

# Your Rights at Work

This is not a legal document. For the exact wording, refer to the legislation and your collective agreement. For interpretation of your rights, consult your shop steward or local executive.

There are two kinds of employment rights: those in law (called statutory rights) and those in your collective agreement (called contract rights). Generally your contract rights are better than the statutory minimum, or they cover areas where there are no statutory rights to begin with. Both kinds of employment rights can be enforced in law.

- The **Labour Standards Act** is the law which outlines the minimum employment rights for most workers in the province, such as minimum wage, hours of work, overtime, meal breaks, vacations, holidays, pregnancy and parental leave, termination of employment, and severance pay. Employees of the federal government and federally-regulated industries like airlines and banks are covered by the *Canada Labour Code*. Unionized workers are covered by some or all of the rights spelled out in the **Labour Standards Act** that are superior to your collective agreement. There are occupations which are exempt from the Labour Standards Act: farmers, ranchers, or market gardeners; home workers; sitters; domestic workers; care providers are some of these.
- The **Occupational Health and Safety Act** and sets out the health and safety rights and duties for employees and employers. It deals with information employees must have about hazards in the workplace and how accidents and injuries should be prevented.
- the **Worker's Compensation Act** is the law to provide for compensation to workers for injuries sustained in the course of their employment. It defines the pay, benefits and training available to workers who are injured on the job, as well as the process for deciding who has the right to that compensation.
- The **Saskatchewan Human Rights Code** is the law which aims to protect you from discrimination and harassment as a worker or job applicant.
- The **Trade Union Act** is the law which spells out how unions and employers will function and relate to each other, for example during organizing drives, bargaining, arbitration of grievances, and strikes. It deals with a variety of rules, rights and responsibilities, including: the rights of employees to organize and participate in union activities, negotiating collective agreements between employers and unions, when strikes and lockouts can take place, and restrictions on unfair labour practices by employers. For example, this law makes it illegal for an employer to intimidate or penalize an employee for participating in union activities.



### Contract Rights:

Collective Agreement - the written agreement (also called a “contract”) between the union(s) and employer(s) which spells out wages, benefits, hours of work, conditions of work, rights of workers and unions, and how disagreements will be handled. It covers members of the “bargaining unit”.

## NO DEALS

Although your employer will try to convince you that rules are made to be broken and that you can cut your own deal together that breaks one of these laws, your employer cannot legally do so.

Although it may be tempting to agree, typically these deals do not really benefit you in the end. Your employer must follow the law, and if they do break the law, you have the right to complain.

## LABOUR STANDARDS

### What do I get paid?

- ❖ The minimum wage in Saskatchewan is \$7.05 per hour. Tips are not wages and your boss shouldn't consider them as part of your minimum wage.
- ❖ Employers can only make deductions from your wages if required by law (such as income tax, employment insurance, CPP, etc.). They are not allowed to make deductions from your pay for cash shortages, uniforms or breakage.
- ❖ You must be paid at least twice a month if you are paid at an hourly rate, or once per month if paid by monthly salary. You must be paid in full within 14 days of the last day of work. If you resign or quit, you must be paid in full within 6 days of the end of the pay period.

## KEEP RECORDS

**Your employer keeps a file on you and if you ever got into a dispute with them, you would be at a disadvantage if you did not keep your own records. The best way to protect yourself is to keep a daily record of the hours that you worked, any incidents at work, pay stubs, letters from your employer, performance reviews, complaints, letters of discipline, conflicting supervisor instructions, and other information you may need to enforce your rights.**

### Statutory Holidays

Holiday pay can be administered in three ways:

- You would receive a regular day's pay, which is calculated using 1/20 or 5% of your wages (not including overtime) over your 4 previous work weeks before the public holiday.
- If you are required to work on the holiday, you would receive 1 ½ times your normal wages for working the holiday.
- If the holiday falls within a period of overtime, instead of receiving holiday pay, work in excess of 32 (not 40) hrs is considered overtime.

In Saskatchewan, the statutory holidays are New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving, Remembrance Day and Christmas Day.

### Short Shifted

- ❖ In most cases, you must be paid for at least the amount of 3 hours at minimum wage (\$19.95) for each occasion you report for duty; no matter how little time is worked. This does not apply to employees called back for overtime, high school students during the school term, or these employees employed by a school board: caretakers or maintenance workers, school bus drivers, noon period supervisors. If you are sent home after less than three hours of work, you still have to be paid for three hours at minimum wage, no matter what the reason for lack of work.

### The Never-ending Day

- ❖ In most cases, if you work more than 8 hours per day OR 40 hours in a week, you must be paid overtime.
- ❖ Daily overtime is time and a half of regular wages.

