

## DECEMBER 2023 MONTH IN REVIEW

# Federal

### LAWS & ANNOUNCEMENTS

#### Labour Relations

Nov 9: The federal government introduced legislation ([Bill C-58](#)) to ban the use of replacement workers during strikes or lockouts and increase potential penalties to up to \$100,000 per day. Exceptions would apply for certain emergencies and any work that employers and unions agree must continue during the job action.

#### Pay Equity

Nov 18: Newly proposed [regulations](#) allow the government to impose administrative monetary penalties (AMPs) of up to \$50,000 on federally regulated employers for violating their obligations under the new pay equity laws and to align pay reporting rules with *Canada Labour Code* requirements.

**Action Item:** The 8 things you must know to comply with the [new federal pay equity law](#)

#### New Laws

Dec 21: That's the deadline [to comment](#) on how the new Canada Disability Benefit should be designed. The federal government will rely on the public feedback to develop regulations implementing the Benefit.

#### Immigration

Oct 31: The federal government published a [report](#) recommending long-term measures for strengthening the Canadian immigration system, including

development of a new Francophone Immigration Policy and integrating housing, healthcare and infrastructure planning into the process of setting immigration levels.

## Immigration

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

**Action Point:** The 10 things employers [must know about hiring temporary foreign workers](#)

## Employment Benefits

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

## New Laws

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

## Workplace Violence

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

## CASES

### Workplace Violence: Employer Can't Prove Worker Threatened Coworkers with Violence

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

**Action Point:** Find out [how to protect your employees](#) from the risk of workplace domestic violence

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

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

**Action Point:** Find out [how to create a legally sound drug testing policy](#) at your workplace