

FEBRUARY 2024 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Termination

Feb 1: Newly effective *Canada Labour Code* [rules](#) 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](#) at your company

Labour Standards

Jan 4: [Revised](#) 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](#) for air transportation employees will take effect on June 4.

Action Point: Look up the [maximum work hours and rest requirements](#) 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](#) 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](#) 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 \(Attorney General\)*](#), 2024 FCA 7 (CanLII), January 11, 2024].

Action Point: Find out how to implement a legally sound [mandatory vaccination policy](#) at your workplace