

# Telecommuting – 2023 Year in Review



## ALBERTA

### LAWS & ANNOUNCEMENTS

**Mar 6:** That's the deadline to comment on [proposed revisions](#) to WCB Policy 02-01, Working Remotely to clarify an issue of growing importance, namely, an employer's OHS obligations to protect workers who telecommute or work from home or another remote location.

**Action Point:** Find out about the [10 things OHS laws require you to do](#) to protect the safety of telecommuters

**Sep 6:** The Alberta WCB revised its [policies](#) to clarify when workers comp covers injuries workers suffer while working from home or another remote location or traveling between their designated workspace and the employer's workplace.

**Action Point:** Implement a [legally sound telecommuting policy](#) at your workplace

## QUÉBEC

### LAWS & ANNOUNCEMENTS

**Nov 14:** Revenu Québec announced [new source deduction rules](#) for determining the province of employment. Effective Jan. 1, 2024, telecommuters and other employees that don't physically report for work at an establishment of an employer are considered "attached" to the establishment and thus subject to source deductions if both: i. A work agreement allows the employee to work from a location that's not an establishment of the employer; AND ii. The employee is reasonably considered to be attached to the establishment on the basis of factors listed in [MRQ Guidance](#).

**Action Point:** Find out which [source deductions are permitted](#) in your province

### CASES

#### **Telecommuting: Arbitrator Refuses to Bar Enforcement of Restrictive Telecommuting Policy**

After allowing remote work during the pandemic, an employer unilaterally adopted a new policy restricting the types of employees that could telecommute and limiting the counting of telework hours toward overtime and other entitlements. The union cried foul and asked the Québec labour board to bar the employer from enforcing the new policy until the underlying grievance was resolved. The board refused, finding that letting the company implement the policy wouldn't cause the union any damage that couldn't be repaired later. The arbitrator agreed and tossed the union's appeal [[Syndicate of Professionals of the Government of Quebec v Autorité des marchés](#)

[financiers](#), 2022 CanLII 119892 (QC SAT), December 16, 2022].

**Action Point:** Implement a [legally sound telecommuting policy](#) at your workplace

**Telecommuting: Employer Can Require Telecommuters to Work at Office Once a Week**

After the pandemic, an insurance company adopted a hybrid work policy requiring that employees in certain customer services departments work at the office one day a week. The employees objected and the union filed a grievance, claiming that the new policy violated the collective agreement ban on taking away the right to telework except in limited circumstances where the employer could demonstrate the overriding client need that employees be at the office. At least that's how the union interpreted the agreement. However, the Québec arbitrator read the agreement as giving the employer broader discretion to require employees to be in the office, including "to promote interaction, facilitate the training of newcomers and the learning that comes with proximity." The new one-day-per-week-at-the-office policy met these needs, the arbitrator concluded [[Union of employees of SSQ, General Insurance Company \(CSN\) v SSQ, Life Insurance Company inc. \(BENEVA\)](#), 2023 CanLII 49448 (QC SAT), June 7, 2023].

**Action Point:** Implement a [legally sound telecommuting policy](#) at your workplace