also be amended to include that employees should not endure a loss of compensation due to a loss that requires taking bereavement leave and that this is *paid* time off.

Priority 6: Honouring commitments to reconciliation

We all have a role to play in moving our commitments on reconciliation forward, including creating more opportunities for everyone to learn and participate in reconciliation activities in our communities.

The government should immediately recognize the National Day for Truth & Reconciliation (September 30) as a statutory holiday for all working people in Saskatchewan. This day off is something that URFA and many other unions are committed to bargaining into our collective agreements, however we do not believe access to this opportunity should depend on whether an employee is represented by a union — it should apply to everyone.

Priority 7: Paid sick days for all workers

Workers shouldn't have to choose between going to work sick and not being able to make ends meet. Although many unionized workers have access to paid sick leave through their collective agreements, the COVID-19 pandemic brought to the public's attention just how inequitable access to paid sick days is for everyone.

Paid sick days are not just nice to have, they are fundamental to public health. Saskatchewan should adopt a minimum of ten paid sick days for all workers, with job protected leave.

Priority 8: Giving workers faster access to resolution via Employment Standards Officers

Saskatchewan should bring our employment standards in line with the majority of jurisdictions in Canada by giving employment standards officers the authority to reinstate an employee and pay wages lost due to discriminatory action related to the employee being pregnant, absent from work due to illness or injury, taking a leave entitlement, and other protected rights under the Act.

These powers should enable Employment Standards Officers to investigate, make orders, and issue fines. Without adequate enforcement power, the protections provided by employee standards will remain inaccessible to the province's most vulnerable workers who are unable to navigate, or cannot afford, legal avenues. There should also be an appeal mechanism to the Minister of Labour Relations and Workplace Safety.

Conclusion

URFA hopes that the Government of Saskatchewan will take the opportunity of this review to strengthen employment standards and raise the floor for all working people in our province. The downward pressure on wages and working conditions has only become more apparent throughout the COVID-19 pandemic and in the face of rising inflation, and it's important that the government steps in to ensure that workers and students are not bearing the brunt of these impacts on our economy.

Respectfully submitted.