##### Use in HRI newsletter Month In Review

**Use in HRI newsletter as Case Alert, HR in Court, or other small item**

**Action Points appear in province-specific Month In Review Ezine ONLY**

##### HR & PAYROLL MONTH IN REVIEW

*A roundup of new legislation, regulations, government announcements, court cases and arbitration rulings*

**FEDERAL**

**LAWS & ANNOUNCEMENTS**

**Labour Relations**

Nov 9: The federal government introduced legislation ([Bill C-58](https://www.parl.ca/DocumentViewer/en/44-1/bill/C-58/first-reading)) to ban the use of replacement workers during strikes or lockouts and increase potential penalties to up to $100,000 per day. Exceptions would apply for certain emergencies and any work that employers and unions agree must continue during the job action.

**Pay Equity**

Nov 18: Newly proposed [regulations](https://www.gazette.gc.ca/rp-pr/p1/2023/2023-11-18/pdf/g1-15746.pdf) allow the government to impose administrative monetary penalties (AMPs) of up to $50,000 on federally regulated employers for violating their obligations under the new pay equity laws and to align pay reporting rules with *Canada Labour Code* requirements.

**Action Item:** The 8 things you must know to comply with the [new federal pay equity law](https://hrinsider.ca/the-8-things-you-must-know-to-comply-with-the-new-federal-pay-equity-law/)

**New Laws**

Dec 21: That’s the deadline [to comment](https://www.canada.ca/en/employment-social-development/programs/disabilities-benefits/consultation-canada-disability-benefit-regulations.html) on how the new Canada Disability Benefit should be designed. The federal government will rely on the public feedback to develop regulations implementing the Benefit.

**Immigration**

Oct 31: The federal government published a [report](https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/canada-future-immigration-system.html) recommending long-term measures for strengthening the Canadian immigration system, including development of a new Francophone Immigration Policy and integrating housing, healthcare and infrastructure planning into the process of setting immigration levels.

**Immigration**

Oct 26: The federal government extended Temporary Foreign Worker Program relief measures designed to ease the labour shortage that were initially announced in April 2022 through August 30, 2024, including: i. letting employers in 7 key sectors to hire up to 30% of their workers through the TFW Program for positions under the provincial median hourly wage; ii. keeping the maximum duration for such positions at up to 2 years; and iii. adjusting the Labour Market Impact Assessment validity period maximum from 18 to 12 months.

**Action Point:** The 10 things employers [must know about hiring temporary foreign workers](https://hrinsider.ca/10-things-employers-need-to-know-about-employing-temporary-foreign-workers/)

**Employment Benefits**

Nov 3: The federal government called an emergency meeting with provincial and territorial finance ministers to discuss Alberta’s planned withdrawal from the Canada Pension Plan and its potential impacts on other jurisdictions. Among other things, if the plans go through, Alberta will have to negotiate agreements with the CPP, QPP and social security protocols with international governments.

**New Laws**

Nov 21: Applications officially began for 2024 summer jobs. The federal government plans to create 70,000 summer jobs for young Canadians next year. Priorities: youth with disabilities or organizations servicing the disabled; black, racialized, Indigenous and other underrepresented groups; skilled trades; and residential construction.

**Workplace Violence**

Oct 25: [Bill S-12](https://www.parl.ca/DocumentViewer/en/44-1/bill/S-12/royal-assent), providing for automatic entry of child sex offenders and repeat sex offenders into the National Sex Offender Registry, received Royal Assent and is now in effect. The legislation also makes it easier for victims of sexual crimes to lift the normal ban on publication designed to protect their privacy in instances when victims want the information to be made publicly available.

**CASES**

**Workplace Violence: Employer Can’t Prove Worker Threatened Coworkers with Violence**

A railway fired a senior maintenance engineer for threatening violence against coworkers if he had to take the COVID vaccine. The railway’s principal evidence was an email from a coworker quoting the engineer as saying “If I have to hurt people, I will.” The engineer vehemently denied making this or any remarks or threats of violence. The federal arbitrator ruled that the railway didn’t meet its burden of proving that the engineer engaged in workplace violence and reinstated him with no loss of seniority [[*IBEW (System Council No. 11) v Canadian National Railway Company*](https://www.canlii.org/en/ca/cala/doc/2023/2023canlii99782/2023canlii99782.html), 2023 CanLII 99782 (CA LA), October 30, 2023].

**Action Point:** Find out [how to protect your employees](https://hrinsider.ca/domestic-violence-in-the-workplace-how-to-protect-your-employees-comply-with-current-legislation/) from the risk of workplace domestic violence

**Drugs & Alcohol: Federal Court Bars Random Drug Testing of Nuclear Plant Workers**

The unions asked a federal court to “stay,” that is, bar enforcement of new Canadian Nuclear Safety Commission (CNSC) regulations requiring nuclear power plants to perform random, post-incident, reasonable cause and pre-assignment alcohol and drug testing on safety-sensitive and safety-critical workers. The court said no, and the unions appealed. Persistence paid off as the Federal Court of Appeal has now granted the stay, pending the outcome of litigation challenging the rule’s constitutionality, finding that letting CNSC enforce the regulations would result in potentially irreparable harm without significantly reducing the risks of a nuclear incident [[*Power Workers' Union v. Canada (Attorney General*](https://www.canlii.org/en/ca/fca/doc/2023/2023fca215/2023fca215.html)), 2023 FCA 215 (CanLII), October 27, 2023].

**Action Point:** Find out [how to create a legally sound drug testing policy](https://hrinsider.ca/how-to-create-a-legally-enforceable-workplace-drugs-alcohol-testing-policy/) at your workplace

**ALBERTA**

**LAWS & ANNOUNCEMENTS**

**Employment Benefits**

Nov 22: Alberta ended public consultations on whether to withdraw from the Canada Pension Plan and establish an [Alberta Pension Plan](https://www.albertapensionplan.ca/) for residents who don’t receive retirement benefits through their employer. Meanwhile, legislation ([Bill 2](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-002.pdf)) to hold a referendum allowing Albertans to vote on the plan is working its way through the Assembly.

