##### 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**

**Payroll**

Jan 1: The federal limit on deduction of tax-exempt allowances paid by employers to employees who use their vehicles for business purposes increases 2 cents, to 70 cents per kilometer for the first 5,000 km driven, and to 64 cents for each additional km. In the territories, the 2024 rates will be 74 cents per km for the first 5,000 km, and 68 cents for each km after that.

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

**Payroll**

Jan 1: New 2024 automobile deduction limits and amount increases for leased vehicles used by employees for business purposes took effect: i. Class 10.1 passenger vehicles CCA: from $36,000 to $37,000; ii. Monthly limit on deductible leasing costs: from $950 to $1,050; and iii. Maximum allowable monthly interest deduction: from $300 to $350 per month.

**Discrimination**

Dec 11: A government task force issued a nearly 500-page [report](https://www.canada.ca/content/dam/esdc-edsc/documents/corporate/portfolio/labour/programs/employment-equity/reports/act-review-task-force/EEA-Review-Task-Force-Report-2023.pdf) on the current state of implementation of the *Employment Equity Act* in federally regulated workplaces. The report concludes that the Act has become outdated since it was enacted in 1986 and lists 187 recommendations for modernization and improvement.

**Action Item:** The 8 things you must know to comply with the  [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 23: New *Criminal Code* regulations set the interest rate limit on payday loans at 14% of the amount of money advanced to the borrower under the agreement, while clarifying that total cost of borrowing doesn’t include a fee, fine, penalty or other charge against the borrower of $20 or less that’s allowed under provincial law for: (a) default of payment; or (b) providing a dishonoured cheque or other dishonoured instrument.

**New Laws**

Dec 9: The new [*Federal Prompt Payment for Construction Work Act*](https://laws.justice.gc.ca/eng/acts/F-7.7/FullText.html) officially took effect. The Act requires the federal government to pay contractors within 28 calendar days from the submission of a proper invoice; contractors then have 7 calendar days to pay their subcontractors while subcontractors have 7 days to pay their sub-subcontractors, etc.

**Hiring & Recruiting**

Dec 15: Important [changes](https://ised-isde.canada.ca/site/competition-bureau-canada/en/how-we-foster-competition/education-and-outreach/guide-december-2023-amendments-competition-act) to the *Competition Act*, including a new provision making it a crime for employers to fix wages and enter into agreements not to poach each other’s employees, received Royal Assent and officially took effect in all parts of the country.

**Action Point:** [Avoid inducement risks](https://hrinsider.ca/avoid-inducement-risks-when-recruiting-employees-from-other-companies/) when recruiting employees from other companies

**Employment Benefits**

Dec 15: OSFI published the new [minimum and maximum amounts](https://www.osfi-bsif.gc.ca/Eng/pp-rr/faq/Pages/lif-frv.aspx) that may be withdrawn from a life income fund (LIF), restricted life income fund (RLIF) and variable benefit account in 2024 under the *Pension Benefits Standards Regulations*.

**Privacy**

Dec 7: Privacy commissions from all across Canada published a [set of principles](https://www.priv.gc.ca/en/privacy-topics/technology/artificial-intelligence/gd_principles_ai/) for the responsive development and use of generative artificial intelligence (AI) programs like ChatGPT. While not legally binding, the principles could serve as a blueprint for future privacy legislation.

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

**Health & Safety**

Dec 15: New *Canada Labour Code* [regulations](https://canadagazette.gc.ca/rp-pr/p2/2023/2023-05-10/html/sor-dors78-eng.html) took effect requiring federally regulated employers to provide free menstruation pads and tampons at the workplace in a washroom, supply closet or other private location that’s accessible to employees who need them while doing their job at the site.

**Action Point:** Find out more about the [new federal OHS menstruation product rules](https://hrinsider.ca/federally-regulated-employers-will-soon-be-required-to-provide-menstrual-products-for-employees/)

**Mental Stress**

Nov 30: The federal government officially launched the 9-8-8 Suicide Crisis Helpline offering 24/7, compassionate and judgment-free support to troubled callers across Canada.