### I Need Time Off

- ❖ If you have a serious illness or injury, you have the right to take 12 weeks of unpaid leave in the calendar year. In cases of normal illness, you have the right to 12 unpaid days per calendar year.
- ❖ You're also entitled to 5 days of unpaid leave for bereavement should a member of your immediate family die.
- ❖ Your employer must allow you to take unpaid leave if you are called for jury duty.

### Need a Break?

- ❖ If you work more than six hours of work per day, you have a right to a 30 minute unpaid meal break before the sixth hour of work.

Employers are not required to give you coffee breaks.



### I Need a Vacation

- ❖ You're entitled to vacation time. Completing one year with your employer will entitle you to three weeks off per year or to be paid 3/52 of your total annual wage as vacation pay.
- ❖ If you've been with your employer for ten or more years, you're entitled to four weeks off per year or 4/52 of your annual wage as vacation pay.
- ❖ You're also entitled to receive this vacation pay if you quit or if you're fired before you take your vacation; this is payable within 14 days of your last day of work.

### Everybody in Uniforms

- ❖ You must be working for at least 20 weeks before you apply for maternity, adoption or parental leave. Your employer must allow up to 52 weeks of unpaid maternity leave for expecting mothers. You have to take maternity, adoption or parental leave in one consecutive leave; you don't have the option to break it up over your early pregnancy and the birth for example. However the law in SK does allow you to access your employer provided sick leave credits for maternity related illness to help you extend your maternity benefits during the pregnancy should you need to do so. Seniority continues to accrue while you are on this leave, and you have the right to continue in any existing benefit plan, but you may be required to pay the premiums.
- ❖ Employers cannot terminate employees on leave, nor change their conditions of employment without written consent.

There is no requirement in the law to provide for paid sick days. For these, you are at the mercy of your employer.
- ❖ If your employer requires you to wear a uniform (including specific brands of clothing), they cannot charge you for it, and must also pay for its cleaning and maintenance or reimburse you for those costs. The employer can ask you for a deposit. However this is only applies to employees in hospitals, nursing homes, educational institutions, restaurants, and hotels.
- ❖ Some employers ask that you wear certain colours of clothing or styles (such as black pants). This is permitted under the law and is not considered a uniform.

### COMPLAINTS

If you think that your employer has broken the **Labour Standards Act**, you should contact the enforcement agency (1-800-667-1783) with a complaint. If your workplace is unionized, you should talk to your union representative because your contract may apply instead of the *Act*.

### Quitting or Laid off

- ❖ If you are quitting your job, giving one or two weeks notice is customary but not required under the law.
  - ❖ Your employer must pay all your wages owing within 14 days and must provide either written notice or pay in lieu. If you are laid off, the amount of notice you have the right to receive depends on the amount of time you have worked.
- Notice required:
- Up to 3 months - no notice
  - 3 months to 1yr – 1 week notice
  - 1 year – 3 years – 2 weeks
  - 3 years to 5 years - 4 weeks
  - 5 years to 10 years - 6 weeks
  - 10 years and over - 8 weeks
- Layoff notice is required when work is interrupted for more than 6 days.
- ❖ Notice is not required by the employer if the employee is terminated for just cause. However, your employer has the responsibility (onus) to prove that the just cause termination was due to a serious infraction, not an ordinary mistake or generally unsatisfactory work performance. You cannot be terminated for absence due to illness or injury. If more than 10 employees are being terminated and this is not a regular pattern of the employer for a shortage of work, (like a school summer vacation) other notice requirements apply.

## **OCCUPATIONAL HEALTH AND SAFETY**

### **My Rights at Work**

**You have three basic rights as a worker:**

- ❖ **You have the right to know about the hazards of your job. You should know how to recognize and deal with those hazards so they won't cause injury or health problems to you or others.**
- ❖ **You have the right to participate in health and safety in the workplace. Your supervisor and employer should consult with you on matters that affect your safety as a worker. This makes sense because you, as a worker, perform the everyday tasks and face the hazards directly. You can point to health and safety situations you're concerned about, and your employer or supervisor has to assess them.**
- ❖ **You have the right to refuse work that you believe to be unusually dangerous to yourself and others. This is one of your most important rights – it can save your life.**

**Your rights are set in law to keep you and other workers safe and healthy. Employers cannot discipline you for exercising your rights.**

### **My Responsibilities at Work**

- ❖ **You are responsible for working without undue risk to yourself or others.**
- ❖ **Ask your supervisor to show you how to do something safely that you've never done before and for job safety training.**
- ❖ **Use all safety gear and protective clothing when and where required; and use equipment the way it was intended to be used.**
- ❖ **Always follow safe work procedures and encourage your co-workers to do the same.**
- ❖ **Immediately correct unsafe conditions or report them right away to your supervisor.**
- ❖ **Know how to handle any hazardous materials or chemicals you use on the job.**
- ❖ **Cooperate with those who are responsible for health and safety in the workplace, such as the Occupational Health and Safety Committee.**
- ❖ **Tell your supervisor of any physical or mental conditions that may make you unable to work safely.**

## **If I'm Injured at Work**

The Workers' Compensation Act covers most workers in Saskatchewan. The Act covers all full-time, part-time, and seasonal employees as soon as they start work and/or, as long as their occupations or the industries are covered under the Act.