**Labour Relations**

Nov 28: [Bill 5](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-005.pdf), the *Public Sector Employer Amendment Act*, which would harmonize union and non-union pay structure across different public agencies is in Second Reading and will likely pass.

**Payroll**

Nov 7: Newly passed [Bill 1](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-001.pdf), the *Alberta Taxpayer Protection Amendment Act*, requires the government to hold and win a referendum before imposing any future provincial personal and corporate income tax increases. A referendum will also be mandatory for reducing personal income tax bracket thresholds or basic personal, spousal and equivalent-to-spouse credit amounts.

**New Laws**

Nov 2: Determined not to allow unelected officials wield as much power as they did during the COVID-19 pandemic, Alberta tabled legislation, [Bill 6](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-006.pdf), that would transfer the Chief Medical Officer’s authority to adopt rules during communicable disease public health emergencies to the Lieutenant Governor in Council. The CMO would still have power to rule on particular cases.

**Action Point:** Implement a [legally sound face masks policy](https://hrinsider.ca/compliance-cheat-sheet-how-to-create-a-workplace-mask-policy/) at your workplace

**Drugs & Alcohol**

Nov 23: Alberta passed [Bill 3](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-003.pdf) broadening its power to hold opioid drug manufacturers and distributors, as well their advisors, accountable for the public healthcare costs and financial damages caused by their products. The government will invest the moneys it recovers into public programs supporting addicts with mental health challenges.

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**CASES**

**Discrimination: Swift Reaction Keeps ‘N’ Word Incident from Creating Toxic Work Environment**

A white employee’s derisive comments about rap music during a company-wide video meeting, including uttering the “N” word at least twice in referring to lyrics, set off a firestorm of protest, including Chat function notes from other employees while the meeting was taking place such as “You cannot use that word, Tracey”; “Tracey, you need to apologize”; “Stop being an ass”; etc. A black employee, the only one at the agency, registered a strong protest and soon took medical leave. She then sued the agency for creating a toxic work environment. The Alberta Human Rights Commission dismissed the complaint—but just barely. The offence the black employee took was very real and very justified, it reasoned. However, the context of the “N” word remarks and the fact that the white employee was directly citing them from songs was significant. Most importantly, the agency rescued the situation and prevented what very easily would have become a poisoned work environment by taking immediate action after the phone call by investigating the incident, reaching out to support the victim, reaffirming the agency’s non-harassment and workplace respect policy and offering office-wide sensitivity training [[*Tolentino v His Majesty the King in right of Alberta (Alberta Justice and Solicitor General*](https://www.canlii.org/en/ab/abhrc/doc/2023/2023ahrc102/2023ahrc102.html)), 2023 AHRC 112 (CanLII), November 17, 2023].

**Action Point:** Use the resources on the [Harassment Compliance Centre](https://hrinsider.ca/anti-harassment-bullying/) to prevent harassment and bullying at your workplace

**Mental Stress:** **Worker Must Notify Employer of Mental Disability to Get Accommodations**

A physiotherapist who lost his job claimed he was suffering from burnout and sued his ex-employer for failing to accommodate his mental disability. We didn’t know you were suffering from burnout because you never told us, the employer replied. While conceding the point, the physiotherapist claimed that the company could see he was under stress and had a duty to inquire about his mental health. It doesn’t work that way, said the Alberta court in tossing the case. Stress is a factor in many jobs today and doesn’t “automatically equate to a mental health condition,” the court reasoned. It’s the duty of the employee to bring their disability and resulting need for accommodation to the employer’s attention and not the other way around [[*Volpi v Alberta (Human Rights Commission*](https://www.canlii.org/en/ab/abkb/doc/2023/2023abkb608/2023abkb608.html)), 2023 ABKB 608 (CanLII), October 27, 2023].

**Action Point:** Create a [legally sound policy](https://hrinsider.ca/how-to-create-a-mental-disability-accommodations-policy/) for accommodating employees with mental disabilities

**BRITISH COLUMBIA**

**LAWS & ANNOUNCEMENTS**

**Labour Standards**

Nov 28: BC became the second province (after Ontario) to pass legislation ([Bill 48](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills)) extending *Employment Standards Act* protections to gig workers. The law specifies that an “online platform worker,” defined as one “who performs prescribed work accepted through an online platform,” such as app-based ride-hailing and food-delivery gig workers, counts as an “employee” entitled to ESA protections.

**Action Point:** Find out about current [employment law protections for gig workers](https://hrinsider.ca/do-labour-employment-laws-protect-gig-workers/)

**New Laws**

Nov 1: New wage transparency legislation took effect in BC. **Result:** Effective today, employers in BC must include wage or salary information in all job postings that they publicly advertise. The law also bans employers from asking job applicants about their pay history or punish employees who discuss how much they make with co-workers and job applicants.

**Action Point:** Implement a [pay transparency compliance game plan](https://hrinsider.ca/pay-transparency-compliance-game-plan/) at your workplace

**Immigration**

Nov 8: Royal Assent for [Bill 38](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills) making it easier for foreign trained professionals in 29 different trades to ply their trade in BC by eliminating redundant language testing, setting caps for maximum processing times, requiring credential assessment information to be published online and establishing a new government agency to promote faster and more efficient credentialing.

**New Laws**

Oct 30: BC will increase the wages for early childhood educators (ECEs) another $2.00 per hour starting in January 2024. The newest increase is in addition to the previously announced $4-per-hour raise based on hours worked in December 2023, bringing ECEs median wages up to approximately $28 per hour.

**New Laws**

Oct 31: New and small-scale farmers can now [apply](https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/programs/agri-business-planning-program) for government funding for greenhouses, tractors, irrigation systems and other on-farm infrastructure and equipment projects under the newly relaunched New Entrant Farm Business Accelerator Program. Deadline to apply: November 30, or until the money runs out.

**Employment Benefits**

Nov 8: Royal Assent for [Bill 33](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills) which authorizes BC pension plans to offer what are called variable life benefits (VLBs) designed to keep employees with defined contribution plans from running out of money when they retire. Employees who opt for VLBs will receive lifetime pensions, with payments that go up and down based on federal tax rules.