**Action Point:** Implement an effective workplace [mental health policy](https://hrinsider.ca/workplace-mental-health-policy/) for your employees

**Workplace Violence**

Dec 15: Controversial [Bill C-21](https://www.parl.ca/DocumentViewer/en/44-1/bill/C-21/royal-assent) making the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent received Royal Assent and officially took effect. The legislation also strengthens criminal law bans and import controls on handguns and assault rifles and increases penalties, including confiscations of guns, for violations.

**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/)

**CASES**

**Health & Safety: Site Owner Who Hires Constructor May Still Be Liable as ‘Employer’**

The most important OHS case in recent years calls into question so-called

constructor/prime contractor arrangements that companies have relied on for decades to guard against liability for violations at projects where companies of multiple employers work. The case arose from the tragic death of a pedestrian struck by a road grader while crossing an intersection at a municipal construction site. Controversially, the Ontario top court ruled that the city could be charged as an employer for an OHS violation (failing to ensure that a signaler was in place) even though it had hired a constructor to oversee the work. In a split decision, the Canadian Supreme Court agreed that a project owner can be liable as an employer even if it’s not the constructor in control of the project. **Result:** The city would have to answer the charge and prove that it showed due diligence to comply [[*R. v. Greater Sudbury (City*](https://www.canlii.org/en/ca/scc/doc/2023/2023scc28/2023scc28.html)), 2023 SCC 28 (CanLII), November 10, 2023].

**Workplace Harassment: Disrespecting Co-Workers Costs Airline Worker His Job**

An Air Canada ground handling attendant got a 10-day suspension for giving a co-worker “the finger” and then storming off the site without permission for 70 minutes to gather his wits. A week later, he got into an altercation and physically pushed his team leader. Lying during the investigation was the final straw, at least in the company’s eyes. But the union denied the accusations and filed a grievance. After hearing the evidence, the federal arbitrator found Air Canada’s story more believable and upheld its determination to fire the attendant for engaging in conduct that permanently breached the company’s trust [[*International Association of Machinists and Aerospace Workers (Local 140) v Air Canada*](https://www.canlii.org/fr/ca/casa/doc/2023/2023canlii116713/2023canlii116713.html), 2023 CanLII 116713 (CA SA), December 8, 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

**Termination: Employee Fired for Defying COVID Vaccine Policy Doesn’t Get EI Benefits**

An employee applied for Employment Insurance after getting fired for refusing to comply with his employer’s mandatory COVID-19 vaccination policy. The Commission concluded that he had lost his job due to his own misconduct and denied him EI benefits. After a series of unsuccessful appeals, the employee took his case to the Federal Court of Appeal. But it proved to no avail when the Court found the Social Security Appeal Division’s ruling against the employee to be reasonable and tossed the latest appeal [*[Zhelkov v. Canada (Attorney General](https://www.canlii.org/en/ca/fca/doc/2023/2023fca240/2023fca240.html)*), 2023 FCA 240 (CanLII), December 12, 2023].

**Action Point:** Avoid discrimination when [enforcing a mandatory vaccination policy](https://hrinsider.ca/is-enforcing-mandatory-vaccination-employment-discrimination-quiz/)

**ALBERTA**

**LAWS & ANNOUNCEMENTS**

**Employment Benefits**

Dec 7: The province has set the stage for withdrawing from the Canada Pension Plan and establishing an Alberta Pension Plan for residents without retirement benefits through their employer. On the final day of the session, the Assembly passed legislation ([Bill 2](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-002.pdf)) authorizing a referendum allowing Albertans to vote on the plan in 2024.

**Labour Relations**

Dec 7: Alberta passed [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*, to harmonize union and non-union pay structure across different public agencies. The legislation has also received Royal Assent and taken effect.

**New Laws**

Dec 7: Alberta passed legislation, [Bill 6](https://docs.assembly.ab.ca/LADDAR_files/docs/bills/bill/legislature_31/session_1/20230530_bill-006.pdf), transferring the Chief Medical Officer’s (CMO) authority to adopt rules during communicable disease public health emergencies to the Lieutenant Governor in Council. The CMO will 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

**New Laws**

Dec 21: A newly signed agreement with the federal government will provide Alberta $1.06 billion in funding over the next 3 years to improve healthcare access and quality across the province. The money will come from a 10-year national program called the Working Together to Improve Health Care for Canadians plan.

