##### 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**

**Termination**

Feb 1: Newly effective *Canada Labour Code* [rules](https://canadagazette.gc.ca/rp-pr/p2/2023/2023-06-21/html/si-tr17-eng.html) require employers who terminate nonunion employees after 3 years of continuous employment to provide 3 weeks’ termination notice and one week for each additional year of service after that, up to a maximum of 8 weeks. Required termination notice for up to 2 years remains 2 weeks.

**Action Point:** Find out how to implement a legally sound [termination notice compliance game plan](https://hrinsider.ca/termination-notice-compliance-game-plan/) at your company

**Labour Standards**

Jan 4: [Revised](https://www.gazette.gc.ca/rp-pr/p2/2023/2023-08-16/html/sor-dors180-eng.html) rules affecting exemptions and modifications of *Canada Labour Code* Hours of Work regulations for employees in the rail transportation, banking, telecommunications and broadcasting sectors officially took effect. Similar [changes](https://www.gazette.gc.ca/rp-pr/p2/2023/2023-08-16/html/sor-dors180-eng.html) for air transportation employees will take effect on June 4.

**Action Point:** Look up the [maximum work hours and rest requirements](https://hrinsider.ca/compliance-cheat-sheet-maximum-work-hours-minimum-rest-periods/) in each part of Canada

**New Laws**

Jan 18: The federal Competition Bureau warned employers to watch out for online reviews posted by their employees that don’t properly disclose their business connection. Under the *Competition Act*, employees that post online reviews, including testimonials, about their company or its competitors must disclose all connections they have with the business, product or service they promote since it affects how a consumer will evaluate the review, even if the reviewer is furnishing an honest opinion. Failure to include such information exposes the company to risk of liability under the Act.

**Discrimination**

Jan 29: To mark the sixth anniversary of the Québec City Mosque attack, the Canadian Human Rights Commission issued a statement condemning Islamophobia and its dramatic rise in Canada since the latest war in the Middle East broke out on October 7, 2023.

**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

**Immigration**

Jan 15: The federal government announced that it has awarded millions of dollars of Foreign Credentials Recognition (FCR) Program support to 15 projects designed to help foreign health professionals get experience and professional recognition in Canada.

**Immigration**

Jan 16: With labour in short supply, the federal Minister of Immigration unveiled a new national policy to promote Canadian immigration of French speaking people outside of Québec.

**Employment Benefits**

Jan 2: OSFI published a newly revised [Form 1](https://www.osfi-bsif.gc.ca/sites/default/files/documents/form1_en.pdf) and set of instructions for pension plan members to use to withdraw funds from their pension plan to deal with financial hardship.

**Privacy**

Jan 22: The Canadian Privacy Commissioner launched a new 3-year strategic plan to bolster data privacy. Key priorities include taking aggressive measures to promote children’s privacy rights.

**CASES**

**Termination: Defying COVID Vaccination Policy Is Misconduct Justifying Denial of EI**

Service Canada denied an unemployed person EI benefits on the grounds of misconduct, namely, failing to comply with his employer’s mandatory COVID-19 vaccination policy. The applicant denied engaging in misconduct, insisting that the policy was unjust. The Social Security tribunal denied the appeal. The test for misconduct under EI focuses on the employee’s knowledge and actions, not on the employer’s behaviour or the reasonableness of its work policies. The employee could have pursued other legal remedies if he thought he was mistreated, it reasoned. The federal court found the tribunal’s ruling reasonable and refused to overturn it [[*Sullivan v. Canada (Attorney General*](https://www.canlii.org/en/ca/fca/doc/2024/2024fca7/2024fca7.html)), 2024 FCA 7 (CanLII), January 11, 2024].

**Action Point:** Find out how to implement a legally sound [mandatory vaccination policy](https://hrinsider.ca/can-you-require-employees-to-get-a-flu-or-covid-shot/) at your workplace

**ALBERTA**

**LAWS & ANNOUNCEMENTS**

**New Laws**

Jan 29: For the second straight year, the Canadian Federation for Independent Business gave Alberta an A-minus grade for cutting red tape in 2023. The government says it has completed nearly 700 red tape cutting projects since taking office in 2019.

**Employment Benefits**

Jan 2: Alberta published new [FAQs guidance](https://open.alberta.ca/publications/financial-hardship-unlocking-faqs-reasons-to-unlock) and [forms](https://open.alberta.ca/publications/financial-hardship-unlocking-faqs-general-program-and-process) for unlocking of pension benefits by individual plan members facing financial hardship in 2024.

**Privacy**

Jan 26: The Alberta government issued a new [Data Ethics and Privacy Management](https://www.alberta.ca/privacy-management-and-data-ethics) framework for ethical use of data and personal information by public agencies and officials.