**Health & Safety**

Nov 8: [Bill 31](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills) reorganizing BC’s emergency management system based on the lessons from the recent wildfire, COVID-19 passed the Assembly and received Royal Assent. The *Emergency & Disaster Management Act* addresses all phases of emergency management, including preparation, mitigation, response and recovery, while streamlining the powers and responsibilities of government agencies involved in emergency response.

**Drugs & Alcohol**

Nov 8: BC passed legislation ([Bill 34](https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/42nd-parliament/4th-session/bills/progress-of-bills)) banning drug use in public and recreational spaces, including within: i. a 6-metre radius from the entrances of business and residential buildings; ii. 6 metres of a bus stop; iii. 15 metres of playgrounds, spray and wading pools, and skate parks; and iv. completely at parks, beaches and sports fields. The idea is to align the rules of drug use more closely to those governing alcohol and tobacco.

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**Workers Comp**

Nov 10: WorkSafeBC announced that it’s keeping the average base premium rate at $1.55 per $100 of assessable payroll in 2024. Strong finances and reduced claims costs have enabled the agency to maintain the same average rate without change since 2018.

**CASES**

**Termination: Contract Clause Limiting Notice for Termination Without Clause Is Enforceable**

Employers scored a rare victory on a commonly litigated issue when a BC court ruled that a contract clause limiting employee’s entitlement for termination without cause to the minimum required by ESA laws was enforceable. Unlike so many others, the court held that the clause in this case was unambiguous and didn’t strip the employee of any of his ESA entitlements. The exact language: “The [employer] may terminate your employment at any time without cause so long as it provides appropriate notice and severance in accordance with the requirements of the *Canada Labour Code*” [[*Egan v Harbour Air Seaplanes LLP,*](https://www.canlii.org/en/bc/bcsc/doc/2023/2023bcsc1916/2023bcsc1916.html) 2023 BCSC 1916 (CanLII), November 1, 2023].

**Action Point:** Find out why [contract termination notice limits](https://hrinsider.ca/employment-contracts-ontario-case-casts-doubt-on-enforceability-of-termination-notice-limits/) are so hard to enforce

**Reasonable Accommodations: Tribunal Nixes Worker’s Chemical Allergy Discrimination Complaint**

Did the employer do enough to accommodate the employee who was allergic to the chemicals used to clean the workplace? After sorting through the contradicting stories and witness accounts as to what did and didn’t happen, the BC Human Rights Tribunal dismissed the employee’s disability discrimination complaint, finding that she had no reasonable prospect of success at trial. The evidence suggested that the employer did seek to accommodate her allergy, including by relocating her to a different work area, but the employee insisted it wasn’t enough and steadfastly refused to return from disability leave while also not furnishing all the medical information the employer requested to determine her condition and how best to accommodate it [[*Smith v. Interior Health Authority*](https://www.canlii.org/en/bc/bchrt/doc/2023/2023bchrt209/2023bchrt209.html), 2023 BCHRT 209 (CanLII), November 15, 2023].

**Action Point:** Help managers avoid [accommodations](https://hrinsider.ca/a-managers-guide-to-reasonable-accommodation/) mistakes that can create discrimination liability

**MANITOBA**

**LAWS & ANNOUNCEMENTS**

**Statutory Holidays**

Nov 27: Manitoba’s new NDP government tabled [Bill 4](https://web2.gov.mb.ca/bills/43-1/b004e.php), proposing to make the new September 30 Day for National Truth and Reconciliation, aka, Orange Shirt Day, an official statutory holiday under the *Employment Standards Code*. Public schools would also be closed the following Monday when the holiday falls on a Saturday or Sunday.

**Action Point:** Find out more about the [new federal National Day for Truth and Reconciliation stat holiday](https://hrinsider.ca/new-national-day-for-truth-and-reconciliation-takes-effect-september-30-compliance-alert/)

**Workers Comp**

Nov 2: The Manitoba WCB revised its [Policy 44.20](https://www.wcb.mb.ca/adjudication-of-occupational-disease-claims), Adjudication of Occupational Disease Claims, to incorporate a new framework that the agency will use to determine whether particular diseases should be presumed work-related and thus covered by workers comp.

**Action Point:** Find out about [workers comp coverage of mental stress claims](https://hrinsider.ca/hr-legal-trends-workers-comp-mental-stress/) across Canada

**CASES**

**Discipline/Work Refusal/Retaliation: Top Court Rejects Food Plant Worker’s Reprisal Claim**

A food plant worker claimed she was harassed, demoted and eventually fired for organizing the election of a health and safety representative at the workplace. The OHS officer ruled in the worker’s favour but the Manitoba Labour Relations Board held that there was no conclusive evidence showing that the worker’s termination was in reprisal for organizing the safety representative election. In addition to contesting the outcome, the worker claimed the Board hearing was unfair. The case went all the way up to the province’s top court, the Court of Appeal, which determined that there was no evidence that the worker had suffered any injustice and tossed the appeal [[*Fun Tyme Foods Ltd v Hurteau*](https://www.canlii.org/en/mb/mbca/doc/2023/2023mbca91/2023mbca91.html), 2023 MBCA 91 (CanLII), October 26, 2023].

**Action Point:** Find out how to discipline employees [without committing reprisals or retaliation](https://hrinsider.ca/the-reprisals-challenge-how-to-overcome-it/)

#### NEW BRUNSWICK

**LAWS & ANNOUNCEMENTS**

**Labour Relations**

Nov 3: [Bill 3](https://legnb.ca/content/house_business/60/3/bills/Bill-3.pdf), which has passed Third Reading but not yet received Royal Assent, amends the *Industrial Relations Act* to recognize employees that apply in writing for trade union membership as constituting members. Under current New Brunswick law, employees are recognized as members only if they apply in writing and pay at least $1.00 in initiation fees or union dues.

**Employment Benefits**

Nov 29: Newly tabled [Bill 17](https://legnb.ca/content/house_business/60/3/bills/Bill-17.pdf) would create a process enabling the transfer of 5 New Brunswick government pension plans that are at financial risk to existing shared-risk pension plans that are currently registered under Part 2 of the *Pension Benefits Act* in an effort to keep the threatened government plans afloat.