- ❖ Some occupations and industries, such as artists and poultry farms, are not covered, so you should check with the WCB if you're not sure whether your job is covered.

If you are injured at work you may qualify for WCB benefits and services for work-related injuries and illnesses. These benefits can include payment for lost wages and medical costs for such services as hospital care, health

care providers, medication and surgery.

If you are injured on the job:

- ❖ Get medical attention if you need it.
- ❖ Report the injury to your employer immediately.
- ❖ Fill out the Worker's Initial Report of Injury (WI) as soon as possible.

Submit it to the Saskatchewan WCB.

Remember that some injuries develop over time, such as back strains and the only way you will be protected is if you report them when they occur.

### **CAN OH&S HELP ME?**

You have the right to a healthy and safe workplace. If you feel your rights have been violated or your safety has been put at risk, you can file an anonymous complaint with Occupational Health and Safety officials through the Prevention Information Line at:

Regina – (306) 787-4496  
or toll free at 1-800-567-7233

Saskatoon – (306) 933-5052  
or toll free at 1-800-667-5023



## **HUMAN RIGHTS**

Under the **Saskatchewan Human Rights Code**, you have the right to be protected from harassment and discrimination on the basis of the following grounds:

- Age (between 19 and 65 years of age)
- Creed
- Ancestry (aboriginal, or perceived race and color, place of origin)
- Nationality
- Family Status
- Sex (gender or pregnancy)
- Sexual Orientation
- Marital Status
- Receipt of public assistance
- Religion
- Disability (Physical or Mental)

Your employer has a responsibility to keep the workplace free of discrimination. If you feel discriminated against, you should first complain to your supervisor or boss. If the complaint is unresolved, you may submit a complaint to the Saskatchewan Human Rights Commission.

### **What is the Duty to Accommodate?**

The duty to accommodate in the workplace is the legal requirement for employers, with the union playing an active role, to proactively eliminate employment standards, requirements, practices or rules that discriminate against individuals or groups on the basis of a prohibited ground, such as race, sex, disability, age and so on.

The employer must take all steps short of undue hardship to eliminate discrimination related to human rights grounds. For example, policies must be designed to ensure that those who have a lower level of visual acuity, or those who require a private area in which to conduct prayers, or those who require modified work hours for family care responsibilities, do not encounter barriers in the first place. The union is always required to cooperate and be flexible in the reasonable accommodation of a worker.

For more information on duty to accommodate, order the booklet *Disability in the Workplace: Understanding Duty to Accommodate* from CUPE National (613) 237-1590 or download it from the website at [cupe.ca](http://cupe.ca).

### **What is Considered Harassment?**

Generally, only discrimination based on the grounds listed in human rights legislation is protected in common law, but in your union contract more grounds may be covered. Harassment includes behaviour directed toward another person or persons which is abusive or demeaning. There are different forms of harassment:

**Sexual harassment** is conduct (behaviour, action, comment) of a sexual nature which is unwelcome and which either interferes with another person's work, or leads to or implies employment consequences for the person being harassed.

**Personal harassment** is conduct (behaviour, action, comment) directed toward a specific person or persons which serves no legitimate purpose and would create an intimidating, humiliating or hostile work environment.

## **KOLE'S NOTES TO CONTRACTS**

A contract, or collective agreement, is the document which outlines the various rights your union has bargained with your employer, and how those rights can be enforced. It is a legal and binding agreement negotiated between the union and employer, and approved by the membership of the union.

Your contract is divided up into a number of articles (also called “provisions” or “clauses”) that identify your various rights. Below are some of the important ones. (Your actual contract includes many more articles, and the exact wording of each is critical. This list simply highlights some of the common features.)

**Definitions:** This article defines the different kinds of employees in your workplace, such as full-time, part-time or temporary employee.

**Management Rights:** This section says that management has the right to decide anything not covered in the contract. It means that management controls any workplace conditions not set out in your contract.

**Union Rights:** These articles recognize the union’s legal right to be the sole representative of the workers and explain how dues are collected.

**Harassment and Discrimination:** Many contracts include a statement prohibiting harassment and discrimination, which reinforces rights outlined in human rights legislation. The legislation applies even if you don’t have anti-harassment language; language makes it easier to grieve.

**Posting and Filling Vacancies:** These articles identify when vacant positions must be advertised, what rights members have when applying for those positions and what criteria will be used to select the successful applicant.

**Hours of Work and Overtime:** This section defines when workers are expected to work and any extra pay for working outside of those hours, including overtime and/or shift premiums.