**Action Point:** Make sure you have the [12 data security policies you need](https://hrinsider.ca/data-security-the-12-hr-policies-you-need-to-stop-employee-data-breaches/) to prevent breaches at your company

**Drugs & Alcohol**

Jan 22: Citing recent declines in smoking and vaping among youth ages 15 to 19, Alberta unveiled a new [Tobacco and Vaping Reduction Strategy](https://open.alberta.ca/publications/tobacco-and-vaping-reduction-strategy) focused on province-wide use and especially younger residents. Key elements: public education campaigns, development of online sales instructions for retailers and stepped-up enforcement action.

**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

**Health & Safety**

Dec 15: The Alberta government issued [new guidance](https://open.alberta.ca/dataset/1ce9181b-472d-497c-ad5d-628258621e04/resource/7ee5d075-fffb-45c3-a72b-85c58cd3c900/download/jet-ohsorp-gs009-tips-on-selecting-ohs-consultant-2023-12-01.pdf) for employers on what to look for in selecting an OHS consultant. You’re “legally accountable” if you hire or direct somebody who isn’t competent to provide OHS advice, the guidance warns.

**Workers Comp**

Jan 13: The Alberta WCB announced that the 2024 cost of living adjustment amount is 3.75%. The travel allowance is increasing 4 cents to 58 cents per kilometre, and the total meal allowance is increasing from $51.00 to $57.00 per day.

**Workers Comp**

Feb 29: That’s the deadline for Alberta employers to submit their actual payroll and wages data from 2023 and projected figures for 2024 to the WCB to avoid potential penalties and late fees.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**CASES**

**Termination: Employee Who Signed Severance Release Can’t Sue for Disability Discrimination**

After signing a severance release, an auto shop worker who was let go after suffering a stroke sued his ex-employer for failing to accommodate his disabilities. After a 5-day hearing, the Alberta Human Rights Commission ruled that the release was legally valid and tossed the case. The Commission’s rejection of the employee’s contention that the release was unconscionable was thorough, clear and reasonable, the court held in upholding the decision [*[Caponero v Alberta Human Rights Commission (Office of the Chief of the Commission and Tribunals) and Kaizen Auto Group Ltd](https://www.canlii.org/en/ab/abkb/doc/2024/2024abkb2/2024abkb2.html).*, 2024 ABKB 2 (CanLII), January 2, 2024].

**Action Point:** Use the [HRI template](https://hrinsider.ca/model-severance-release/) to draft an enforceable severance release agreement

**Labour Relations: No Excluding Workers Who Work Alone from First Aid Premiums**

Under a 2021 collective agreement, an engine manufacturer agreed to pay a 60 cents per hour First Aid Premium to workers with Level 1 occupational first aid certification (“OFA 1”). Because Field Service Technicians primarily work alone and off-site, the company decided to exclude them from the Premium. So, the union filed a grievance. The Alberta arbitrator sided with the union. While the employer’s argument that the Premium was meant to reward workers for helping other workers made sense, the language in the collective agreement stating that workers with OFA 1 get the Premium included no exclusions. If the employer wanted to exclude Field Service Technicians, it should have inserted express language to that effect, the arbitrator concluded [[*Cummins Canada ULC v International Association of Machinists and Aerospace Workers, Local Lodge 1722*](https://www.canlii.org/en/ab/abgaa/doc/2024/2024canlii3900/2024canlii3900.html), 2024 CanLII 3900 (AB GAA), January 5, 2024].

**Accommodations:** **No Proof that Mandatory Medical Mask Triggered Employee’s Migraines**

After an increase in COVID cases, the site owner of a multi-employer project implemented a new policy requiring all outside contractor personnel to wear a medical mask. A maintenance worker who developed migraines and missed 3 days of work as a result of wearing the mask requested permission to wear her own, non-medical mask instead. Since the site owner insisted on medical masks, the contractor said no, suggesting that she wear her own mask under the medical mask. She was later laid off and sued the contractor for failure to accommodate. The Alberta Human Rights Commission dismissed her complaint citing the worker’s failure to provide medical documentation of her alleged sensitivity to CO2 and admission that she didn’t receive treatment by a physician for her migraines [[*Johnston v Heartland Constructors Inc*](https://www.canlii.org/en/ab/abhrc/doc/2023/2023ahrc123/2023ahrc123.html)., 2023 AHRC 123 (CanLII), December 21, 2023].

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

**BRITISH COLUMBIA**

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 1: BC raised the piece-rate minimum wage 6.9% for farm workers who hand harvest 15 different crops—peaches, apricots, Brussels sprouts, daffodils, mushrooms, apples, beans, blueberries, cherries, grapes, pears, peas, prune plums, raspberries and strawberries.