**CASES**

**Social Media: Accessing Employee’s Facebook Account Doesn’t Constitute Privacy Tort**

A company accused its former Director of Computer Program Development of sharing trade secrets with a competitor in violation of his non-compete and non-disclosure agreement and went to court seeking an injunction. Its key evidence came from the Director’s Facebook Messenger exchanges with other employers that the company discovered after his resignation. included The Director countersued the company for constructive dismissal and breach of privacy by accessing his Facebook account. In addition to granting the injunction, the New Brunswick court refused to award summary judgment on the Director’s privacy claims, which were based on recognition of a novel tort called “intrusion upon seclusion,” which occurs when a defendant intentionally or recklessly invades a plaintiff’s private affairs in a way that reasonable person would deem highly offensive, causing distress, humiliation or anguish. Even if such a tort did exist, there were legitimate questions in this case regarding whether the company’s behaviour was highly offensive and the Director’s privacy expectations were reasonable, especially since he had shared his Facebook password with the company and didn’t remove his Facebook account from his computer when he left [*[Unipco Ltd. v. Mullin](https://www.canlii.org/en/nb/nbkb/doc/2023/2023nbkb200/2023nbkb200.html)*, 2023 NBKB 200 (CanLII), November 22, 2023].

**Action Point:** Use the HRI template to create your own [social media use policy](https://hrinsider.ca/employee-social-media-use-policy/)

**NEWFOUNDLAND & LABRADOR**

**LAWS & ANNOUNCEMENTS**

**COVID-19**

Nov 16: With flu season underway, Newfoundland is once again operating the [Private Employer Vaccine Program](https://www.timefortheshot.ca/resources-for-employers/) offering employers free access to COVID-19 and flu vaccines for their employees. The 2 options: i. Receive publicly funded vaccine at no charge for onsite healthcare clinics to provide the shots; or ii. Get a grant to hire a healthcare professional to administer vaccines to their employees.

**Action Point:** Use the HRI template to create your own infectious illness [exposure control plan](https://hrinsider.ca/covid-19-re-opening-how-to-create-an-exposure-control-plan/)

**Labour Relations**

Nov 17: The government announced that it has reached tentative agreement with the Newfoundland and Labrador Teachers’ Association on a new collective agreement covering 6,500 educators and school administrators across the province. The agreement still has to be ratified by members.

**Accessibility**

Nov 16: [Bill 52](https://www.assembly.nl.ca/HouseBusiness/Bills/ga50session2/bill2352.htm), which is designed to improve accessibility in public spaces, has received Royal Assent. Key changes: i. Removal of pre-1981 exemption from current *Buildings Accessibility Act*; ii. Clarification of how the Act applies to home-based businesses; and iii. Doubling of fines for violations.

**Action Point:** Find out more about [accessibility laws across Canada](https://hrinsider.ca/accessibility-laws-across-canada/)

**Workplace Violence**

Nov 2: Newfoundland became the third province to adopt so called “Clare’s Law” legislation empowering residents with reasonable concerns for their safety to ask the police to release private information about a current or former intimate partner who poses a risk of violence to them. Similar laws are also now in effect in Alberta and Saskatchewan.

**Action Point:** Find out about the 10 things you must do to [prevent workplace violence](https://hrinsider.ca/the-10-things-ohs-laws-require-you-to-do-to-prevent-workplace-violence/)

**Workplace Violence**

Nov 20: From now through Feb. 6, WorkplaceNL will be holding [online consultations](mailto:feedback@workplacenl.ca) whether to expand workers comp coverage (under Policy EN-18 Traumatic Mental Stress) to include chronic stress resulting from workplace harassment and violence.

**Action Point:** Find out about [workers comp coverage of mental stress claims](https://hrinsider.ca/hr-legal-trends-workers-comp-mental-stress/) across Canada

**Workers Comp**

Nov 20: The 2024 average assessment in Newfoundland is increasing 2.4% to $1.73 per $100 of assessable payroll, which includes a temporary $0.21 discount. Sixty-seven percent of employers will have rate increases. Claims costs have increased 22% from 2018 to 2022, according to WorkplaceNL.

**Workers Comp**

Nov 16: Royal Assent for [Bill 48](https://www.assembly.nl.ca/HouseBusiness/Bills/ga50session2/bill2348.htm) amending the *Workplace Health, Safety and Compensation Act* to provide workers comp coverage for bereavement counselling services for dependents of workers who die of a work related injury on or after January 1, 2022.

#### NOVA SCOTIA

**LAWS & ANNOUNCEMENTS**

**Mental Stress**

Nov 9: Nova Scotia officially adopted [Bill 332](https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-332) providing workers comp benefits to workers who suffer gradual onset of traumatic mental stress due to work-related stressors, effective Sept. 1, 2024. Current rules limit coverage to acute mental stress caused by a discrete traumatic event that happens at work, like witnessing a co-worker’s death.

**Action Point:** Find out about [workers comp coverage of mental stress claims](https://hrinsider.ca/hr-legal-trends-workers-comp-mental-stress/) in Canada

**Mental Stress**

Nov 23: The Nova Scotia WCB began public review of [proposed changes](https://www.wcb.ns.ca/Portals/wcb/Work-related%20Mental%20Stress%20Policy%20Background%20Paper.pdf?ver=26Y7t3711ALlGQx0wkhgPw%3d%3d) to its current work-related mental stress coverage rules of psychological injuries in response to the passage of [Bill 332](https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-332) making gradual onset of traumatic mental stress a compensable injury. Deadline to comment: Feb. 15.

**New Laws**

Oct 24: Newly tabled [Private Member Bill 372](https://nslegislature.ca/legc/bills/64th_1st/1st_read/b372.htm), which probably won’t make it to the finish line, would establish a new Office of Wage Theft Prevention responsible for investigating complaints of wage theft. It would also place the burden of proof on employers to show that wages have been fully and appropriately paid.

**New Laws**

Nov 9: The newly launched Nova Scotia Firefighter and Ground Search and Rescue Volunteer Assistance Program will provide volunteer first responders and their families access to a wide range of health and wellness services, including personal and family counseling, stress management and nutrition support similar to those provided for career first responders.