**Discrimination**

Dec 15: In July 2022, Alberta launched an Anti-Racism Action Plan requiring the government to take measures to eradicate racism while promoting inclusion and diversity. The Plan also requires the government to publish annual progress reports. The first such [report](https://www.alberta.ca/taking-action-against-racism), covering 2023, has been released.

**Action Point:** Beware of [employment practices](https://hrinsider.ca/hr-audit-are-your-employment-practices-perpetuating-racial-discrimination/) that inadvertently perpetuate racial discrimination

**Drugs & Alcohol**

Dec 18: Alberta issued revised *Gaming, Liquor and Cannabis* regulations designed to cut red tape for licensed cannabis retailers that take effect on January 31, 2024. Among other things, retailers will now be allowed to: i. open booths at trade shows; ii. keep products in locked display cases when the store closes without having to move everything into a secured storage room at the end of each day; and iii. make sales and transfers with other cannabis retailers to establish resale markup limits.

**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**

Jan 1: The Alberta WCB increased 2024 average premiums by 10 cents to $1.36 per $100 assessable payroll. The 7.9% increase includes a 15-cent discount. Roughly 66% of industries will see rates at or below the average increase due to positive safety performance.

**CASES**

**Accommodations:** **Disabled Employee Deserves Chance to Prove Failure to Accommodate Claim**

How exactly the library terminated the employment of a liaison on sick leave when her contract expired was a matter of dispute. But the one thing both sides agreed on was that the liaison had a mental disability, namely, depression and anxiety made worse by conditions at work. The Alberta Human Rights Director in charge of screening discrimination complaints ruled that the liaison didn’t have a valid case against the library for disability discrimination and tossed the claim. But the Commission found that the Director acted hastily and that it was unclear whether the library had, in fact, done enough to accommodate the liaison. **Result:** The case would have to go to a hearing during which the liaison would have a chance to present evidence proving her claims [[*Cire v Parkland Regional Library*](https://www.canlii.org/en/ab/abhrc/doc/2023/2023ahrc122/2023ahrc122.html), 2023 AHRC 122 (CanLII), December 19, 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**

**Employment Benefits**

Dec 20: BCFSA issued a new [application form](https://www.bcfsa.ca/media/3549/download) that pension plan members facing financial hardship must use to get approval to unlock and withdraw funds from their locked-in account during 2024.

**Health & Safety**

Nov 21: WorkSafeBC published [new guidance](https://www.worksafebc.com/en/about-us/news-events/announcements/2023/November/further-guidance-first-aid-regulatory-changes-now-available) on OHS changes to first aid requirements that take effect next November 1, including with regard to which workplaces are “less-accessible,” CSA standards for first aid training programs and kits and emergency transportation rules.

**Health & Safety**

Feb 9: That’s the deadline to comment 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.

**Workplace Violence**

Dec 8: BC officially signed an agreement with the federal government to work together to end gender-based violence. Under the agreement, BC will receive nearly $62 million in federal funding over the next 4 years to implement the National Action Plan to End Gender-Based Violence Plan in the province.

**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

**CASES**

**Telecommuting: Making Immunocompromised Employee Work in Office May Be Discrimination**

An architect with a compromised immune system felt he had no choice but to resign after his firm implemented a new policy requiring all essential employees to work in the office at least 3 days a week during the pandemic. The architect claimed discrimination and constructive dismissal. The firm claimed the office rule was an essential policy necessary to keep the business viable and asked the BC Human Rights Tribunal to dismiss the case. The Tribunal refused, saying a trial would be necessary to determine whether the firm committed disability discrimination. Even though the architect resigned without asking for accommodations, there was no evidence that the firm ever considered his physical condition and whether it could have taken steps to accommodate it while still achieving the purpose of the mandatory 3 days a week office policy [[*Flynn v. DF Architecture Inc*](https://www.canlii.org/en/bc/bchrt/doc/2023/2023bchrt214/2023bchrt214.html)., 2023 BCHRT 214 (CanLII), November 22, 2023].

**Action Point:** Implement a [legally sound telecommuting policy](https://hrinsider.ca/how-to-create-a-legally-sound-effective-telecommuting-policy/) at your workplace

**MANITOBA**

**LAWS & ANNOUNCEMENTS**

**Statutory Holidays**

Dec 7: The September 30 Day for National Truth and Reconciliation, aka, Orange Shirt Day, became the ninth official statutory holiday in Manitoba thanks to the passage and proclamation of [Bill 4](https://web2.gov.mb.ca/bills/43-1/b004e.php). Under the bill, when the holiday falls on a Saturday or Sunday, public schools will be closed the following Monday.

