

2020

CHAPTER 12

An Act to amend *The Saskatchewan Employment Act*

(Assented to March 16, 2020)

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 Amendment Act, 2020*.

SS 2013, c S-15.1 amended

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

Section 2-51 amended

3(1) **Clause 2-51(1)(b) is amended by striking out “63 weeks” and substituting “71 weeks”.**

(2) **Subsection 2-51(2) is repealed and the following substituted:**

“(2) A parental leave must be taken during the period of:

(a) 13 weeks preceding the estimated date of birth or the estimated date on which the child is to come into the employee’s care, as the case may be; and

(b) either:

(i) if one employee is taking leave pursuant to this section, 78 weeks following the actual date of birth or the actual date on which the child comes into the employee’s care; or

(ii) if two employees are taking leave pursuant to this section with respect to the same child, 86 weeks following the actual date of birth or the actual date on which the child comes into the employee’s care”.

New section 2-54

4 **Section 2-54 is repealed and the following substituted:**

“Nomination, candidate and public office leave

2-54(1) In this section, **‘band council’** means the council of a band within the meaning of the *Indian Act* (Canada).

(2) An employee is entitled to a leave:

(a) to seek nomination as a candidate for a municipal, provincial or federal election or an election for a board of education, the Conseil scolaire fransaskois or a band council, for a reasonable period;

(b) to be a candidate for a municipal, provincial or federal election or an election for a board of education, the Conseil scolaire fransaskois or a band council, for a reasonable period; or

(c) if the employee has been elected to a municipal, provincial or federal government or a board of education, the Conseil scolaire fransaskois or a band council, for the period during the employee's term of office that may be necessary.

(3) Subsection 2-48(2) applies to an employee on a leave pursuant to subsection (2) for a maximum of 52 weeks”.

Section 2-74 amended

5(1) Subsection 2-74(2) is amended by striking out “Subject to subsection (4), if the director” and substituting “If the director”.

(2) Subsections 2-74(4) and (5) are repealed.

Section 2-97 amended

6 Subsection 2-97(3) is repealed and the following substituted:

“(3) If an employer is convicted of taking discriminatory action against an employee contrary to this Part, the convicting court may, in addition to any other penalty imposed, order the employer to do all or any of the following:

(a) to reinstate the employee in the former employment under the same terms and conditions in which the employee was formerly employed;

(b) to pay to the employee the wages of the employee retroactive to the date that the discriminatory action was taken against the employee;

(c) to cease the discriminatory action”.

Heading to Part IV amended

7 The heading to Part IV is amended by striking out “and III” and substituting “, III and V”.

Section 4-1 amended

8 Subsection 4-1(1) is amended by striking out “Parts II and III” and substituting “Parts II, III and V”.

New section 4-2

9 Section 4-2 is repealed and the following substituted:

“Adjudicator’s duties

4-2 An adjudicator shall:

(a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;

(b) hear and decide appeals pursuant to Division 8 of Part III;

(c) hear and decide any appeals pursuant to Division 6 of Part V; and

(d) carry out any other prescribed duties”.

Section 4-3 amended**10 Subsection 4-3(1) is repealed and the following substituted:**

“(1) In this section and sections 4-4 and 4-7, ‘**registrar**’ means an employee of the ministry who is designated as the registrar by the chairperson of the board”.

Section 4-4 amended**11 Subsection 4-4(1) is repealed and the following substituted:**

“(1) After selecting an adjudicator pursuant to section 4-3 and in accordance with any regulations made pursuant to this Part, the registrar shall:

- (a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and
- (b) give written notice of the time, day and place for the appeal or the hearing to:
 - (i) in the case of an appeal or hearing pursuant to Part II:
 - (A) the director of employment standards;
 - (B) the employer;
 - (C) each employee listed in the wage assessment or hearing notice; and
 - (D) if a claim is made against any corporate directors, those corporate directors;
 - (ii) in the case of an appeal or hearing pursuant to Part III:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed; and
 - (iii) in the case of an appeal or hearing pursuant to Part V:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed”.

Section 4-6 amended

12(1) Subsection 4-6(1) is amended by striking out “Subject to subsections (2) to (5)” and substituting “Subject to subsections (4) and (5)”.

(2) Subsections 4-6(2) and (3) are repealed.

(3) Clause 4-6(5)(b) is amended by striking out “subject to subsections (2) and (3),”.

New section 4-7

13 Section 4-7 is repealed and the following substituted:**“Written decisions**

4-7(1) Subject to the regulations, an adjudicator shall provide the written reasons for the decision required pursuant to clause 4-6(1)(b) within the following periods:

- (a) with respect to an appeal or hearing pursuant to Part II, 60 days after the date on which the hearing of the appeal or the hearing is completed;
- (b) with respect to an appeal pursuant to Part III:
 - (i) subject to subclause (ii), 60 days after the date on which the hearing of the appeal is completed; and
 - (ii) with respect to an appeal pursuant to section 3-54, the earlier of:
 - (A) one year after the date on which the adjudicator was selected; and
 - (B) 60 days after the date on which the hearing of the appeal is completed;
- (c) with respect to an appeal pursuant to Part V, 60 days after the date on which the hearing of the appeal is completed.

(2) If the deadline in subsection (1) has not been met, any of the following may apply to the board for an order directing the adjudicator to provide the adjudicator’s decision:

- (a) any party to a proceeding before an adjudicator;
- (b) the director of employment standards or director of occupational health and safety, as the case may be.

(3) On an application made pursuant to subsection (2), the board may do all or any of the following:

- (a) direct the adjudicator to provide the decision;
- (b) establish the period within which the decision is to be provided;
- (c) set aside the adjudicator’s selection and direct the registrar to select another adjudicator to hear the appeal;
- (d) make any other order the board considers appropriate.