**New Laws**

Nov 20: The government opened a new hot line that residents can use to make confidential reports of fraud, financial impropriety or suspicious financial activity involving organizations that receive funding from the skills and learning branch of the Department of Labour Skills and Immigration.

**Drugs & Alcohol**

Nov 9: [Bill 322](https://nslegislature.ca/legc/bills/64th_1st/1st_read/b322.htm) amending the *Opioid Damages and Health-care Costs Recovery Act* to allow the government to recover costs from “consultants” of opioid drug manufacturers and wholesalers has received Royal Assent and taken effect.

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**Workplace Harassment**

Nov 30: Nova Scotia ended online and in-person [public consultations](https://novascotia.ca/workers-compensation-engagement/) on how to improve the workers comp system and prevent harassment in the workplace.

**Action Point:** Use the resources on the [Harassment Compliance Centre](https://hrinsider.ca/anti-harassment-bullying/) to prevent harassment and bullying at your workplace

**CASES**

**Labour Relations: Teachers’ Union Loses Bid to Strike Down Unconstitutional Bargaining Law**

In 2017, with union negotiations at an impasse, Nova Scotia passed Bill 75 unilaterally imposing a new 4-year collective agreement on teachers. The union claimed that the legislation violated teachers’ constitutional rights. The court agreed, declaring the law unconstitutional but also not taking any actions to prevent the province from enforcing it. The union appealed the lack of remedy and the case reached the province’s highest court, which upheld the lower court’s ruling. The Charter allows but doesn’t require courts to grant remedial action after finding that a law violates constitutional rights, the Court of Appeal explained. In this case, the lower court’s decision not to grant a remedy after finding Bill 75 unconstitutional was appropriate based on the evidence [[*Nova Scotia Teachers Union v. Nova Scotia (Attorney General*](https://www.canlii.org/en/ns/nsca/doc/2023/2023nsca82/2023nsca82.html)), 2023 NSCA 82 (CanLII), November 9, 2023].

#### NORTHWEST TERRITORIES

**LAWS & ANNOUNCEMENTS**

**Labour Standards**

Oct 30: [New ESA regulations](https://www.justice.gov.nt.ca/en/files/northwest-territories-gazette/2023/10_2.pdf) broaden the definition of nurses exempt from the ESA to include not just registered nurses, nurse practitioners and temporary certificate holders but also: i. licensed practical nurses or temporary certificate holders; ii. registered psychiatric nurses or temporary certificate holders; and iii. registered psychiatric nurse authorized prescribers or temporary certificate holders.

**New Laws**

Nov 7: The 811 service has been merged with the NWT Helpline and Quitline. **Result:** Residents can now access all 3 programs 24/7/365 using just the 811 number to get free trauma-informed support for mental wellness, addictions recovery and tobacco cessation from a registered nurse. Adding the number “4” after 811 will provide access to poison control.

**Workers Comp**

Nov 27: WSCC announced that it’s keeping average workers comp assessment rates at $2.40 per $100 assessable payroll for the fifth year in a row. Of the 16 employer subclasses, 2024 rates will decrease for 10, increase for 5 and stay the same for 1.

**NUNAVUT**

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Nov 6: Nunavut, which already has one of the highest minimum wages of any jurisdiction at $16.00 per hour, announced that it’s increasing its minimum wage another $3.00 to $19.00 per hour on January 1, 2024, which will be by far the highest in Canada.

**Drugs & Alcohol**

Nov 9: Royal Assent for [Bill 28](https://www.assembly.nu.ca/sites/default/files/2023-10/BILL%2028-Opioids%20Damages%20and%20Health%20Care%20Costs%20Recovery%20Act_EF_FINAL.pdf), the *Opioid Damages and Health Care Costs Recovery Act*, which gives the GN the right to sue opioid product manufacturers and wholesalers to recover the cost of health care benefits it provided to residents as a result of “opioid-related wrongs.”

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**Labour Relations**

Nov 10: The GN and Nunavut Employees Union signed a new Memorandum of Understanding governing compensation for desperately needed accredited healthcare professionals in the territory through August 2025, including hourly wage premiums, recruitment and retention bonuses, student loan forgiveness and other incentives.

**Workplace Violence**

Nov 15: From now through Feb. 29, the Department of Family Services will be [accepting](mailto:GBVFunding@gov.nu.ca) proposals from nonprofits and governmental organizations for projects to prevent Gender-Based Violence in Nunavut that are eligible for funding under the GBV National Action Plan.

**Action Point:** Find out [how to protect your employees](https://hrinsider.ca/domestic-violence-in-the-workplace-how-to-protect-your-employees-comply-with-current-legislation/) from the risk of workplace domestic violence

**Workers Comp**

Nov 27: WSCC announced that it’s keeping average workers comp assessment rates at $2.40 per $100 assessable payroll for the fifth year in a row. Of the 16 employer subclasses, 2024 rates will decrease for 10, increase for 5 and stay the same for 1.

**ONTARIO**

**LAWS & ANNOUNCEMENTS**

**Termination**

Nov 25: New ESA [regulations](https://www.ontario.ca/files/2023-11/ontariogazette_156-47_0.pdf) revise the group termination notice information that employers must provide the Employment Standards Director and affected employees (under Section 58 of the ESA) when terminating 50 or more employees at the establishment in the same 4-week period and how that information must be provided.

**Action Point:** Find out how to [comply with group termination rules](https://hrinsider.ca/layoff-restructuring-how-to-comply-with-group-termination-requirements/)

**New Laws**

Nov 30: For the fourth year in a row, Ontario is getting set to pass legislation beefing up employment protections. Among other things, [Bill 149](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b149_e.pdf), *Working for Workers Four Act, 2023,* support job applicants by requiring employers to disclose salary ranges in job postings and whether they use artificial intelligence (AI) in the hiring process.

**Action Point:** Implement a [pay transparency compliance game plan](https://hrinsider.ca/pay-transparency-compliance-game-plan/) at your workplace

**Labour Standards**

Nov 30: [Bill 149](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b149_e.pdf), which is working its way through the Assembly and will likely pass before the end of the year, contains new protections for restaurant and hospitality workers, including bans on unpaid trial shifts and deductions from wages or tips in the event of dine-and-dash, gas-and-dash or other incidents involving theft of property by customers.

