

HR Insider Newsletters – 2017 Year



IN THIS ISSUE

The Top Ten HR Cases of 2016

SEASONAL EMPLOYEES: Overview of Ontario's Holiday Pay "MATHS"..... 3

CASE OF THE MONTH: Quebec Court Deals with Workplace Changes Against Company's Worker's Shift..... 4

WORKER IN REVIEW: Labor Court, Labor & Assessments..... 5

ALBERTA 100 YEAR IN REVIEW: Top 10 Quebec & Alberta HR Law in 2016..... 6

BRITISH COLUMBIA 100 YEAR IN REVIEW: Top 10 British Columbia HR Law in 2016..... 9

ONTARIO 100 YEAR IN REVIEW: Top 10 Ontario HR Law in 2016..... 10

FEDERAL 100 YEAR IN REVIEW: Top 10 Federal HR Law in 2016..... 11

HR Insider
CANADA'S GUIDE TO HR COMPLIANCE & MANAGEMENT

JANUARY 2017
Volume 15, Issue 1
www.hrinsider.ca

EMPLOYMENT LAW
The Top Ten HR Cases of 2016
One of the most significant employment law cases decided in Canada this year.

1. Supreme Court Rules Without Cause Termination Does Not Require Severance
A federal energy agency's insistence for firing an employee without cause. Why give him a very generous severance package. But the employee said and the arbitrator ruled that dismissal was unjust despite the severance. In July, the Supreme Court of Canada upheld the arbitrator. Firing without cause may be unjust dismissal even if employees receive the termination notice and severance benefits to which they're entitled under the Canada Labour Code for a more generous package. But while the case limits employer authority to terminate, it's limited to employees who are both federally regulated and non-union ([Lalancette, Quebec Court of Appeal, 2016 SCC 26 July 14, 2016](#)).

2. Alberta Case Leaves Door Open to Random Drug & Alcohol Testing
After a spate of drug- and alcohol-related security incidents, an employer unilaterally required random testing of safety-sensitive employees, both union and non-union, at two of its most dangerous oil sands sites. The union grieved. The arbitrator panel found the policy illegal. But in May, the Alberta Court of Queen's Bench set aside the ruling as unreasonable. The employer didn't have to show that drug/alcohol use was the cause of the safety problems prompting the testing policy, and the panel ignored evidence that there were serious incidents justifying the policy, the court said ([Conseco Canada Inc. v. United Local 2234, 2016 ABQB 245 May 18, 2016](#)).

3. Ontario Court Says Criminal Charges Alone Not Just Cause's Termination for Off-duty Conduct
The 10-year relationship was already going south when a plant learned that a driver had been charged with sexual assault against a minor. The alleged crime occurred away from work and the driver refused to discuss the case with management other than to say that it didn't involve anyone else at the company. Management asked the driver to resign. When he refused, they put him on 2-week leave and reassignment. But after

Read More on Page 19