(4) A failure by an adjudicator to comply with subsection (1) or with an order made pursuant to subsection (3) does not affect the validity of a decision.

(5) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(6) This section applies to all appeals or hearings that:

- (a) were commenced before the coming into force of this section and for which written reasons have still to be provided on or after the coming into force of this section; or
- (b) are commenced on or after the coming into force of this section”.

Section 4-8 amended

14(1) Subsection 4-8(2) is amended by adding ‘or Part V’ after ‘Part III’.

(2) Clause 4-8(3)(b) is repealed and the following substituted:

“(b) serve the notice of appeal on all parties to the appeal”.

(3) Subsection 4-8(4) is amended:

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

“(b.1) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety, respecting the matter that is the subject of the appeal”; **and**

(b) by repealing clause (c) and substituting the following:

“(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or Part V, as the case may be”.

New section 4-10

15 Section 4-10 is repealed and the following substituted:

“Right of director to appeal

4-10(1) The director of employment standards and the director of occupational health and safety have the right:

(a) to appear and make representations on:

(i) any appeal or hearing heard by an adjudicator; and

(ii) any appeal of an adjudicator’s decision before the board or the Court of Appeal; and

(b) to appeal any decision of an adjudicator on a question of law or a question of mixed law and fact; and

(c) to appeal any decision of the board on a question of law.

(2) If the director of employment standards or director of occupational health and safety intends to appeal to the board pursuant to this section, that director shall:

(a) file a notice of appeal with the board within 30 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all parties to the appeal.

(3) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) in the case of an appeal pursuant to Part V, any written decision of a radiation health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

- (d) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III or V, as the case may be;
 - (e) any exhibits filed before the adjudicator;
 - (f) the written decision of the adjudicator;
 - (g) the notice of appeal to the board;
 - (h) any other material that the board may require to properly consider the appeal.
- (4) The commencement of an appeal to the board does not stay the effect of the decision or order being appealed unless the board orders otherwise.
- (5) On an appeal, the board may:
- (a) affirm, amend or cancel the decision or order of the adjudicator; or
 - (b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate".

Section 4-12 amended

16 Clause 4-12(1)(a) is amended by striking out "clause 4-2(c)" and substituting "clause 4-2(d)".

New Part V

17 Part V is repealed and the following substituted:

**"PART V
Radiation Health and Safety
"DIVISION 1
Preliminary Matters for Part**

"Interpretation of Part

5-1 In this Part:

- (a) **'associated apparatus'** means any piece of diagnostic or therapeutic equipment using or associated with radiation that might be a mechanical or electrical hazard to any person;
- (b) **'committee'** means the Radiation Health and Safety Committee continued pursuant to section 5-36;
- (c) **'compliance undertaking'** means a compliance undertaking entered into pursuant to section 5-15;
- (d) **'director of occupational health and safety'** means the director of occupational health and safety appointed pursuant to Part III;
- (e) **'ionizing radiation'** means any atomic or subatomic particle or electromagnetic wave emitted or produced directly or indirectly by a machine or radioactive isotope and having sufficient kinetic or quantum energy to produce ionization;

- (f) **'ionizing radiation equipment'** means a device capable of emitting ionizing radiation, but does not include:
- (i) equipment operated at less than 15 kilovolts and not designed principally to produce useful radiation;
 - (ii) equipment that:
 - (A) is in storage, in transit or not being used; or
 - (B) is operated in a manner such that it cannot produce radiation;
 - (iii) any radioactive substance; or
 - (iv) any other prescribed equipment or category of equipment;
- (g) **'ionizing radiation installation'** means the whole or any part of a building or other place in which ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that ionizing radiation equipment;
- (h) **'non-ionizing radiation'** includes energy in the form of:
- (i) electromagnetic waves in the frequency range below that for which ionization occurs; or
 - (ii) ultrasonic waves having frequencies greater than 10,000 hertz;
- (i) **'non-ionizing radiation equipment'** means any equipment that is capable of emitting non-ionizing radiation;
- (j) **'non-ionizing radiation installation'** means the whole or any part of a building or other place in which non-ionizing radiation equipment is manufactured, used or placed or installed for use, and includes that non-ionizing radiation equipment;
- (k) **'notice of contravention'** means a notice of contravention served pursuant to section 5-15;
- (l) **'occupational health and safety representative'** means an occupational health and safety representative as defined in Part III;
- (m) **'occupational health committee'** means an occupational health committee as defined in Part III;
- (n) **'operator'** means a person who uses or controls the use of any radiation equipment;
- (o) **'owner'** means, subject to sections 5-5 and 5-9, a person having management and control of a radiation installation, radiation equipment or a radiation installation and radiation equipment;
- (p) **'place of employment'** means a place of employment as defined in Part III;
- (q) **'purchaser'** includes a lessee;
- (r) **'radiation'** includes ionizing radiation and non-ionizing radiation;

- (s) **‘radiation equipment’** includes ionizing radiation equipment and non-ionizing radiation equipment;
- (t) **‘radiation health officer’** means a radiation health officer appointed pursuant to section 5-27;
- (u) **‘radiation installation’** includes ionizing radiation installations and non-ionizing radiation installations;
- (v) **‘radiation worker’** means a person who, in the course of the person’s employment duties, business, professional activities, studies or training:
 - (i) is exposed to radiation; and
 - (ii) if exposure limits, exposure levels or dose limits are specified for members of the public, might receive radiation exposure in excess of those limits or levels;
- (w) **‘safety measures’** means measures designed for the purposes of safety in connection with the design and use of radiation installations, radiation equipment and associated apparatus;
- (x) **‘use’** includes construct, demonstrate, test, operate, handle, repair, service and maintain;
- (y) **‘vendor’** means a person who sells or leases or offers for sale or lease any radiation equipment or associated apparatus;
- (z) **‘worker’** means a worker as defined in Part III;
- (aa) **‘worksite’** means a worksite as defined in Part III.