**Action Point:** Find out which [source deductions are permitted](https://hrinsider.ca/source-deductions-allowed-know-the-law-of-your-province/) in your province

**Discrimination**

Nov 30: Soon to be passed [Bill 149](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b149_e.pdf) includes provisions that would make Ontario the first province to ban employers from making work experience in Canada a requirement in job postings or application forms. The law clears the way for internationally-trained immigrants who might otherwise be denied work in their field because they lack Canadian work experience.

**Action Point:** Find out about [citizenship discrimination risks and how to avoid them](https://hrinsider.ca/immigration-the-hr-program-citizenship-discrimination-risks-how-to-manage-them/)

**New Laws**

Nov 10: Ontario pushed back the date by which temporary help agencies and recruiters must have a licence to operate from January 1 to July 1, 2024. The move gives agencies and recruiters an extra 6 months to apply for a licence.

**Labour Relations**

Nov 27: The Ontario Assembly defeated anti-scab legislation ([Bill 90](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-03/b090_e.pdf)) which would have restored provisions that make it illegal for employers from using replacement workers to replace employees during a legal strike or lock-out, except in specifically defined circumstances.

**Discrimination**

Oct 26: The Ontario Human Rights Commission issued a policy statement condemning the practice of caste-based discrimination. While not specifically banned by human rights laws, the agency notes that excluding, harassing or affording less favourable treatment to persons based on their social caste may constitute discrimination on the basis of grounds that the laws do protect, including ancestry, creed, colour, race, ethnic origin, place of origin and/or family status.

**Action Point:** Find out [how to create a religious accommodations policy](https://hrinsider.ca/religion-in-the-workplace-10-things-to-put-in-your-religious-accommodations-policy/) for your workplace

**Employment Benefits**

Nov 14: FSRA opened public consultations on [revised Guidance](https://www.fsrao.ca/engagement-and-consultations/consultation-revised-pension-plan-amendments-guidance) designed to clarify the requirements for making amendments to existing pension plans that take effect retroactively. Deadline to comment: January 19, 2024.

**Employment Benefits**

Nov 22: Despite challenging economic times, the median solvency of defined benefit pension plans reached an all-time high of 117% during the third quarter of 2023. FSRA also reported that 85% of plans were fully funded on a solvency basis. The bad news is that average investment returns during the quarter were -4.5%.

**New Laws**

Nov 6: Starting January 1, registered nurses in Ontario will be able to register to receive additional education enabling them to legally prescribe birth control, smoking cessation drugs and travel medications to prevent malaria. Earlier this year, Ontario made it legal for pharmacist to prescribe drugs for common ailments.

**Health & Safety**

Oct 10: Ontario will create Canada’s first-ever Occupational Exposure Registry containing comprehensive records on workers’ exposure to health hazards, diagnoses, case histories and other information making it easier to identify and manage occupational illnesses risks. Unions have long advocated for such a Registry. There were 40,185 workers comp occupational disease claims in 2022, according to the WSIB.

**Accessibility**

Dec 31: That’s the final day for businesses and non-profits with 20 or more employees to submit [compliance reports](https://www.ontario.ca/page/completing-your-accessibility-compliance-report) confirming that they’ve met their obligations under the Accessibility for *Ontarians with Disabilities Act*. So-called AODA reporting for these organizations is required every 3 years.

**Action Point:** Find out more about [accessibility laws across Canada](https://hrinsider.ca/accessibility-laws-across-canada/)

**Workers Comp**

Oct 31: The WSIB announced that Ontario will keep average premiums at $1.30 per $100 of insurable payroll in 2024. This is a bit of a surprise given the recent 6.5% cost of living increase to income replacement benefits. The WSIB will also offer double rebates to small businesses enrolled in the Health and Safety Excellence program.

**Workers Comp**

Nov 30: If and when it passes, [Bill 149](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b149_e.pdf), aka, *Working for Workers Four Act, 2023,* will authorize the WSIB to impose annual “super indexing” increases to workers comp benefits for injured workers above the annual rate of inflation. The bill also reduces the minimum duration of employment firefighters and fire investigators need to benefit from the presumption that esophageal cancer is work-related from 25 to 15 years.

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**CASES**

**Termination: Serious Safety Violation Doesn’t Cost Sawmill Worker His Job**

In 2018, a sawmill plant worker lost his life after getting pinned between a loader and a bundle of wood. The company was also fined $250,000 for an OHS violation. Almost 5 years from the date after the tragedy, a similar loader incident took place, luckily resulting only in property damage. The company investigated and determined that the accident was caused by the worker operating the loader without the necessary training or authorization. So, it fired him. The union claimed the penalty was too harsh. The Ontario arbitrator agreed. The worker had a history of discipline, the arbitrator acknowledged. But none of those infractions involved safety, other than one incident where the worker was disciplined for not wearing safety goggles. There was no evidence to support the company’s contention that the worker was reckless or that he couldn’t be redeemed by more experience or training. So, the arbitrator knocked the penalty down to a 4-month suspension while requiring the company to provide him through re-training in safety [*[Greenfirst Forest Products (Qc) Inc. – Chapleau Sawmill v United Steelworkers, Local 1-2010](https://www.canlii.org/en/on/onla/doc/2023/2023canlii110265/2023canlii110265.html)*, 2023 CanLII 110265 (ON LA), November 21, 2023].

**Action Point:** Find out about the [5 ways you can get socked with punitive damages](https://hrinsider.ca/5-ways-to-get-socked-with-wallace-damages-for-bad-faith-termination/) for bad faith termination

**Discrimination: Personal Cell Phone Use Ban Isn’t Family Status Discrimination**

A customer service representative requested an accommodation from a company safety policy banning employee use of personal cell phones at work after her father became gravely ill. The company agreed that she could answer but not make emergency calls relating to her father. Overuse of the cell phone was an issue her boss brought up during the rep’s subsequent 3-month performance review. Soon after that, she was terminated without being given a reason. The rep sued the company for family status discrimination and failure to accommodate. But the Ontario Human Rights Tribunal found no evidence, beyond the rep’s own personal suspicions, that the company factored her family situation into the decision to terminate while citing the efforts it had made to accommodate her [*[Brazzoni v. Canway Equipment Mtg. Inc](https://www.canlii.org/en/on/onhrt/doc/2023/2023hrto1612/2023hrto1612.html)*., 2023 HRTO 1612 (CanLII), October 31, 2023].