**Employment Benefits**

Jan 18: Alert to BC pension plan administrators: BCFSA [revised](https://www.bcfsa.ca/media/3573/download) the Canadian Socio-Economic Information Management System Rate (CANSIM rate) for interest on pension contributions.

**New Laws**

Jan 5: BC rolled out a new [French-language policy](https://news.gov.bc.ca/files/French_Language_Policy.pdf) designed to enable government ministries to provide better services to French-speaking residents.

**Health & Safety**

Feb 9: Comments close on [proposed changes](https://www.worksafebc.com/en/resources/law-policy/discussion-papers/consultation-proposed-amendments-part-3-ohsr-2023-december?lang=en) spelling out what current OHS regulations (Part 3) only imply, namely, that employers must, in consultation with the JHSC, identify and assess workplace hazards and take steps to either eliminate or control the hazards they identify, while maintaining records documenting each step of the process.

**Action Point:** Find out [how to create a vibrant safety culture](https://hrinsider.ca/oct-20-create-a-vibrant-safety-culture/) at your organization

**Privacy**

Jan 29: The new *Intimate Images Protection Act* allowing individuals to file money damages lawsuits against those who publish their intimate images online without consent officially took effect. BC also launched a new Intimate Images Protection Service to support victims, explain their legal rights and help them get their images off the internet as soon as possible.

**Action Point:** Protect your organization from risks of [revenge porn and cyberbullying liability](https://hrinsider.ca/revenge-porn-the-liability-risks-how-to-manage-them/)

**Workers Comp**

Jan 1: New workers comp return to work rules took effect in BC, including the requirement of employers and injured workers to cooperate in the RTW process and the duty of employers to maintain injured workers’ employment. WorkSafeBC issued temporary [Practice Directive #C5-6](https://www.worksafebc.com/en/resources/law-policy/compensation-practice-directives/return-work-obligations?lang=en) and [Practice Directive #C5-7](https://www.worksafebc.com/en/resources/law-policy/compensation-practice-directives/administrative-penalties-failure-comply-duty-cooperate-duty-maintain-employment?lang=en) on administrative monetary penalties for violations to implement the new rules.

**Workers Comp**

Feb 29: That’s the deadline for the first group of BC employers to submit their actual 2023 payroll numbers and 2024 estimates to WorkSafeBC. For some employers, the reporting deadline is either March 15 or March 31, depending on the last 2 digits of their employer account number.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**CASES**

**Termination: High Court Rejects Employer’s COVID Frustration of Contract Defence**

A small, family-owned duty-free shop on the land border between the US and Canada laid off all of its employees after the border was closed to nonessential traffic during the COVID-19 pandemic. Upon being sued by a 78-year-old employee, the shop claimed the border shutdown frustrated the contract. The lower court disagreed and ordered the shop to pay the employee 10 months’ notice for wrongful dismissal. The shop appealed and the case landed in the Court of Appeal. **Result:** No frustration. The party claiming frustration must prove that an unforeseen event would require them to do something “radically” different from what was contemplated by the contract, the BC high court reasoned. Suffering a financial loss or hardship isn’t enough. There was no evidence to suggest that the judge was wrong in concluding that the border shutdown didn’t frustrate the contract in this case [[*Aldergrove Duty Free Shop Ltd. v. MacCallum*](https://www.canlii.org/en/bc/bcca/doc/2024/2024bcca28/2024bcca28.html), 2024 BCCA 28 (CanLII), January 26, 2024].

**Action Point:** Find out more about [how COVID-19 affects reasonable termination notice](https://hrinsider.ca/impact-of-covid-19-on-the-reasonable-notice-period/)

**Termination: Unsafe Operation + Dishonesty About Incident = Just Cause to Fire Lift Operator**

An airline catering company fired a worker for operating a high-lift truck unsafely and then lying about the severe damage caused to an aircraft as a result. The BC arbitrator ruled that the company had just cause to terminate and tossed the union’s grievance. The video evidence clearly showed that the company violated company protocols for safe operation of the machine. While he had a long record of service with the company, his failure to report or admit responsibility for the extensive damage he caused—it was basically just like a hit and run incident, the arbitrator reasoned—justified the decision to cut ties permanently [[*Gate Gourmet Canada Inc. v Unite Here, Local 40*](https://www.canlii.org/en/bc/bcla/doc/2023/2023canlii119865/2023canlii119865.html), 2023 CanLII 119865 (BC LA), November 6, 2023].