“Responsibilities of minister re Part

5-2(1) The minister is responsible for all matters not by law assigned to any other minister or agency of the government relating to radiation health and safety and to advancing and improving radiation health and safety in Saskatchewan.

(2) For the purpose of carrying out the minister’s responsibilities pursuant to this Part, the minister may:

- (a) create, develop, adopt, coordinate and implement policies, strategies, objectives, guidelines, programs, services and administrative procedures or similar instruments respecting radiation health and safety;
- (b) promote or conduct studies and research projects in connection with issues related to radiation health and safety;
- (c) encourage or conduct educational programs, including seminars and courses of training, for promoting radiation health and safety;
- (d) provide consulting services with respect to matters governed by this Part and the regulations made pursuant to this Part; and
- (e) do any other thing that the minister considers necessary or appropriate to carrying out the minister’s responsibilities or exercising the minister’s powers pursuant to this Part and the regulations made pursuant to this Part.

**“DIVISION 2
Ionizing Radiation**

“Establishment and alteration of ionizing radiation installation, installation of ionizing radiation equipment

5-3(1) In this section and sections 5-4 and 5-7, ‘**substantial alteration**’ includes:

- (a) respecting any ionizing radiation equipment that emits a primary beam outside the housing of the equipment, any alteration or change of position that causes the equipment to be capable of emitting a primary beam in any direction other than the direction for which approval was granted when the plans for the installation were approved;
- (b) any alteration in the shielding properties of the room or other place in which the ionizing radiation equipment is placed or installed;
- (c) any increase in the maximum generating voltage or maximum beam current of ionizing radiation equipment in an installation; and
- (d) the placement or installation of any units of ionizing radiation equipment in an ionizing radiation installation in excess of the number of units approved when the plans for the installation were approved.

(2) Unless a plan of the proposed installation or proposed alteration has been approved in writing by a radiation health officer, no person shall:

- (a) establish or cause to be established an ionizing radiation installation for any purpose; or
- (b) make or cause to be made any substantial alteration in any ionizing radiation installation.

(3) Subsection (2) does not apply to any prescribed ionizing radiation installation or prescribed substantial alteration.

(4) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (2) until the radiation health officer is satisfied that the ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

(5) No person shall use any mobile ionizing radiation equipment in any location other than one approved by a radiation health officer.

“Statements required re ionizing radiation installations and equipment

5-4(1) Subject to subsection (2), within 25 business days after the day on which any ionizing radiation installation or ionizing radiation equipment comes under an owner’s control or is substantially altered, the owner shall provide the minister with a statement setting out particulars of that installation, equipment or alteration, as the case may be.

- (2) Every owner of any mobile ionizing radiation equipment shall:
 - (a) provide the minister with the statement mentioned in subsection (1) within the prescribed period; and
 - (b) if required by the minister to do so, provide the minister with an itinerary for the equipment containing any particulars that may be required by the minister within the prescribed period.
- (3) On or before January 31 in each year, every owner shall provide the minister with a statement setting out particulars of all ionizing radiation installations and ionizing radiation equipment under the owner's control.

“Manufacture and use of ionizing radiation equipment and associated apparatus

5-5(1) In this section, ‘owner’ includes:

- (a) a vendor until the vendor relinquishes control of ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and
 - (b) any person who alters, repairs, services, maintains or tests ionizing radiation equipment or associated apparatus.
- (2) The owner of any ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:
 - (a) in compliance with the regulations made pursuant to this Part; and
 - (b) in a manner such that:
 - (i) no person will be unnecessarily exposed to ionizing radiation from that equipment or apparatus; and
 - (ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the prescribed dose limits.
 - (3) The operator of any ionizing radiation equipment or associated apparatus shall use or control the use of the equipment:
 - (a) in compliance with the regulations made pursuant to this Part; and
 - (b) in a manner that satisfies the requirements of clause (2)(b).

“Qualifications for management, control or operation

5-6(1) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans unless the person:

- (a) is qualified pursuant to an Act to provide persons with care and treatment by means of ionizing radiation equipment; or
- (b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

- (2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that each operator is:
- (a) a duly qualified medical practitioner with specialized training in radiography;
 - (b) a chiropractor who is registered pursuant to *The Chiropractic Act, 1994*;
 - (c) a dentist, dental assistant, dental hygienist or dental therapist as defined in *The Dental Disciplines Act*;
 - (d) a medical radiation technologist who is registered pursuant to *The Medical Radiation Technologists Act, 2006*;
 - (e) subject to subsection (3), a combined laboratory and x-ray technician or technologist who possesses the qualifications necessary to become a registered, certified, active member in good standing of the Saskatchewan Association of Combined Laboratory and X-ray Technicians; or
 - (f) subject to subsection (3), a student who is under the direct supervision of a person who possesses the qualifications set out in clause (a), (b), (c), (d) or (e).
- (3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to humans shall ensure that an operator who is:
- (a) described in clause (2)(e) performs only examinations that he or she has been formally trained for; or
 - (b) a student mentioned in clause (2)(f) performs only examinations that are within the scope of the qualifications of the person supervising the student.
- (4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person:
- (a) is entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*; or
 - (b) employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.
- (5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is:
- (a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*;
 - (b) a veterinary technologist within the meaning of *The Veterinarians Act, 1987*; or
 - (c) a student under the direct supervision of a person who possesses the qualifications set out in clause (a) or (b).

(6) No person shall manage or control an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals unless:

- (a) the person:
 - (i) understands the procedures for which the equipment is to be used; and
 - (ii) possesses the knowledge necessary to adequately manage or control the installation or equipment and knowledge of the necessary safety procedures; or
- (b) the person employs a person who meets the requirements of clause (a) to attend to the operation of the installation or equipment.