**Action Point:** Find out how far employers must go to [accommodate the scheduling needs of working parents](https://hrinsider.ca/compliance-briefing-how-far-must-you-go-to-accommodate-employees-child-care-needs/)

**PRINCE EDWARD ISLAND**

**LAWS & ANNOUNCEMENTS**

**Labour Standards**

Nov 16: A government Review Panel completed its [report](https://www.princeedwardisland.ca/sites/default/files/publications/final_interim_report2022.pdf) on the PEI *Employment Standards Act* calling for more inclusive statutory language, greater transparency and enhanced training on employment rights and duties.

**Leaves of Absence**

Nov 29: PEI passed legislation ([Bill 109](https://docs.assembly.pe.ca/download/dms?objectId=cf7ceed1-b42e-465c-b2c8-9bcc955ad8ad&fileName=bill-109.pdf)) reducing the minimum amount of employment required for employees to qualify for military reservist leave under the *Employment Standards Act* from 6 to 3 months.

**Action Point:** Use the HR Insider [template](https://hrinsider.ca/military-reservist-leave-of-absence-policy/) to create a military reservist leave policy

**Leaves of Absence**

Nov 29: PEI passed [Bill 106](https://docs.assembly.pe.ca/download/dms?objectId=421f20f8-da4c-43f7-8b69-4b590ebaa724&fileName=bill-106.pdf) giving employees up to 5 paid sick leave days per year, effective May 29, 2024. Unused sick days can’t be carried over to the next year and employees must, if employers request it, provide a certificate from a medical practitioner certifying they were unable to work due to illness or injury.

**Action Point:** Find out about the [current paid sick leave rules across Canada](https://hrinsider.ca/employee-rights-to-paid-sick-leave-know-the-laws-of-your-province/)

**Payroll**

Nov 29: Newly passed [Bill 106](https://docs.assembly.pe.ca/download/dms?objectId=421f20f8-da4c-43f7-8b69-4b590ebaa724&fileName=bill-106.pdf) specifies that PEI employers must include the number of paid sick leave days employees have accumulated and used in the pay statements and payroll records they’re required to keep under the *Employment Standards Act.*

**Workers Comp**

Nov 6: The PEI WCB proposed cutting 2024 average premium rates 8.8%, from $1.37 to $1.25 per $100 of assessable payroll. However, Maximum Assessable Earnings will increase significantly from $65,000 to $78,400. The WCB also approved a $21 million surplus distribution to employers.

#### QUÉBEC

**LAWS & ANNOUNCEMENTS**

**Payroll**

Nov 21: QPP rates and benefits will increase by 4.4% in 2024 to keep up with inflation, the Régie des rentes announced. Yearly Maximum Pensionable Earnings will increase from $66,600 to $68,500 with the basic exemption to remain at $3,500. The base contribution rate will also remain unchanged at 10.8%.

**Telecommuting**

Nov 14: Revenu Québec announced [new source deduction rules](https://www.revenuquebec.ca/en/press-room/tax-news/details/2023-11-14/administrative-policy-on-determining-the-province-of-employment-for-quebec-source-deductions-and-employer-contributions/) 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](https://www.revenuquebec.ca/en/press-room/tax-news/details/2023-11-14/administrative-policy-on-determining-the-province-of-employment-for-quebec-source-deductions-and-employer-contributions/).

**Action Point:** Find out which [source deductions are permitted](https://hrinsider.ca/source-deductions-allowed-know-the-law-of-your-province/) in your province

**Employment Benefits**

Nov 23: Newly tabled [Private Member Bill 690](https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-690-43-1.html) would rectify an inequity toward disabled retirees in the *QPP Act* by eliminating the mandatory reduction of retirement pensions of persons who receive a disability pension between ages 60 and 65 thereby allowing disabled retirees to receive the standard monthly retirement pension amount.

**Immigration**

Dec 11: Employers may now use the Ministry of Immigration, Francisation and Integration’s new electronic transmission of applications (TED) service to validate job offers from the Regular Skilled Worker Program (PRTQ) and applications from the Temporary Foreign Worker Program (PTET). Implementation of the TED will enable employers to benefit from the denominalized labour market impact assessment (LMIA) in recruiting abroad.

**Workplace Harassment**

Nov 23: The government tabled [Bill 42](https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-42-43-1.html) adding new workplace harassment and violence protections to the *Labour Code* and *OHS Act*. Highlights: i. Mandatory sexual violence training for psychological harassment claims arbitrators; ii. Extended deadline for sexual violence claims; iii. Ban on reprisals for reporting psychological harassment; and iv. Higher fines and punitive damages for psychological harassment.

**Action Point:** Use the resources on the [Harassment Compliance Centre](https://hrinsider.ca/anti-harassment-bullying/) to prevent harassment and bullying at your workplace

**Drugs & Alcohol**

Nov 30: [Bill 35](https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-36-43-1.html) giving the provincial government the right to sue manufacturers and distributors of opioid drugs liable for the costs of health care and related damages incurred as a result of those products is in Committee and moving closer to passage. While patterned on similar legislation in other jurisdictions, the bill is tailored to Québec’s civil liability system.

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**CASES**

**Drugs & Alcohol: OK to Fire Safety-Sensitive Worker for Smoking Pot While On Duty**

Citizens reported to the city that they observed members of a snow removal crew smoking cannabis while on duty. After investigating, the city suspended and then fired all 3 crew members. A month later, it notified the union. The union filed a grievance on behalf of one of the workers, the flagger, claiming the witnesses saw him smoking only a cigarette and that termination was too harsh even if the worker had actually used cannabis given that this was a first offence. The Québec arbitrator was unimpressed and tossed the grievance, finding the citizens’ testimony that the crew was smoking a joint credible, especially since they had no personal involvement in the case and went out of their way to tell their story. And while progressive discipline is all well and good, smoking pot while on duty carrying out safety-sensitive flagging duties knowing he was violating city safety and anti-drug policies was grounds for immediate termination [*[Syndicat des cols bleus de Ville de Laval inc., CUPE, local section 4545 c Ville de Laval](https://www.canlii.org/fr/qc/qcsat/doc/2023/2023canlii110987/2023canlii110987.html)*, 2023 CanLII 110987 (QC SAT), November 23, 2023].