**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/)

**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.

**Accessibility**

Dec 5: For the second time since the law took effect 10 years ago, Manitoba published a [five-year review](https://accessibilitymb.ca/resources/ama/ama_2023_review.pdf) of the *Accessibility for Manitobans Act*. The report lists 27 recommendations for improving implementation of the Act, including expanding the scope of “employers” and “employees” covered by the Act.

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

#### NEW BRUNSWICK

**LAWS & ANNOUNCEMENTS**

**Labour Relations**

Dec 13: Royal Assent for [Bill 3](https://legnb.ca/content/house_business/60/3/bills/Bill-3.pdf) amending the *Industrial Relations Act* to recognize employees that apply in writing for trade union membership as constituting members. Under previous New Brunswick law, employees were recognized as members only if they applied in writing and paid at least $1.00 in initiation fees or union dues.

**Employment Benefits**

Dec 13: Newly passed [Bill 17](https://legnb.ca/content/house_business/60/3/bills/Bill-17.pdf) authorizes the transfer of 5 New Brunswick government pension plans 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.

**Accessibility**

Dec 7: From now through Jan. 31, New Brunswick will hold public consultations on a framework to adopt comprehensive accessibility legislation patterned after the laws currently in effect in Ontario, Manitoba and other jurisdictions. After hearing all the comments, the government plans to table a bill in the spring.

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

**Workplace Violence**

Dec 4: New Brunswick became the latest province to sign onto the National Action Plan to End Gender-based Violence and will receive over $16.3 million from the federal government over the next 4 years for projects aimed at preventing gender-based violence and supporting its victims.

**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**

Dec 14: There’s no compelling business case for establishing separate workers comp benefit models for different classes of government employees, according to the New Brunswick Auditor General. The [report](https://www.agnb-vgnb.ca/content/agnb-vgnb/en/publications/reports.html#2022V3=Page1&2023V3=Page9&2023V2=Page5&2023V1=Page1) is in response to a new Dept. of Finance policy of providing injured workers within government departments and school districts 100% salary continuance, even though injured healthcare workers get only the 85% of net loss of earnings provided under the *Workers Compensation Act*.

**NEWFOUNDLAND & LABRADOR**

**LAWS & ANNOUNCEMENTS**

**Labour Relations**

Dec 7: Members of the Newfoundland and Labrador Teachers’ Association ratified a new collective agreement with the government providing a 2% increase per year for 4 years (2022 to 2026), a one-time teacher recognition bonus of $2,000, recruitment and retention incentives for teachers in rural areas and broader protections against harassment and discrimination.

**Workplace Violence**

Dec 15: Newfoundland officially signed a bilateral agreement with the federal government that will provide funding of nearly $13.6 million over 4 years to implement the National Action Plan to End Gender-Based Violence in the province.

**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

**New Laws**

Dec 15: The federal government announced that it will provide funding to a pair of organizations supporting Indigenous women, gender equality and 2SLGBTQQIA+ rights in Newfoundland, including: i. nearly $400,000 to the AnânauKatiget Tumingit Regional Inuit Women's Association; and ii. $59,000 to the Labrador Friendship Centre.

**Workers Comp**

Feb 6: That’s the deadline to participate in WorkplaceNL [online consultations](mailto:feedback@workplacenl.ca) on 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

#### NOVA SCOTIA

**LAWS & ANNOUNCEMENTS**

**Mental Stress**

Feb 15: That’s the deadline to comment 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

**New Laws**

Dec 15: Effective today, Nova Scotia Health, IWK Health and government long-term care facilities may not hire travel nurses for longer than 180 days. Upon reaching the 180-day limit, travel nurses must wait a year before being employed by any of those agencies again. The new policy aims to cut turnover and bolster stability in the healthcare sector.

**New Laws**

Dec 20: Nova Scotia announced that it’s boosting the wages of early childhood educators and employees working in licensed child-care centres ranging from $3.14 to $4.24 per hour, effective April 15. Those employees will also receive a new package of group benefits and pensions for the first time.