(7) An owner of an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to humans or animals shall ensure that each operator:

- (a) possesses any prescribed qualifications or meets any prescribed requirements; and
- (b) is adequately supervised by a person who meets the requirements of clause (6)(a).

(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsection (2), (5) or (7).

“DIVISION 3 Non-ionizing Radiation

“Establishment and alteration of non-ionizing radiation installation

5-7(1) If the regulations made pursuant to this Part require the approval of plans for a non-ionizing radiation installation, no person shall establish or cause to be established a non-ionizing radiation installation or make or cause to be made any substantial alteration in any non-ionizing radiation installation until a plan of the proposed installation or proposed alteration, as the case may be, has been approved in writing by a radiation health officer.

(2) A radiation health officer may withhold approval of a plan submitted for approval pursuant to subsection (1) until the officer is satisfied that the non-ionizing radiation installation will be constructed or altered in a manner such that all reasonable precautions are taken to minimize the exposure of any person to radiation.

“Statements required re equipment emitting non-ionizing radiation

5-8(1) Every owner of non-ionizing radiation equipment or a non-ionizing radiation installation shall, if required by the regulations made pursuant to this Part, provide the minister with a statement setting out any prescribed information about that equipment or installation.

(2) Every statement required pursuant to subsection (1) must be provided within the prescribed period.

“Manufacture and use of non-ionizing radiation equipment and associated apparatus

5-9(1) In this section, ‘owner’ includes:

- (a) a vendor until the vendor relinquishes control of non-ionizing radiation equipment or associated apparatus to its purchaser after any installation or testing has been carried out by the vendor; and
 - (b) any person who alters, repairs, services, maintains or tests non-ionizing radiation equipment or associated apparatus.
- (2) The owner of any non-ionizing radiation equipment or associated apparatus shall ensure that the equipment or apparatus is manufactured and used:
- (a) in compliance with the regulations made pursuant to this Part; and
 - (b) in a manner such that the exposure of any person to non-ionizing radiation from that equipment or apparatus is limited in the prescribed manner and to the prescribed amounts.
- (3) The operator of any non-ionizing radiation equipment or associated apparatus shall use or control the use of the equipment or apparatus:
- (a) in compliance with the regulations made pursuant to this Part; and
 - (b) in a manner that satisfies the requirements of clause (2)(b).

“Qualifications for management, control and use

5-10 No person shall manage or control, or use or control the use of, any non-ionizing radiation equipment or category of non-ionizing radiation equipment unless the person possesses the prescribed qualifications or meets the prescribed requirements.

“DIVISION 4**Matters affecting Ionizing and Non-ionizing Radiation****“Restrictions on use**

5-11 No person shall use a radiation installation, radiation equipment or associated apparatus:

- (a) that does not comply with the prescribed standards; or
- (b) the use of which has been prohibited by a radiation health officer pursuant to clause 5-17(3)(b).

“Information required

5-12(1) If required to do so by the regulations made pursuant to this Part, the vendor of any radiation equipment or associated apparatus shall provide the minister with:

- (a) any prescribed information respecting the equipment or apparatus or its use;
 - (b) the plans of the equipment or apparatus; or
 - (c) both the information and plans mentioned in clauses (a) and (b).
- (2) The information and plans required pursuant to subsection (1) must be provided within the prescribed period.

“Incidents or hazards

5-13 If required to do so by the regulations made pursuant to this Part, the vendor, owner or operator of any radiation equipment or associated apparatus shall notify the minister of any incident or hazard involving the equipment or apparatus, in the prescribed manner, within the prescribed period and with any prescribed particulars.

“Records

5-14 Every owner of radiation equipment shall:

- (a) keep any prescribed records respecting:
 - (i) the radiation equipment and its use;
 - (ii) the exposure of radiation workers to radiation; and
 - (iii) any other matter pertaining to radiation health and safety measures in relation to that equipment and to radiation workers; and
- (b) produce the records mentioned in clause (a) on the request of a radiation health officer.

“DIVISION 5**Compliance Undertakings and Notices of Contraventions****“Compliance undertakings and notices of contravention**

5-15(1) A radiation health officer shall act pursuant to subsection (2) if the radiation health officer is of the opinion that a person:

- (a) is contravening any provision of this Part or the regulations made pursuant to this Part; or
- (b) has contravened any provision of this Part or the regulations made pursuant to this Part in circumstances that make it likely that the contravention will continue or will be repeated.

(2) In the circumstances mentioned in subsection (1), the radiation health officer shall:

- (a) require the person to enter into a compliance undertaking;
- (b) serve a notice of contravention on the person; or
- (c) take any other prescribed measure.

(3) For the purposes of subsection (2):

- (a) a compliance undertaking must:
 - (i) be in writing and in the form approved by the director of occupational health and safety;

- (ii) contain a description by the radiation health officer of the action to be undertaken by the person; and
- (iii) contain the person's signed commitment to:
 - (A) comply or improve compliance with the contravened provision of this Part or the regulations made pursuant to this Part within a period specified by the radiation health officer in the compliance undertaking; and
 - (B) provide a progress report in accordance with section 5-19; and
- (b) a notice of contravention must:
 - (i) cite the contravened provision of this Part or of the regulations made pursuant to this Part;
 - (ii) state the reasons for the radiation health officer's opinion; and
 - (iii) require the person to remedy the contravention within a period specified by the radiation health officer in the notice of contravention.
- (4) A radiation health officer may serve a notice of contravention on a person notwithstanding that the person has entered into a compliance undertaking if:
 - (a) the person fails to comply with the compliance undertaking or to provide a progress report in compliance with section 5-19; or
 - (b) in the opinion of the radiation health officer, it is necessary to do so to prevent a risk to the health and safety of a worker or it is otherwise in the public interest.

