

Labour Standards Information for the Restaurant and Foodservices Industry

Illness, Injury and Disabilities

1. Protection for illness or injury

Employers may not discharge or lay-off employees who have worked for them for at least 13 continuous weeks if they are absent because of an illness or injury to themselves or to a dependent immediate family member:

- if the absence is due to a serious injury or illness and does not exceed 12 weeks in a period of 52 weeks;
- if the employee is receiving benefits under *The Workers' Compensation Act*, and does not miss more than 26 weeks of work in a period of 52 weeks; or
- in situations where absences do not exceed 12 days in a year.

The employer can make a written request to the employee for a medical certificate. Labour standards rules do not require employers to pay employees who are away sick.

Did you know?

'Immediate family' means a spouse, parent, grandparent, child, brother, or sister of an employee or of a spouse. 'Spouse' is a person with whom an employee cohabits (and has cohabited as spouses) continuously for a period of two years, or in a relationship of some permanence, if they are parents of a child.

2. Modification of duties

Employers have a duty to accommodate disabled employees. Where an employee becomes disabled and the disability would unreasonably interfere with the employee's ability to perform the job, the employer must modify the employee's duties or reassign the employee to another job where it is reasonably practicable to do so. The disability does not have to be work-related.

Labour standards considers it reasonably practicable for the employer to modify job duties or reassign the employee as long as it does not cause the employer undue hardship. The employer must prove that it was not reasonably practicable to reassign the employee.

Employers and employees may have additional rights and responsibilities under *The Saskatchewan Human Rights Code*.

The Ministry of Labour Relations and Workplace Safety and the Canadian Restaurant and Foodservices Association have collaborated to produce this series of publications for the restaurant and foodservices industry. For more information, visit www.lrws.gov.sk.ca/labour-standards or www.crfa.ca.

Labour Standards



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3. Employees' obligations

Employees should advise their employers if a disability or injury is interfering with their ability to perform the job and that they need an accommodation. Employees need to cooperate with their employers in identifying the changes that need to be made to meet their needs. An employee who refuses to accept a reasonable accommodation may lose the right to that accommodation.

4. Compassionate care leave

Full-time, part-time, and casual employees who are receiving, or are in the waiting period to receive, compassionate care benefits under the *Employment Insurance Act* qualify for job-protected leave under Saskatchewan labour standards. This includes employees who have not worked for their employer for 13 consecutive weeks. Employment Insurance covers up to eight weeks of leave (a two-week waiting period plus six weeks of benefits) in a 26-week period, to a maximum of 16 weeks in a year.

The employer may make a written request of the employee for a doctor's certificate.

Note: This publication is not a legal document. The original Act and Regulations should be consulted for all purposes of interpretation and application of the law. See the Queen's Printer website at www.qp.gov.sk.ca.