**Workplace Violence**

Dec 14: The newly signed bilateral agreement between Nova Scotia and the federal government will provide the province $18.4 million over 4 years to fund projects and initiatives to implement the National Action Plan to End Gender-Based Violence.

**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**

Nov 29: The WCB announced that Nova Scotia’s workplace injury rate dipped to 1.36 per 100 workers in the second quarter, an all-time low and improvement over the 1.41 rate posted in the first quarter. Average time loss days dropped from 292 to 263 per 100 workers, while the WCB’s funded percentage improved to 94.5%.

**CASES**

**Drugs & Alcohol: Alcohol Addiction Doesn’t Excuse Apprentice’s Violent Behaviour**

An apprentice boilermaker coming to the end of his 2-year program paid a heavy price for getting drunk and behaving obnoxiously at a union team building bowling event culminating with what he later described as a “bitch slap” of the Assistant Business Manager. For these transgressions, the boilermaker was expelled from the apprenticeship training program and kicked out of the union. The apprentice claimed he had an alcohol addiction and sued the union for disability discrimination. But the Nova Scotia Labour Board didn’t buy it. Even if the union had been aware of his alcohol problem at the time, there’s nothing it could have done to accommodate the boilermaker’s violent behaviour at the team building event. Thus, while harsh, the union’s decision to expel wasn’t discriminatory [[*S.C. v International Brotherhood of Boilermakers, Local 73*](https://www.canlii.org/en/ns/nslb/doc/2023/2023nslb146/2023nslb146.html), 2023 NSLB 146 (CanLII), October 27, 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

#### NORTHWEST TERRITORIES

**LAWS & ANNOUNCEMENTS**

**New Laws**

Dec 7: The new Assembly elected R.J. Simpson, the MLA from Hay River North, to be the next premier of the Northwest Territories. Métis in origin, Simpson is a veteran who has served on the Assembly for nearly a decade. The territory follows a consensus-style government in which members run as independents and choose the premier and cabinet members among themselves by secret ballot.

**New Laws**

Dec 20: The Northwest Territories received an advance payment of $84.3 million from the federal Disaster Financial Assistance Arrangements (DFAA) program to support assistance and recovery activities in response to the 2023 wildfires season, the worst in recent memory during which nearly 70% of NWT’s population had to evacuate.

**Workplace Violence**

Dec 20: The Northwest Territories/Nunavut Council of Friendship Centres will receive $615,000 from the federal government to implement their Gender-Based Violence Awareness and Training Workshops project. The funding comes under the National Action Plan to End Gender-Based Violence.

**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

**NUNAVUT**

**LAWS & ANNOUNCEMENTS**

**Minimum Wage**

Jan 1: Effective today, Nunavut’s general minimum wage rate increases $3.00 to $19.00 per hour, by far the highest in Canada. Even so, it’s the first increase in Nunavut since April 1, 2020, when the minimum wage jumped from $13.00 to $16.00 per hour.

**New Laws**

Dec 13: The Canadian Northern Economic Development Agency (CanNor) announced that it will provide the Nunavut Fisheries and Marine Training Consortium $857,950 to support program expansion. The NFMTC will use the money to create a mentoring program, train Inuit mentors and mentees and bolster its Business Management certificate program.

**Workplace Violence**

Dec 20: The Northwest Territories/Nunavut Council of Friendship Centres will receive $615,000 from the federal government to implement their Gender-Based Violence Awareness and Training Workshops project. The Nunavut Inuit Women’s Association is getting $544,000 for its Supporting Inuit Women in Leadership Roles project. The funding comes under the National Action Plan to End Gender-Based Violence.

**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

**Workplace Violence**

Feb 29: That’s the final day for nonprofits and governmental organizations to [submit](mailto:GBVFunding@gov.nu.ca%20%3cGBVFunding@gov.nu.ca%3e;) 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.

**ONTARIO**

**LAWS & ANNOUNCEMENTS**

**Employment Benefits**

Jan 19: That’s the deadline to participate in FSRA 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.

**Health & Safety**

Dec 1: A new WSIB policy took effect listing criteria for determining whether workers comp covers a worker’s “communicable illness.” For an illness to be deemed work-related, there must be evidence that the worker’s employment made a “significant contribution” to their contracting it.