**Action Point:** Find out [when lying is just cause for termination](https://hrinsider.ca/when-is-lying-just-cause-for-termination/)

**Health & Safety: WorkSafeBC Fines Government Over $700,000 for Tree Falling Violations**

When it comes to OHS compliance, government agencies are expected to practice what they preach. Exhibit A: WorkSafeBC just dished out what may be the biggest AMP for an OHS violation in 2023, $710,448, to the provincial government after inspectors spotted numerous high-risk violations at a tree falling site in Wonowon where wildfire fuel reduction activities were taking place, including unsafe falling cuts, stumps with insufficient holding wood and failure to monitor the work and ensure it was performed by properly certified workers as required by its own OHS program [*Provincial Govt*.].

**MANITOBA**

**LAWS & ANNOUNCEMENTS**

**Immigration**

Feb 16: That’s the final day for organizations to [apply](https://immigratemanitoba.com/ncis.) for Newcomer Community Integration Support (NCIS) projects to provide settlement support services to immigrants who have recently arrived in Manitoba.

**Employment Benefits**

Jan 2: The Manitoba Superintendent of Pensions issued new guidance on Locked-In Retirement Accounts ([Policy Bulletin #1](https://www.gov.mb.ca/finance/pension/pdf/bulletin1.pdf)), Life Income Funds ([Policy Bulletin #2](https://www.gov.mb.ca/finance/pension/pdf/bulletin2.pdf)), and Withdrawal or Unlocking of LIRAs and LIFs ([Policy Bulletin #4](https://www.gov.mb.ca/finance/pension/pdf/bulletin4.pdf)).

**New Laws**

Jan 1: New regulations took effect requiring private vocational institutions in Manitoba to publicly disclose program dates, fees, policies and other key information so that students can make better informed decisions, while also simplifying registration and reporting processes.

**New Laws**

Jan 16: Manitoba’s AgriInsurance program expects to provide farmers in the province nearly $5 billion in insurance covering an estimated 9.55 million acres in the upcoming crop year. Average premiums will also be lower for most crops than they were last year, at $16.21 per acre in 2024, as compared to $19.21 per acre in 2023.

**Health & Safety**

Jan 24: The federal and provincial governments will invest over $1.5 million over the next 5 years to promote farm safety in Manitoba. The money will come from the Sustainable Canadian Agricultural Partnership and go to the FarmSafe Manitoba program for Keystone Agricultural Producers.

**Workers Comp**

Feb 29: That’s the last day for Manitoba employers to submit their actual 2023 and estimated 2024 workers comp payroll figures to the WCB. Missing the deadline may result in interest and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**CASES**

**Labour Standards: Gig Workers Can Bring Class Action Against SkipTheDishes**

Taking a page from their Uber brethren, couriers working for SkipTheDishes Restaurant Services filed a class action lawsuit against their employer. The company asked the court to dismiss the case, citing the provision of individual courier contracts banning class actions and providing that all disputes would be resolved via arbitration. The lower court ruled the arbitration clause was unconscionable unenforceable because it was forced on couriers without any negotiation, noting that Skip forced them to click YES to accept the terms to keep getting gigs from the company. Manitoba’s highest court, the Court of Appeal, upheld the ruling and ordered Skip to pay the costs of the appeal [[*Pokornik v SkipTheDishes Restaurant Services Inc*](https://www.canlii.org/en/mb/mbca/doc/2024/2024mbca3/2024mbca3.html), 2024 MBCA 3 (CanLII), January 12, 2024].

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

#### NEW BRUNSWICK

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 29: New Brunswick announced that the general minimum wage will increase 55 cents to $15.30 per hour on April 1, 2024. Future increases will be indexed to inflation, although the government will review its current indexing methods some time this year.

**New Laws**

Jan 29: The federal and provincial governments announced that they will provide funding to launch a Labour Force Adjustment Committee charged with developing solutions to the continuing labour shortages in New Brunswick’s construction sector.

**New Laws**

Jan 15: Under a new initiative between the provincial government and the Nurses Association of New Brunswick, newly graduated nursing students will no longer have to pay first-time registration fees.

**Workers Comp**

Jan 23: WorkSafeNB reminded New Brunswick employers to submit their Form 100-Employer Payroll Report listing their actual payroll costs from 2023 and projected costs for 2024 to the agency by February 29 to avoid late filings that may result in interest, late fees and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**NEWFOUNDLAND & LABRADOR**

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 29: Newfoundland announced that it’s raising its general minimum 60 cents to $15.60 per hour, effective April 1, 2024. The latest increase comes 7 months after the province increased the minimum wage to $15.00 per hour.

**New Laws**

Jan 23: Since launching the Sustainable Canadian Agricultural Partnership last April, the federal government has provided over $7 million in funding to 110 projects supporting mental health and safety initiatives for Newfoundland farms and farm workers.