“Directions to remedy contravention

5-16 A notice of contravention may include directions as to the measures to be taken to remedy the contravention to which the notice relates, and the directions must, if practicable, give the person on whom the notice is served a choice of different ways of remedying the contravention.

“Contravention involving risk to health or safety

5-17(1) If a radiation health officer is of the opinion that a contravention of this Part or the regulations made pursuant to this Part involves or may involve a serious risk to the health or safety of a worker or any other person, the radiation health officer may:

- (a) direct in a notice of contravention that any activity to which the notice of contravention relates shall not be carried on after the period specified in the notice or until the contravention specified in the notice has been remedied, whichever occurs first; or
- (b) in the notice of contravention, require the cessation of any work that, in the radiation health officer's opinion, constitutes a hazard to a worker or any other person, until the requirement to cease work has been withdrawn by a radiation health officer.

(2) Notwithstanding clause (1)(b), if a radiation health officer requires the immediate cessation of any work at or the evacuation of workers or any other persons from a place of employment or a worksite pursuant to clause (1)(b), the person on whom the notice of contravention is served may, subject to any direction given by the radiation health officer, carry out or cause workers to carry out the activities or measures necessary to remedy the contravention.

(3) If a radiation health officer finds a radiation installation, radiation equipment or associated apparatus that does not comply with this Part or the regulations made pursuant to this Part or that, in the officer's opinion, constitutes a hazard to a worker or any other person, the radiation health officer may:

- (a) require the owner to carry out any repairs, alterations or servicing that the officer may specify and within any time that the officer may direct; or
- (b) prohibit the use of the installation, equipment or apparatus until:
 - (i) the repairs, alterations or servicing mentioned in clause (a) have been carried out;
 - (ii) a radiation health officer grants written permission; or
 - (iii) the repairs, alterations or servicing mentioned in clause (a) have been carried out and a radiation health officer grants written permission.

“Copy of compliance undertaking or notice of contravention

5-18 If a person enters into a compliance undertaking or a radiation health officer serves a notice of contravention on any person, the radiation health officer shall:

- (a) if there is an occupational health committee or an occupational health and safety representative at the place of employment or the worksite with respect to which the compliance undertaking or notice of contravention applies, provide the occupational health committee or the occupational health and safety representative with a copy of the compliance undertaking or notice of contravention; or
- (b) if there is no occupational health committee or occupational health and safety representative at the place of employment or the worksite with respect to which the compliance undertaking or notice of contravention applies, post a copy of the compliance undertaking or notice of contravention in a conspicuous location near the site of a radiation installation, radiation equipment or associated apparatus at that place of employment.

“Progress report

5-19 Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment or worksite with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment or worksite with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment near the site of a radiation installation, radiation equipment or associated apparatus a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the radiation health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

“Reassignment to alternative work

5-20 If a radiation health officer has served on a person a notice of contravention that includes a requirement mentioned in clause 5-17(1)(b), the employer of any workers at the place of employment or the worksite shall assign to alternative work, without loss of pay, the employer’s workers who are no longer able to work at a place of employment with respect to which the notice of contravention applies until the workers are permitted by a radiation health officer to resume their work at the place of employment or the worksite.

“Withdrawals of certain requirements

5-21 A radiation health officer may withdraw any requirement for the cessation of work mentioned in clause 5-17(1)(b) that is included in a notice of contravention if the radiation health officer is satisfied that the contravention with respect to which the cessation of work was required has been remedied.

“Notices of contravention that do not take immediate effect

5-22 If a notice of contravention that is not to take immediate effect has been served:

- (a) the notice may be withdrawn by a radiation health officer at any time before the end of the period specified in the notice; or
- (b) the period specified pursuant to clause (a) may be extended or further extended by a radiation health officer at any time except when an appeal against the notice is pending.

**“DIVISION 6
Appeals**

“Interpretation of Division

5-23(1) In this Division:

- (a) **‘adjudicator’** means an adjudicator appointed pursuant to Part IV;
- (b) **‘decision’** includes:
 - (i) a decision to grant an exemption;
 - (ii) a decision to serve, affirm, amend or cancel a notice of contravention or to not issue a notice of contravention; and
 - (iii) any other determination or action of a radiation health officer that is authorized by this Part.

(2) In this Division and in Part IV, **‘person who is directly affected by a decision’** means any of the following persons to whom a decision of a radiation health officer is directed and who is directly affected by that decision:

- (a) a worker;
- (b) an owner;
- (c) an operator;
- (d) a vendor;
- (e) any other prescribed person or member of a category of prescribed persons;

but does not include any other prescribed person or any member of a category of prescribed persons.

“Appeal of radiation health officer’s decision

5-24(1) A person who is directly affected by a decision of a radiation health officer may appeal the decision.

(2) An appeal pursuant to subsection (1) must be commenced by filing a written notice of appeal with the director of occupational health and safety within 15 business days after the date of service of the decision being appealed.

- (3) The written notice of appeal must:
- (a) set out the names of all persons who are directly affected by the decision that is being appealed;
 - (b) identify and state the decision being appealed;
 - (c) set out the grounds of the appeal; and
 - (d) set out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.
- (4) Subject to subsection (10), an appeal pursuant to subsection (1) is to be conducted by the director of occupational health and safety.
- (5) In conducting an appeal pursuant to subsection (1), the director of occupational health and safety shall:
- (a) provide the notice of appeal to persons who are directly affected by the decision; and
 - (b) provide an opportunity to the persons who are directly affected by the decision to make written representations to the director as to whether the decision should be affirmed, amended or cancelled.
- (6) The written representations by a person mentioned in clause (5)(b) must be made within:
- (a) 30 days after the notice of appeal is provided to that person; or
 - (b) any further period permitted by the director of occupational health and safety.
- (7) The director of occupational health and safety is not required to give an oral hearing with respect to an appeal pursuant to subsection (1).
- (8) After conducting an appeal in accordance with this section, the director of occupational health and safety shall:
- (a) affirm, amend or cancel the decision being appealed; and
 - (b) provide written reasons for the decision made pursuant to clause (a).
- (9) The director of occupational health and safety shall serve a copy of a decision made pursuant to subsection (8) on all persons who are directly affected by the decision.
- (10) Instead of hearing an appeal pursuant to this section, the director of occupational health and safety may refer the appeal to an adjudicator by forwarding to the adjudicator:
- (a) the notice of appeal;
 - (b) all information in the director's possession that is related to the appeal; and
 - (c) a list of all persons who have been provided notice of the appeal pursuant to clause (5)(a).