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**Termination: Arbitrator Reinstates Worker Fired for Secretly Working While on Disability**

The City of Longueuil fired a roads worker for carrying out a personal landscaping business while on disability leave for depression. You lied to us—and your doctor—when you said that you were incapable of carrying out regular road work and lifting heavy objects, the City concluded. But the Québec arbitrator found the evidence demonstrated “a completely different reality.” The doctor stood by her diagnosis and prescription of 6 weeks’ rest. And the activity the worker engaged in while on leave wasn’t necessarily inconsistent with that diagnosis, especially given the evidence of improvement in the worker’s condition after leave began. But while the City’s conclusion that the worker lied about his condition was unjustified, his failure to tell the whole truth and attempts to conceal the landscaping work he was doing were grounds for a 4-week suspension, the arbitrator concluded [[*Longueuil (City) v CUPE, local section 307*](https://www.canlii.org/fr/qc/qcsat/doc/2023/2023canlii88152/2023canlii88152.html), 2023 CanLII 88152 (QC SAT), September 26, 2023].

#### SASKATCHEWAN

**LAWS & ANNOUNCEMENTS**

**Statutory Holidays**

Nov 1: Saskatchewan might have the lowest minimum wage in Canada but at least employees have the legal right to wear a poppy at work on Remembrance, thanks to the passage of Bill 139, allowing for the wearing of a poppy recognized by the Royal Canadian Legion unless it would endanger the health, safety or welfare of the worker or others in the workplace.

**Action Point:** Use the resources on the HRI [Statutory Holiday](https://hrinsider.ca/statutory-holidays/) Compliance Centre to avoid stat holiday violations at your workplace

**Immigration**

Nov 30: Saskatchewan announced that it has secured another 100 nominations for its Immigrant Nominee Program, bringing total nominations for 2023 to a record high of 7,350. This is in addition to the 6,000 immigrants that enter the province each year through federal streams.

**Immigration**

Nov 1: Foreign workers with permits in 279 intermediate and lower-skilled trades will soon be able to apply for permanent residency under the Saskatchewan Immigrant Nominee Program. Currently, the Existing Work Permit Stream is available only to high-skilled occupations and trades.

**Drugs & Alcohol**

Nov 8: Saskatchewan passed amendments to *The Tobacco and Vapour Products Control Act* that increase the minimum age for tobacco and vapour product purchase from 18 years of age to 19. In addition to protecting youth, the change also aligns age restrictions for smoking and vaping with existing restrictions on liquor and cannabis sales in Saskatchewan.

**Action Point:** Find out how to comply with [workplace smoking laws](https://hrinsider.ca/workplace-smoking-vaping-smoke-free-workplace-laws-the-5-things-you-must-do-to-comply/)

**Leaves of Absence**

Nov 8: The Saskatchewan Assembly tabled Private Member Bill 613 which would give employees, among other things, up to 10 paid days of sick leave per calendar year. However, adding paid sick leave to the Saskatchewan Employment Act will likely require a government bill.

**Action Point:** Find out about the [current paid sick leave rules across Canada](https://hrinsider.ca/employee-rights-to-paid-sick-leave-know-the-laws-of-your-province/)

**CASES**

**Workplace Harassment: Employee Didn’t Suffer Anti-Union Harassment**

An employee who was actively involved in union affairs during a highly contentious labour dispute claimed her bosses and co-workers bullied and harassed her. The arbitrator found that while some name-calling, malicious gossip and such might have occurred, it didn’t rise to the level of workplace harassment banned by the company’s zero tolerance policy. The Saskatchewan Court of Appeal held that the arbitrator’s ruling was reasonable and refused to overturn it [[*United Food and Commercial Workers, Local 1400 v Saskatoon Co-operative Association Limited*](https://www.canlii.org/en/sk/skca/doc/2023/2023skca122/2023skca122.html), 2023 SKCA 122 (CanLII), November 10, 2023].

**YUKON TERRITORY**

**LAWS & ANNOUNCEMENTS**

**Immigration**

Nov 23: Yukon announced that the federal government increased its Nominee Program 2023 allocations by 150 for a total allocation of 580 for the year. The latest boost comes after its 2023 base allocation was increased from 300 to 400 last March.

**Retaliation**

Dec 15: That’s the deadline to complete an [online survey](https://ygsurvey.yukon.ca/surveys/2023-pidwa) assessing Yukon’s *Public Interest Disclosure of Wrongdoing Act* designed to protect public employees who engage in whistleblowing activity. The government wants to know if the current law is strong enough to encourage employees to report wrongful or dangerous conduct by public agencies.

**Action Point:** Find out how to discipline employees [without committing reprisals or retaliation](https://hrinsider.ca/the-reprisals-challenge-how-to-overcome-it/)

**Drugs & Alcohol**

Dec 1: Yukon ended the public engagement phase of its required 5-year review of the *Cannabis Control and Regulation Act*. The government will announce the results of the public survey by the end of the year or in early 2024.

**Action Point:** Find out how to [effectively control substance abuse](https://hrinsider.ca/beyond-zero-tolerance-14-things-to-include-in-your-substance-abuse-fitness-for-duty-policy/) at your workplace

**Privacy**

Nov 2: [Bill 32](https://yukonassembly.ca/sites/default/files/2023-10/35-1-bill032-act-to-amend-victims-of-crime-act-2023.pdf), the *Victims of Crime Act*, making it harder for those convicted or accused of a crime to access personal information about victims that might compromise the latter’s privacy and safety received Royal Assent and officially took effect. The law won’t impact access to employment records by current or former employees nor to victims’ access to their own records.

**Action Point:** Find out about the 12 things you should do to [prevent data breaches](https://hrinsider.ca/data-security-the-12-hr-policies-you-need-to-stop-employee-data-breaches/) at your workplace