**Workers Comp**

Feb 29: That’s the deadline for Newfoundland employers to submit their Annual Employer Statements from 2023 and 2024 to WorkplaceNL, including their: i. Employer Payroll Statement; ii. Occupational Health and Safety Statement; and iii. Employer Contractor Statement.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

#### NOVA SCOTIA

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 3: Nova Scotia announced that it’s increasing its general minimum wage 4.7% to $15.20 per hour on April 1. Future annual increases will continue to be pegged to the national consumer price index + 1% of the preceding year’s minimum wage.

**Mental Stress**

Feb 15: Comments closed on the Nova Scotia WCB’s [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 November, the Assembly passed legislation ([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 under workers comp.

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

**Drugs & Alcohol**

Jan 19: Nova Scotia launched a new Lung Screening Program providing free CT scans to smokers and other residents ages 50 to 74 who may be at high risk of developing lung cancer.

**New Laws**

Jan 10: The federal government will provide Nova Scotia $355 million over the next 3 years to fund projects designed to increase access to primary, mental health and addictions care and support healthcare workers across the province.

**Immigration**

Jan 4: Nova Scotia is providing increased funding for the Work-based Trades Practical Assessment program. As a result, 175 immigrants with experience in the construction trades will get the support they need to complete their apprenticeship and ply their trade in the province.

**CASES**

**Payroll: Employer Can’t Deduct Wages to Cover Employee’s Theft**

All agreed that an employer had just cause to terminate an employee for stealing over $150,000 from the company. Where the company went wrong was in failing to pay the employee wages for the final 2 weeks she worked. Termination for cause doesn’t affect an employee’s entitlement to wages for work they actually perform, the Nova Scotia arbitrator explained, and the *Labour Standards Code* doesn’t allow employers to deduct wages for theft [[*KVS Electrical Inc. v Stewart*](https://www.canlii.org/en/ns/nslb/doc/2024/2024nslb4/2024nslb4.html), 2024 NSLB 4 (CanLII), January 17, 2024].

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

**Health & Safety: Supervisor Accused of Criminal Negligence Is Found Not Guilty**

Just 4 years into the new year, a Nova Scotia court issued a significant ruling finding a supervisor not guilty of criminal negligence resulting in a worker’s death. Still commonly called Bill C-45, the law says that a person who directs work and fails to take reasonable steps to prevent bodily harm to those performing the work are criminally negligent to the extent they show “wanton or reckless disregard” for the lives or safety of others. This case began when a young worker installing blueskin tape on a tower fell 18 feet to his death. The foreman of the victim’s crew was charged with criminal negligence. After hearing from over a dozen witnesses, the court concluded that the Crown didn’t meet its burden of proving beyond a reasonable doubt that the foreman broke any safety laws; and even if he did, there was no proof that he did so with wanton or reckless disregard of the victim’s safety. **Result:** A verdict of not guilty [[*R. v. Gooch*](https://www.canlii.org/en/ns/nssc/doc/2024/2024nssc4/2024nssc4.html), 2024 NSSC 4 (CanLII), January 4, 2024].

**Action Point:** Find out [how to create a vibrant safety culture](https://hrinsider.ca/oct-20-create-a-vibrant-safety-culture/) at your organization

#### NORTHWEST TERRITORIES

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 3: The GNWT began [annual surveying](https://haveyoursay.nwt-tno.ca/minimum-wage-annual-survey) on minimum wage adjustments. In 2022, the government began using a formula based on the percentage change in the CPI for Yellowknife and percentage change in the average hourly wage in the territories for the previous calendar year to calculate minimum wage changes taking effect on Sept. 1 of each year.

**Immigration**

Jan 17: From now through Feb. 9, the GNWT will be seeking [public feedback](https://haveyoursay.nwt-tno.ca/immigration-strategy-extension-engagement) on extending its current [Immigration Strategy](https://www.ece.gov.nt.ca/sites/ece/files/resources/nwt_immigration_strategy_june_2017_eng_final.pdf) to 2025 and identifying new priorities and actions for improvement.

**New Laws**

Jan 29: The GNWT pushed back the launch date of the new [Extended Health Benefits Policy](https://www.hss.gov.nt.ca/sites/hss/files/resources/extended-health-benefits-policy.pdf) to Sept. 1, 2024. Changes to the Policy include: i. a new income assessment process to determine eligibility for benefits, except for seniors; and ii. elimination of the requirement to have a specified disease to access benefits.

**Workers Comp**

Feb. 29: That’s the deadline for employers in the Northwest Territories to submit their Annual Payroll Report listing their actual workers comp payroll costs from 2023 and projected costs for 2024 to the WSCC to avoid potential late fees, interest and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**NUNAVUT**

**LAWS & ANNOUNCEMENTS**

**New Laws**

Jan 4: The federal government announced that it will invest $129.9 million to support water waste treatment plants and other vital infrastructure development projects across Nunavut. The territory will also contribute $64.8 million towards the projects.