**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/)

**New Laws**

Dec 5: A sweeping criminal reform law that’s working its way through the Ontario Assembly, [Bill 157](https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2023/2023-11/b157_e.pdf), includes a provision that would allow victims of certain crimes to file lawsuits for money damages compensating them for the emotional distress and bodily harm they suffered as a result of those crimes.

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

Bottom of Form

**CASES**

**Drugs & Alcohol: Vehicle Accident Isn’t Just Cause to Drug Test Nuclear Plant Worker**

A nuclear power plant demanded a radiation surveyor trainee to undergo post-incident drug and alcohol testing after he drove his pickup truck off the road and into a tile array containing radioactive waste. The trainee agreed but only under protest after predicting he would test positive. And he did. The union claimed the incident wasn’t a “significant event” justifying testing under the plant’s testing policy. The Ontario arbitrator disagreed. Driving into a nuclear waste pit is a big deal, even if no actual damage was done in this case. However, the arbitrator continued, the plant jumped to the conclusion that the incident demonstrated the trainee’s unfitness for duty without performing a proper assessment of fitness required by the testing policy. for duty as the testing policy required. As a result, it concluded that making the trainee undergo post-incident testing was unreasonable and awarded him $1,000 for the damage done to his privacy and dignity [[*Canadian Nuclear Laboratories v United Steelworkers Local 1568*](https://www.canlii.org/en/on/onla/doc/2023/2023canlii121591/2023canlii121591.html), 2023 CanLII 121591 (ON LA), December 18, 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

**Termination: Employee Placed on IDEL Can Sue for Constructive Dismissal**

During the pandemic, Ontario adopted a regulation allowing employers to put employees on Infectious Disease Emergency Leave (IDEL) without triggering the normal ESA temporary layoff termination notice requirements. The regulation also barred constructive dismissal lawsuits by employees put on IDEL. So, when an employee placed on IDEL during the pandemic sued his employer for constructive dismissal, the company asked the court to toss the case. The court refused. Citing previous rulings, it concluded that the IDEL regulation ban applied only to constructive dismissal suits arising under ESA law without taking away an employee’s right to sue for constructive dismissal under “common law,” i.e., law derived from court cases rather than the ESA. **Result:** The company did commit constructive dismissal and had to pay the employee $68,854 in damages [[*Webb v. SDT North America*](https://www.canlii.org/en/on/onsc/doc/2023/2023onsc7170/2023onsc7170.html), 2023 ONSC 7170 (CanLII), December 19, 2023].

**Action Point:** Find out more about the controversy over [IDEL and constructive dismissal in Ontario](https://hrinsider.ca/compliance-alert-can-employees-you-put-on-infectious-disease-emergency-leave-sue-for-constructive-dismissal/)

**Discrimination: Mention of Employee’s Nationality Doesn’t Prove Nationality Discrimination**

A warehouse probationary employee claimed that he got terminated because he was from Serbia. The warehouse contended he was let go because his skills weren’t up to snuff. The Ontario Human Rights Commission sided with the employer. The only evidence of national origin discrimination was a remark by a supervisor of Croatian origin: “So you’re from Serbia; that means we’re mortal enemies.” This remark was “ambiguous” and not clear proof that nationality was a factor in the decision to terminate. Human rights laws protect against actual discrimination, not hurt feelings, the Commission concluded [[*Cavic v. Ringball Corporation*](https://www.canlii.org/en/on/onhrt/doc/2023/2023hrto1770/2023hrto1770.html), 2023 HRTO 1770 (CanLII), December 7, 2023].

**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/)

**PRINCE EDWARD ISLAND**

**LAWS & ANNOUNCEMENTS**

**New Laws**

Jan 1: Child care fees for PEI children attending Early Years Centres and licensed Family Home Centres are dropping to $10 per day. PEI joins Manitoba, Newfoundland, Nunavut, Quebec, Saskatchewan and Yukon in reaching the national milestone of offering child care for $10-a-day or less by March 2026.

**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/)

**New Laws**

Dec 19: PEI and the federal government signed a new bilateral agreement that will provide more than $94 million in federal funding over the next 3 years to improve access and quality of the province’s healthcare system.