“Appeal of director’s decision to adjudicator

5-25(1) A person who is directly affected by a decision of the director of occupational health and safety made pursuant to subsection 5-24(8) may appeal the decision to an adjudicator in accordance with subsection (2) within 15 business days after the date of service of the decision.

(2) An appeal pursuant to subsection (1) is to be commenced by filing a written notice of appeal with the director of occupational health and safety that:

- (a) sets out the names of all persons who are directly affected by the decision being appealed;
- (b) identifies and states the decision being appealed;
- (c) sets out the grounds of the appeal; and
- (d) sets out the relief requested, including any request for the suspension of all or any portion of the decision being appealed.

“Decisions not stayed by appeals

5-26(1) Subject to subsections (2) and (3), the commencement of an appeal pursuant to section 5-24 or 5-25 does not stay the effect of a decision that is being appealed.

(2) The director of occupational health and safety may, on the director’s own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the director.

(3) An adjudicator may, on the adjudicator’s own motion, stay the effect of all or any portion of a decision if an appeal from that decision is to be heard by the adjudicator.

**“DIVISION 7
General**

“Radiation health officers, appointment and powers

5-27(1) The minister may appoint one or more employees of the ministry or categories of employees of the ministry as radiation health officers for the purposes of enforcing this Part and the regulations made pursuant to this Part.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

“Credentials for radiation health officers

5-28 The minister shall provide each radiation health officer with written credentials of the officer’s appointment, and the radiation health officer shall produce those credentials on request when exercising or seeking to exercise any of the powers conferred on the officer by this Part or the regulations made pursuant to this Part.

“Inspections

5-29(1) Subject to subsection (4), a radiation health officer may enter any premises, place of employment, worksite or vehicle and conduct an inspection for the purpose of:

- (a) preventing radiation incidents or illnesses;
 - (b) ascertaining the cause and particulars of a radiation incident or illness or of an event that had the potential to cause a radiation incident or illness;
 - (c) making an inquiry in response to a complaint concerning radiation exposure; or
 - (d) determining whether there is compliance with this Part, the regulations made pursuant to this Part, a compliance undertaking, a notice of contravention or an order issued pursuant to a prescribed Act or regulation.
- (2) An inspection may be conducted:
- (a) at any reasonable time; or
 - (b) at any other time if the radiation health officer has reasonable grounds to believe that there is a radiation hazard.
- (3) When conducting an inspection in accordance with subsection (1), a radiation health officer may do all or any of the following things:
- (a) make any inquiry the officer considers appropriate;
 - (b) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
 - (c) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable;
 - (d) take one or more persons to any place to assist the officer and may make arrangements with the person in charge of the place for those persons to re-enter the place to perform specified duties;
 - (e) require the production of, inspect and make copies of any books, records, papers or documents or of any entry in those books, records, papers or documents required to be kept by this Part or the regulations made pursuant to this Part;
 - (f) require the production of, inspect and make copies of any existing records related to training workers on matters related to radiation health and safety;
 - (g) subject to subsection (5), remove any books, records, papers or documents examined pursuant to this section for the purpose of making copies where a copy is not readily available, if a receipt is given;
 - (h) require any person whom the officer finds in or at a place of employment to provide the officer with any information the person has respecting the identity of the employer at that place of employment;

- (i) require any person to provide the officer with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;
 - (j) in order to produce information and records mentioned in this subsection, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used by the person required to deliver the information and records.
- (4) A radiation health officer shall not enter a private dwelling without a warrant issued pursuant to section 5-31 unless the occupant of the dwelling consents to the entry.
- (5) A radiation health officer who removes any books, records, papers or documents pursuant to this section for the purpose of making copies shall:
- (a) make those copies as soon as is reasonably possible; and
 - (b) promptly return the books, records, papers or documents from which the copies were made to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the officer and the person who produced them.

“Obtaining information

5-30 For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety or a radiation health officer, the director of occupational health and safety may direct any person to provide any information in any form and manner and within any time that the director may specify.

“Investigations

5-31(1) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Part or the regulations made pursuant to this Part has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part;
 - (d) carry out the activities listed in subsection (2).
- (2) With a warrant issued pursuant to subsection (1), a radiation health officer may:
- (a) enter at any time and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;

- (c) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the officer finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the radiation health officer believes, on reasonable grounds, may contain information related to an offence against this Part or the regulations made pursuant to this Part;
 - (e) remove, for the purpose of making copies, any records examined pursuant to this section;
 - (f) require the use of any machinery, equipment, appliance or thing located at the place or premises to be demonstrated;
 - (g) conduct any tests, take any samples and make any examinations that the officer considers necessary or advisable; and
 - (h) seize and remove from any place or premises searched anything that may be evidence of an offence against this Part or the regulations made pursuant to this Part.
- (3) Subject to subsection (4), a radiation health officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) A radiation health officer shall not enter any private dwelling without the consent of the occupant or a warrant issued pursuant to this section.

“Provision of reports by radiation health officer

5-32 If a radiation health officer provides an owner with a report, the owner shall provide a copy of the report to:

- (a) the occupational health committee;
- (b) the occupational health and safety representative; or
- (c) if there is no occupational health committee and no occupational health and safety representative, the workers at the place of employment or worksite identified in the report.