**Workplace Violence**

Feb 29: That’s the deadline for nonprofits and governmental organizations to submit proposals to the Department of Family Services for government funding of projects to prevent Gender-Based Violence in Nunavut 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

**Health & Safety**

Jan 9: WSCC issued new [guidance](https://www.wscc.nt.ca/Slips) to help employers prevent workplace slips, trips and falls. Injuries from these incidents accounted for nearly 1 in every 5 workers comp claims filed in Northwest Territories and Nunavut over the past 2 years, the agency stresses. Risks are highest in the winter months when snow and icy conditions are present.

**Workers Comp**

Feb. 29: That’s the deadline for employers in Nunavut to submit their Annual Payroll Report listing their actual workers comp payroll costs from 2023 and projected costs for 2024 to the WSCC to avoid potential late fees, interest and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**ONTARIO**

**LAWS & ANNOUNCEMENTS**

**Labour Standards**

Feb 7: That’s the deadline to [comment](https://www.ontariocanada.com/registry/mail.do?action=displayComment) on proposed ESA changes in [Bill 149](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b149_e.pdf), which is through Second Reading: i. ban on wage deductions for goods and services stolen by customer; ii. direct deposit payment for employees paid by tips; iii. mandatory disclosure of AI use in job ads; and iv. ban requiring Canadian experience in job postings.

**Action Point:** Guard against ChatGPT risks by implementing a legally sound [workplace artificial intelligence use policy](https://hrinsider.ca/workplace-artificial-intelligence-use-policy/)

**Termination**

Jan 3: The Ontario MOL revised the [Form 1](https://forms.mgcs.gov.on.ca/en/dataset/016-1552) (Notice of Termination of Employment) to account for recent changes requiring employers to count employees who work from home in determining whether ESA rules requiring group termination notice for terminations affecting 50 or more employees apply.

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

**Immigration**

Feb 23: That’s the deadline to participate in MOL [public consultations](https://www.ontariocanada.com/registry/view.do?postingId=46313&language=en) on the employer requirements of the Ontario Immigrant Nominee Program and the experience of employers that use the program.

**Workplace Violence**

Jan 11: The federal government announced that it will furnish up to $19 million to 34 Ontario-based organizations to support projects designed to prevent gender-based violence and support its victims.

**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/)

**Health & Safety**

Jan 3: The MOL reminded small businesses that the deadline [to apply](https://www.ontario.ca/page/health-and-safety-representatives#section-3) for Ontario Small Business Health and Safety Training program reimbursement covering the costs of providing mandatory OHS training to workplace health and safety representatives is March 31, 2024.

Bottom of Form

**CASES**

**Attendance & Absenteeism: Employee Terminated for Innocence Absenteeism Gets Termination Notice**

An Ontario arbitrator upheld termination of a hospital employee for nonculpable absenteeism because the broken ankle and complications with pregnancy that kept her out of work for so long weren’t disabilities. True, the ailments were unlikely to recur, but the employee had proven herself unreliable and the employer just couldn’t trust that her attendance would improve, it concluded. The question then became whether she was entitled to termination notice. The arbitrator said yes. Although the ESA doesn’t require termination notice when an employee’s contract is frustrated, it provides an exception for when frustration is the result of injury or illness. The arbitrator reasoned that the exception applies even if the injury or illness that leads to frustration isn’t a disability [[*Unity Health v Ontario Nurses’ Association*](https://www.canlii.org/en/on/onla/doc/2023/2023canlii124896/2023canlii124896.html), 2023 CanLII 124896 (ON LA), December 19, 2023].

**Action Point:** Go to the HRI [Attendance & Absenteeism centre](https://hrinsider.ca/attendance-absenteeism/) for help cracking down on absenteeism at your workplace

**Payroll:** **Time Spent Putting on PPE to Get Ready for Work Doesn’t Count as Work Time**

The union contended that the employer had to pay Service Technicians, Cleaners and Yard Attendants for the time spent walking to and from the building entrance, walking to and from the change room, putting on and taking off their coveralls and safety boots, clocking in and out, and walking to and from their workstations. The company disagreed, arguing that the collective agreement expressly recognized the expectation that workers would be ready for work at the start of their shift. The Ontario arbitrator sided with the company, reasoning that the time spent donning PPE and getting ready for work wasn’t work time and that under company payroll practices, workers got paid when their shifts began, not when they clocked in [[*International Association of Machinists and Aerospace Workers, Lodge 78 v Vision Truck Group*](https://www.canlii.org/en/on/onla/doc/2024/2024canlii1693/2024canlii1693.html), 2024 CanLII 1693 (ON LA), January 12, 2024].