**Privacy**

Dec 8: The PEI WCB issued a new policy ([POL-168](https://www.wcb.pe.ca/DocumentManagement/Document/pol168_personalinformationandprivacyprotection.pdf)) that explains how the agency collects, uses and discloses personal information about injured workers and other personal information protected by privacy laws.

**Workers Comp**

Dec 15: From now through January 15, the PEI WCB will hold [public consultations](https://wcb.pe.ca/DocumentManagement/Document/pub_draftwcbstrategicplan202426consultation.pdf) on a proposed 3-year Strategic Plan for 2024-2026.

#### QUÉBEC

**LAWS & ANNOUNCEMENTS**

**Employment Benefits**

Jan 1: New rules allow for individuals who are continue at work and are already receiving their retirement pension to stop making QPP contributions upon reaching age 65. The maximum age for eligibility to apply for a retirement pension also increases from 70 to 72 years.

**Payroll**

Jan 1: As of today, contributions to the additional QPP plan will be added to the portion of earnings between the maximum pensionable earnings (MPE) and the new eligible earnings cap on which contributions are made, which for 2024 will be $73,200, i.e., 107% of the MPE and 114% of the MPE as of 2025.

**Payroll**

Jan 1: Newly effective tax rules require individuals, corporations, partnerships and trusts to make payments of over $10,000 to Revenu Québec electronically unless electronic payment is impossible due to special circumstances. The rule covers payments of income, source deductions (including employer contributions) and installment payments.

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

**Immigration**

Dec 6: Québec announced that the Ministry of Immigration, Francisation and Integration will carry out a single indexation of agricultural salaries for purposes of the temporary foreign worker program, starting next year. Previously, the Ministry could index agricultural wages twice a year—on Jan. 1 and May 1—if minimum wages increased. From now on, indexation will be done just once, on May 1.

**Workplace Violence**

Nov 24: Québec officially agreed to implement the National Action Plan to End Gender-Based Violence. To support the effort, the government will receive at least $97.3 million in federal funding over 4 years, in addition to $462.4 million the province is spending of its own money to implement its Integrated Violence Strategy.

**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

**Workplace Harassment**

Dec 7: Québec passed [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**

Dec 7: [Bill](https://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-36-43-1.html) 36 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 has passed the Assembly and received Royal Assent. 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

**Health & Safety**

Jan 1: Newly effective OHS rules require that a member of a construction site JHSC receive a theoretical training certificate from CNESST or an organization recognized by the agency. Committee members or safety representatives that already have JHSC certification training are exempt from the new requirements. OHS coordinators must get a training certificate of at least 240 hours.

**Health & Safety**

Jan 1: Effective today, CNESST will provide reimbursement for the travel, registration and accommodation costs for persons on construction site required to receive mandatory participation training, including the OHS coordinator, health and safety representative members of the site JHSC.

**CASES**

**Time Theft: OK to Fire Employee for Deliberately Inflating Overtime Pay**

Did a university have just cause to terminate a maintenance worker for time theft? The Québec arbitrator said it did. The evidence showed that the worker abused the trust the university placed in the department’s workers to keep their own timesheets by claiming overtime that he didn’t work and inflating his call-back hours to maximize overtime payments. The quality of the worker’s work and discipline-free history weren’t enough to save his job, the arbitrator concluded [[*Union of paratechnical personnel, auxiliary services and trades of Centre-du-Québec — CSN v CIUSS de la Mauricie-et-du-Centre-du-Québec,*](https://www.canlii.org/fr/qc/qcsat/doc/2023/2023canlii115766/2023canlii115766.html)2023 CanLII 115766 (QC SAT), December 6, 2023].

**Action Point:** Take [6 steps](https://hrinsider.ca/6-ways-to-stop-time-theft/) to prevent your employees from committing time theft

**Progressive Discipline: OK to Suspend Delivery Driver for Unsafe Driving**

McGill University suspended a delivery driver 10 days without pay for driving his vehicle too fast on and around campus. The union claimed the penalty was too harsh given that it was the driver’s first speeding offence and no actual harm resulted. But the the Québec arbitrator upheld the penalty, noting that the driver was a safety-sensitive employee who had already been suspended 5 days for driving the wrong way on a one-way street [[*McGill University v Union of Service Employees, local section 800, 2023*](https://www.canlii.org/fr/qc/qcsat/doc/2023/2023canlii120793/2023canlii120793.html) CanLII 120793 (QC SAT), December 18, 2023].