“Director’s decisions to be posted

5-33(1) The director of occupational health and safety shall cause the following documents to be posted in a conspicuous location near the site of a radiation installation, radiation equipment or associated apparatus:

- (a) a notice of any exemption granted by the director pursuant to section 5-44;

(b) a copy of any decision of the director and the written reasons for the decision provided pursuant to subsection 5-24(8);

(c) notice of any stay by the director or an adjudicator of all or any portion of a decision pursuant to section 5-26.

(2) No person shall remove, alter, damage or deface any notice or other document posted pursuant to subsection (1) without the prior authorization of a radiation health officer or the director of occupational health and safety.

“Promptness of decisions

5-34 A decision that is required to be made pursuant to this Part or the regulations made pursuant to this Part by a radiation health officer or the director of occupational health and safety must be made as soon as is reasonably possible.

“Services provided by minister

5-35 The minister may:

(a) provide consulting services with respect to:

- (i) radiation installations;
- (ii) radiation equipment;
- (iii) radiation protection; and
- (iv) safety measures; and

(b) provide special services, including instrument calibrations and leak testing of sealed radioactive sources.

“Radiation Health and Safety Committee

5-36(1) Subject to subsection (2), the Radiation Health and Safety Committee is continued consisting of the following persons appointed by the minister:

- (a) a diagnostic radiologist nominated by The College of Physicians and Surgeons of Saskatchewan;
- (b) a radiation oncologist nominated by The College of Physicians and Surgeons of Saskatchewan;
- (c) a duly qualified medical practitioner nominated by The College of Physicians and Surgeons of Saskatchewan who, by reason of the practitioner being a specialist in pathology or internal medicine, has extensive knowledge of and training in haematology;
- (d) a dentist or dental surgeon nominated by the College of Dental Surgeons of Saskatchewan;
- (e) a medical radiation technologist nominated by the Saskatchewan Association of Medical Radiation Technologists;
- (f) a veterinarian nominated by the Saskatchewan Veterinary Medical Association;
- (g) a physicist experienced in radiation physics;
- (h) a person with expertise in uranium radiation protection issues;

- (i) one or more persons selected by the minister;
 - (j) the employee of the ministry responsible for supervising the provision of the services mentioned in section 5-35; and
 - (k) one radiation health officer.
- (2) The minister shall make reasonable efforts to appoint persons to the committee who are described in clauses (1)(a) to (h) but the absence of any of those persons does not impair the power of the other members of the committee to act.
- (3) A member of the committee holds office until a successor is appointed.
- (4) Members of the committee are entitled to the following:
- (a) except for those members of the committee who are members of the public service of Saskatchewan, remuneration for their services at the rates approved by the minister;
 - (b) reimbursement for their expenses incurred in the performance of their responsibilities at rates approved for members of the public service.
- (5) The committee shall:
- (a) advise the minister with respect to radiation health generally, safety measures and recommended codes of practice to be issued by the minister to every owner, operator and other person in Saskatchewan who may be exposed to radiation concerning radiation health, safety measures and the operation and use of radiation equipment and the use of radioactive substances;
 - (b) promote an educational program among all owners, operators, radiation workers and other persons who may be exposed to radiation respecting radiation dangers and the protection, in accordance with the practices recommended by the committee, of the health of owners, operators, radiation workers and other persons who may be exposed to radiation;
 - (c) give general direction and professional advice to radiation health officers, including direction and advice with respect to the standards to be observed by officers in approving plans for establishing radiation installations;
 - (d) make recommendations respecting the acquisition, operation and use of radiation equipment and associated apparatus and the use of radioactive substances;
 - (e) advise the minister respecting the minimum age at which a person may be employed as a radiation worker in any occupation or category of occupations;
 - (f) advise the minister respecting conditions to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers; and
 - (g) deal with any other matters relating to radiation health that the minister may refer to it.

“Costs of administration of this Part

5-37(1) On or before June 30 in each year, the minister shall advise the Workers’ Compensation Board of the estimated cost for that calendar year of the administration of this Part and the regulations made pursuant to this Part.

(2) On being advised of the estimated cost for a calendar year pursuant to subsection (1), the Workers’ Compensation Board shall, on or before January 31 of the following year, pay into the general revenue fund with respect to those costs the sum that the minister may direct, not exceeding the actual costs of the administration of this Part and the regulations made pursuant to this Part.

“Application of radiation

5-38(1) Nothing in this Part or the regulations made pursuant to this Part limits the kind or quantity of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the direction of a person qualified pursuant to an Act to provide persons with care and treatment by means of radiation equipment.

(2) Notwithstanding subsection (1), every operator of radiation equipment shall cause adequate precautions to be taken to ensure that no person is unnecessarily exposed to radiation.

**“DIVISION 8
Offences and Penalties**

“Offence and penalty

5-39(1) No person shall:

- (a) fail to comply with any term or condition imposed on that person by a notice of contravention;
- (b) intentionally obstruct the director of occupational health and safety or a radiation health officer in the exercise of the director’s or officer’s powers or the performance of the director’s or officer’s duties;
- (c) fail to reasonably cooperate with the director of occupational health and safety or a radiation health officer in the exercise of the director’s or officer’s powers or the performance of the director’s or officer’s duties;
- (d) make or cause to be made a false entry in any register, book, notice or other document to be kept by the person pursuant to this Part or the regulations made pursuant to this Part, or delete or destroy any true or proper entry in any of those documents;
- (e) fail to comply with an order, decision or direction made pursuant to this Part or the regulations made pursuant to this Part; or
- (f) fail to comply with any provision of this Part or any provision of the regulations made pursuant to this Part.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

(a) in the case of a first offence, to a fine of not more than \$100,000 and, in the case of a continuing offence, to a further fine of not more than \$15,000 for each day during which the offence continues; and

(b) in the case of a second or subsequent offence, to a fine of not more than \$200,000 and, in the case of a continuing offence, to a further fine of not more than \$20,000 for each day during which the offence continues.