**Action Point:** Look up the [maximum work hours and rest requirements](https://hrinsider.ca/compliance-cheat-sheet-maximum-work-hours-minimum-rest-periods/) in each part of Canada

**Progressive Discipline: OK to Suspend but Not to Fire Forklift Driver for Refusing to Use 2-Way Radio**

After 3 suspensions failed to do the trick, a company fired a forklift driver for disobeying orders to use a 2-way radio to communicate with his supervisor. The driver claimed that it would be dangerous for him to use the radio while he was operating the forklift; company insisted that use of the radio was essential for productivity and that all the other forklift operators accepted the policy. While finding that some discipline was warranted, the Ontario arbitrator ruled that termination was excessive, especially given the driver’s previous 15 year record of no discipline and reduced the penalty to a 3-day suspension [[*Teamsters Local Union 847 (the Union) v INOAC Exterior Systems Inc*](https://www.canlii.org/en/on/onla/doc/2024/2024canlii427/2024canlii427.html)., 2024 CanLII 427 (ON LA), January 9, 2024].

**Action Point:** Find out how to implement a legally sound [progressive discipline policy](https://hrinsider.ca/model-policy-on-progressive-discipline/) at your workplace

**PRINCE EDWARD ISLAND**

**LAWS & ANNOUNCEMENTS**

**New Laws**

Jan 1: PEI implemented a new 5-bracket provincial income tax system that the government claims will save residents $20 million during the 2024 calendar year. The basic personal amount for 2024 also increased.

**New Laws**

Feb 26: That’s the deadline for PEI non-profits [to apply](https://www.princeedwardisland.ca/en/information/executive-council-office/anti-racism-microgrants) for the 2024 round of Anti-Racism Microgrant funding of up to $5,000 for projects to promote anti-racism education, awareness and community support.

**Workers Comp**

Jan 9: Workers can now use the PEI’s WCB Online Services portal to report workplace injuries and illnesses and start the workers comp claims process. Previously, only employers and healthcare providers had access to the portal.

**Workers Comp**

Feb 29: That’s the last day for PEI employers to submit their workers comp payroll data reports listing their actual 2023 payroll cost figures and projected expenses in 2024 to the WCB to avoid the risk of late fees, interest and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

#### QUÉBEC

**LAWS & ANNOUNCEMENTS**

**Employment Benefits**

Jan 1: New [rules](https://www.retraitequebec.gouv.qc.ca/en/invalidite/prestations-invalidite-rrq/Pages/rente-invalidite-rrq.aspx#montant-versements) for calculating the QPP disability pensions of persons ages 60 to 65 officially went into effect. All beneficiaries will now receive the same monthly amount in disability pensions, $583.29 in 2024, as well as a QPP retirement pension based on their employment earnings since turning 18-years-old.

**Employment Benefits**

Feb 10: Comments closed on [draft regulations](https://www.retraitequebec.gouv.qc.ca/fr/acces-information/Pages/gazette-officielle-du-quebec.aspx#rcr-pdr) amending supplemental pension plan rules affecting persons ages 55 and over. Key changes: i. Elimination of upper limit for withdrawals of Life Income Funds (effective July 1, 2024); and ii. New calculation rules for temporary and life income related to LIFs (effective January 1, 2025).

**Health & Safety**

Dec 13: CNESST issued [draft regulations](https://www.cnesst.gouv.qc.ca/sites/default/files/documents/7.2.4_annexe04_sommaire_executif.pdf) imposing new OHS safety requirements for personal lifting devices and mobile personnel platforms used at construction projects and mines, including with regard to the training required to operate these particular kinds of equipment.

**Action Point:** Find out [how to create a vibrant safety culture](https://hrinsider.ca/oct-20-create-a-vibrant-safety-culture/) at your organization

**Workers Comp**

Mar 15: That’s the deadline for Québec employers to submit their workers comp data payroll reports to CNESST listing actual 2023 payroll expenses and estimated expenses for 2024, to avoid the risk of potential late fees, interest and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**CASES**

**Progressive Discipline: 3-Months’ Suspension Without Pay Is Fair Penalty for Threatening Violence**

An overhead crane operator with a lengthy disciplinary for lateness and unexcused absences learns that his partner has left the house leaving his 12-year-old son alone. He explains the situation to the HR director and asks permission to leave work. Given his previous attendance issues and the fact that this is the operator’s final day before a 2-week vacation, HR denies the request. The conversation turns heated and the operator, red in the face, threatens to bash his bosses in the head with a baseball bat. As a result, he’s suspended without pay for 3 months. While acknowledging that discipline is in order, the union contends that the penalty is too harsh given the operator’s nearly 25 years of service at the plant, genuine remorse and the unpremeditated nature of his behaviour. But the Québec arbitrator is un-swayed and upholds the penalty, reasoning that the operator’s threats were serious and warrant severe discipline [[*Union of workers in manufacturing industries – CSN, CANAM buildings and structures section c CANAM Bâtiments et structures inc.,*](https://www.canlii.org/fr/qc/qcsat/doc/2024/2024canlii4268/2024canlii4268.html)2024 CanLII 4268 (QC SAT), January 18, 2024].