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

**Termination: OK to Fire Employee for Carrying Out Unauthorized Work for Personal Interests**

Hydro-Québec first indefinitely suspended and then fired a chief fitter for engaging in unauthorized work to move a transformer, a significant project, to enable a private customer to benefit from services it didn’t pay for. The arbitrator dismissed the grievances, finding that the fitter’s explanations were a disingenuous attempt to downplay what was a serious conflict of interest and that HQ was justified in concluding that the breach in trust permanently and irreparably damaged the employment relationship [[*Hydro-Québec c Union of Hydro-Québec Trades Employees, local section 1500 (SCFQ-FTQ*](https://www.canlii.org/fr/qc/qcsat/doc/2023/2023canlii115024/2023canlii115024.html)), 2023 CanLII 115024 (QC SAT), December 4, 2023].

#### SASKATCHEWAN

**LAWS & ANNOUNCEMENTS**

**Privacy**

Dec 12: The Saskatchewan Ministry of Labour Relations and Workplace Safety announced that it discovered a privacy breach within the Young Worker Readiness Certificate Course application system, which is hosted by an outside third party. While preliminary investigation found no evidence that it happened, the names, addresses, ages and other personal information of those who took the course between July 5, 2021, and December 4, 2023, might have been compromised.

**New Laws**

Dec 19: Saskatchewan is expanding the list of drugs that pharmacists may prescribe for patients to include medications for treating nausea and vomiting during pregnancy and recurrent genital herpes for both men and women.

**Mental Stress**

Nov 30: Like most provinces and territories across Canada, Saskatchewan launched its new free 9-8-8 Suicide Crisis Helpline as part of the national initiative to prevent suicide deaths. Those who call 9-8-8 will be connected to the closest responder, based on their area code.

**Action Point:** Implement an effective workplace [mental health policy](https://hrinsider.ca/workplace-mental-health-policy/) for your employees

**Workers Comp**

Jan 1: The Saskatchewan WCB finalized 2024 average premium rates, which will remain unchanged at $1.28 per $100 of assessable payroll. Industry-wise, rates will increase for 35% of employers and either remain the same or go down for the remaining 65%. Ninety percent of employers had zero injuries or fatalities in 2022, the agency added.

**CASES**

**Labour Relations: Court Refuses to Bar Striking Workers from Handing Out Leaflets**

Hotel owners asked the court to issue an injunction barring striking workers from handing out leaflets and picketing on the property. The Saskatchewan court said no. Picketing is a constitutional right that courts should bar only when picketers engage in serious misconduct threatening to cause irreparable harm. While leafleting outside on hotel property might constitute trespassing, the potential harms weren’t significant enough to justify an injunction. The balance might shift if the picketing occurred indoors and in spots reserved for guests, but that wasn’t the case in this situation [*[Sasco Developments Ltd v United Food and Commercial Workers, Local 1400](https://www.canlii.org/en/sk/skkb/doc/2023/2023skkb242/2023skkb242.html)*, 2023 SKKB 242 (CanLII), November 10, 2023].

**YUKON TERRITORY**

**LAWS & ANNOUNCEMENTS**

**New Laws**

Dec 13: Yukon and the Yukon Hospital Corporation unveiled a new [HR Strategy](https://yukon.ca/en/yukons-health-human-resources-strategy) outlining 25 measures for improving the recruitment, hiring, retention, education and training of vital healthcare personnel in the territory over the next 3 years.

**Mental Stress**

Nov 30: The new nationwide 9-8-8 Suicide Crisis Helpline providing free 24/7 assistance and support to callers contemplating ending their own lives went live in Yukon. The Helpline is answered by live responders who provide support in English or French.

**Action Point:** Implement an effective workplace [mental health policy](https://hrinsider.ca/workplace-mental-health-policy/) for your employees

**Workplace Violence**

Dec 21: The federal government announced that it’s providing over $900,000 to support community organizations projects to prevent violence against ongoing violence against Indigenous women, girls, and 2SLGBTQQIA+ people, including over $400,000 to the Liard Aboriginal Women’s Society and $500,000 to the Whitehorse Aboriginal Women’s Circle.

**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/)