“Onus on accused re duty or requirement

5-40 In any proceedings for an offence pursuant to this Part or the regulations made pursuant to this Part respecting a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, the onus is on the accused to prove, as the case may be, that:

(a) it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement; or

(b) there was no better practicable means than was actually used to satisfy the duty or requirement.

“Limitation on prosecution

5-41 No prosecution with respect to an alleged contravention against this Part or to the regulations made pursuant to this Part is to be commenced more than two years after the day of the commission of the alleged contravention.

“DIVISION 9

Regulations, Codes of Practice and Exemptions

“Regulations for Part

5-42 The Lieutenant Governor in Council may make regulations:

(a) generally for preventing impairment of the health of radiation workers and other persons by radiation;

(b) respecting the minimum age at which a person may be a radiation worker in any particular occupation;

(c) prescribing standards to be maintained to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be radiation workers;

(d) prescribing the standards to be maintained for safety purposes in connection with the operation and use of radiation equipment and associated apparatus;

(e) prescribing standards for the inspections to be made and other measures to be taken in connection with the operation and use of radiation equipment and associated apparatus;

- (f) prescribing conditions under which radiation equipment may be installed or used;
- (g) requiring the development and implementation of procedures manuals with respect to any radiation equipment or radiation installation;
- (h) requiring the classification and labelling of radiation equipment;
- (i) requiring the display of warning signs or other signs providing information about radiation health and safety;
- (j) prescribing exposure rates and dose limits for ionizing radiation to which any person or category of persons may be exposed;
- (k) providing for the monitoring and control of the exposure to or dose of radiation received by any person or category of persons;
- (l) classifying non-ionizing radiation equipment and forms of non-ionizing radiation;
- (m) prescribing exposure limits and exposure levels for any form of non-ionizing radiation to which any person or category of persons may be exposed;
- (n) requiring records to be kept by owners, operators and vendors, prescribing the periods during which records are to be kept and prescribing the nature of information to be recorded and authorizing the minister to determine the form in which those records must be kept;
- (o) exempting any radiation equipment or radiation installation, temporarily or permanently, from any or all of the provisions of this Part, conditionally or unconditionally;
- (p) for the purposes of subsections 5-4(2) and (3) and sections 5-8, 5-12 and 5-13, prescribing periods within which statements, itineraries, notices, information, plans or other things mentioned in those sections must be provided or submitted;
- (q) for the purposes of clause 5-15(2)(c), prescribing other measures;
- (r) for the purposes of subsection 5-23(2):
 - (i) prescribing persons or categories of persons as persons who are directly affected by a decision of a radiation health officer; and
 - (ii) prescribing persons or categories of person who are not persons directly affected by a decision of a radiation health officer;
- (s) for the purposes of clause 5-29(1)(d), prescribing an Act or regulations;
- (t) prescribing any matter or thing that is required or authorized by this Part to be prescribed in the regulations;
- (u) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

“Codes of practice

5-43(1) For the purpose of providing practical guidance with respect to the requirements of any provision of this Part or the regulations made pursuant to this Part, the minister may, after any consultation with the committee and any other interested persons or associations that the minister considers advisable:

- (a) issue any code of practice; and
- (b) amend or repeal any code of practice issued pursuant to clause (a).

(2) If a code of practice is issued, amended or repealed, the minister shall publish a notice in *The Saskatchewan Gazette* identifying the code of practice, specifying the provisions of this Part or the regulations made pursuant to this Part to which it relates and stating the effective date of the code of practice, amendment or repeal.

(3) The failure by a person to observe any provision of a code of practice is not of itself an offence.

(4) If a person is charged with a contravention of this Part or a regulation made pursuant to this Part with respect to which the minister has issued a code of practice, the code of practice is admissible as evidence in a prosecution for the contravention.

(5) A copy of a code of practice or an amendment to a code of practice that is certified to be a true copy by the minister is admissible in evidence in any court without proof of the signature, appointment or authority of the minister.

“Exemptions

5-44(1) In order to meet the special circumstances in a particular case, the director of occupational health and safety may, on receipt of a written application and after any consultation with interested persons that the director considers advisable, exempt conditionally or otherwise any person or category of persons from any provision of this Part or the regulations made pursuant to this Part or a code of practice.

(2) An exemption pursuant to subsection (1) is to be made only if the director of occupational health and safety is satisfied that the standard of health and safety of any worker is not materially affected by the exemption”.

Section 6-62 amended**18 Clause 6-62(1)(l) is repealed and the following substituted:**

“(l) to declare or cause a lockout or to make or threaten any change in wages, hours, conditions or tenure of employment, benefits or privileges while any matter is pending before a labour relations officer, special mediator or conciliation board appointed pursuant to this Part”.

Section 6-63 amended**19 Clause 6-63(1)(b) is repealed and the following substituted:**

“(b) to commence to take part in or persuade an employee to take part in a strike while any matter is pending before a labour relations officer or special mediator who is appointed pursuant to this Part or a conciliation board established pursuant to this Part”.

Section 6-111 amended

20 Clause 6-111(2)(a) is repealed.

Section 9-9 amended

21 Subsection 9-9(2) is amended:

- (a) by striking out “or” after clause (d);**
- (b) by adding “or” after clause (e); and**
- (c) by adding the following clause after clause (e):**

“(f) by sending a copy of the document or notice by electronic transmission if an address for service in a proceeding has been filed respecting the person to be served”.

Coming into force

22(1) Subject to subsection (2), this Act comes into force by order of the Lieutenant Governor in Council.

(2) Section 13 of this Act comes into force on assent, but is retroactive and is deemed to have been in force on and from April 29, 2014.