**Action Point:** Find out how to implement a legally sound [progressive discipline policy](https://hrinsider.ca/model-policy-on-progressive-discipline/) at your workplace

**Termination: Failing to Properly Notify Supervisor Costs Worker His OHS Work Refusal Claim**

A pharmacy checkout worker in charge of opening the store arrives to find the power out. While the pharmacist and others continue to work by flashlight awaiting word on the situation, the checkout worker concludes that working in the cold and dark is too dangerous and leaves after 20 minutes. In combination with previous incidents, the pharmacy decides to fire him. The worker claims he suffered retaliation for exercising his OHS work refusal rights. CNESST rejects the claim after finding that the worker was the only one who left and that he never gave his supervisor notice that he was engaging in a work refusal as required by OHS laws [[*Bergeron c. Panacée Parma inc*](https://www.canlii.org/fr/qc/qccnesst/doc/2023/2023qccnesst440/2023qccnesst440.html)., 2023 QCCNESST 440 (CanLII), December 4, 2023].

**Action Point:** Go to the HR Insider [Work Refusals Compliance Centre](https://hrinsider.ca/work-refusals/) for help dealing with refusals at your workplace

#### SASKATCHEWAN

**LAWS & ANNOUNCEMENTS**

**New Laws**

Jan 25: Working parents earning between $500 and $2,200 per month can now officially [apply](https://www.saskatchewan.ca/employment-incentive) for the new Saskatchewan Employment Incentive (SEI). In addition to a monthly benefit ranging from $400 to $600, depending on how many children parents have, the SEI will provide supplementary health benefits, discounted bus passes and access to government employment and housing benefits.

**Drugs & Alcohol**

Jan 11: Saskatchewan launched a new Provincial Drug Alert System. At-risk individuals can [sign up](saskatchewan.ca/drug-alerts) to receive drug alerts from the Ministry of Health via text, email or the downloadable Alertable app.

**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

**Drugs & Alcohol**

Feb 1: Effective today, the minimum age for purchasing tobacco and vaping products in Saskatchewan has increased from 18 to 19 years of age. The new age restriction aligns with the minimum age rules governing alcohol and cannabis.

**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/)

**Privacy**

Jan 24: A new [post](https://oipc.sk.ca/cyber-security-threats-how-can-you-prepare-and-what-to-do-after/) on the Saskatchewan Privacy Commission’s website provides guidance on how to prevent cybersecurity threats and react after cyberattacks, data breaches and other events occur.

**Action Point:** Make sure you have the [12 data security policies you need](https://hrinsider.ca/data-security-the-12-hr-policies-you-need-to-stop-employee-data-breaches/) to prevent breaches at your company

**Workers Comp**

Feb 29: That’s the last day for Saskatchewan employers to file their Employer’s Payroll Statement (EPS) listing their actual payroll expenses in 2023 and estimated payroll expenses for 2024, to avoid interest, late fees and penalties.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada

**CASES**

**Payroll: Construction Company Fined for Failure to Pay Wages**

A construction company was hit with $1,400 in fines after pleading guilty to failing to pay wages within 14 days of the end of employment, as required by (Section 2-95(1)(a)(i)(A) of) the *Saskatchewan Employment Act*. The government withdrew charges filed against two of the company’s corporate directors[*Langman Contracting Inc*., [Govt. Press Release](https://www.saskatchewan.ca/government/news-and-media/2024/january/22/construction-company-fined-1400-for-not-paying-wages), January 22, 2024].

**YUKON TERRITORY**

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 29: Yukon announced that on April 1, 2024, its general minimum wage will increase 4.9%, from $16.77 to $17.59 per hour. That’s the second highest minimum wage in Canada, trailing only Nunavut at $19.00 per hour.

**New Laws**

Jan 10: Yukon and the federal government will invest over $14 million in a pair of transportation projects: i. upgrading of the Takhini River Bridge in Whitehorse; and ii. creation of a new route on the McIntyre Drive corridor located within the Kwanlin Dün First Nation.

**Workers Comp**

Feb 29: That’s the final day for Yukon employers to file their Employer’s Payroll Return and Contract Labour Report ([EPR](https://www.wcb.yk.ca/web-0063/f-0205)) form listing their actual 2023 workers comp payroll numbers and estimates for 2024. All EPRs must be submitted online; the YWCHSB will no longer accept paper forms.

**Action Point:** Look up the [2024 workers comp rates](https://hrinsider.ca/2023-workers-comp-rates-across-canada/) in each part of Canada