**Wages and Allowances:** Your wages are typically found at the back of your contract on a wage schedule. You may also be eligible for additional pay, for example:

- Premiums – for working in unpleasant or unsafe working environments, or on certain shifts
- Allowances – for having special training
- Acting Pay – for working in a higher paid position

**Vacation:** Describes how many vacation days you are entitled to based on how long you have worked. Often only regular employees get vacation, but casuals may get a monetary benefit in its place (“percentage in lieu”).

**Statutory Holidays:** Describes the statutory holidays you get, which may be more than the minimum set by employment standards law.

**Sick Leave:** Unlike non-unionized workers, you may be entitled to paid sick days. This section describes how they work and what you are entitled to.

**Leaves of Absence:** There are a number of these sections in a contract, including bereavement leave, jury and court witness duty, leave of absence for union officials, maternity and adoption leave and general leave. These sections explain your entitlement to these leaves and how they work.

**Benefits:** Most unionized workers get health benefits paid for partially or entirely by their employer. Benefit packages generally include basic medical coverage, extended health benefits (e.g. reimbursement for prescribed drugs, eyeglasses and physiotherapy), dental plans, life insurance and pension plans.

**Discipline:** This part lays out the formal procedure your employer must follow if he thinks you are guilty of misconduct or that you are not doing your job properly. It also spells out your rights in the discipline process.

**Grievance Procedure:** If you feel your contract or statutory rights have been violated, you might choose to use the grievance process to resolve the problem and get compensation. This section identifies the procedures for dealing with grievances; most have between 3 and 5 formal steps, the final step being arbitration. You should contact your steward to file a grievance.

## **Know Your Rights – CUPE Saskatchewan**

### **Some Helpful Terms to Know**

**Arbitration** - A method of settling disputes through the intervention of a third party whose decision is final and binding.

**Bargaining Unit** - Group of workers represented by a union for purposes of collective bargaining.

**Collective Agreement** - A legally binding agreement or contract between one or more bargaining units and one or more employers. A collective agreement includes, but is not limited to: wages, hours, working conditions, benefits, rights of workers and union, and grievance procedures.

**Collective Bargaining** - A way of determining wages, hours and other conditions of employment through direct negotiations between the union and employer. The results of bargaining are a written contract agreed upon by both employer and workers. To accept the contract union members from the bargaining unit must hold a vote. If it is rejected, the bargaining committee can go back to the bargaining table with management.

**Grievance** - A complaint against management by one or more employees of a union concerning an alleged breach of contract or injustice. The procedure for the handling of grievances is usually defined in the collective agreement.

**Local** - The basic unit of a union. Trade unions are divided up into locals for the purpose of local administration. They are usually responsible for day- to-day administration of the collective agreements covering their members.

**Lockout** - A labour dispute, where management refuses work to employees or closes its establishment in order to force a settlement on its terms.

**Mediation** - A process which attempts to resolve labour disputes by compromise or voluntary agreement. Parties can accept or reject recommendations from mediation. Nothing is binding.

**Saskatchewan Federation of Labour (SFL)** - The Saskatchewan Federation of Labour represents approximately 85,000 members, from 32 national and international unions.

**Shop Steward** - A rank and file member (somebody who works with the other members of the bargaining unit on the shop floor) who represents the members and the union and the unions duties.

**Solidarity** - Unity among individuals with a common interest.

**Strike** - Ceasing or refusing to work with a common understanding that the purpose is to compel an employer to agree to terms or conditions of employment. This is usually the last stage of collective bargaining, if all other means have failed.

**Union** - Workers organized into a voluntary association or union, to further their mutual interests with respect to their wages, benefits, hours, health and safety (includes anti-harassment), and other matters that interest workers.

**Union Dues** - Payments by union members for the financial support of their union. Union dues make it possible for unions to obtain a better standard of living for members.

**Our Union**

CUPE Local \_\_\_\_\_

**Your Local Union Executive**

**President:**  
\_\_\_\_\_

**Vice-President:**  
\_\_\_\_\_

**Treasurer:**  
\_\_\_\_\_

**Recording Secretary:**  
\_\_\_\_\_

**Local Committees**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your Steward**

\_\_\_\_\_

**Next General Membership Meeting**

**Date:**  
\_\_\_\_\_

**Time:**  
\_\_\_\_\_

**Staff representative:**  
\_\_\_\_\_

**Local Union**

**Labour District Council**

**CUPE District Council**

**Federation of Labour**

**Division (elected)**

**Regional/Area (staff)**

**Canadian Labour Congress**

**CUPE National (National officers, staff)**

**ICFTU  
PSI – Public Services International**



CUPE Saskatchewan  
3725 E Eastgate Drive  
Regina, SK S4Z 1A5  
Telephone: (306) 757-1009  
Fax: (306) 757-0102