

## JUNE 2023 MONTH IN REVIEW

# Federal

### **LAWS & ANNOUNCEMENTS**

#### **New Laws**

May 11: Newly adopted [Bill S-211](#), the *Fighting Against Forced and Child Labour in Supply Chains Act*, will require employers to implement extensive monitoring and reporting measures to ensure that none of the companies in their supply chains use forced labour or child labour while allowing the government to conduct workplace inspections and impose penalties for violations.

**Action Point:** Look up the [youth employment laws of your province](#)

#### **New Laws**

May 18: The federal government is arranging for lower credit card transaction fees for small businesses that use Visa and Mastercard. The rate cuts will be available to small businesses with annual Visa sales volume below \$300,000, and those with annual Mastercard sales volume below \$175,000, starting in the fall of 2024.

#### **New Laws**

May 18: The Senate passed [Bill C-22](#) to establish a new Canada Disability Benefit for working-age persons with disabilities. The legislation has also cleared the House and will soon receive Royal Assent.

#### **Immigration**

May 26: The federal government implemented new measures to speed up the process of unifying accepted immigrants in Canada with their family members

outside the country, including faster temporary resident visa (TRV) for spousal applicants, new processing tools for TRV spousal applicants, a new open work permit for spousal and family class applicants and open work permit extensions for holders of open work permits expiring between August 1 and December 31, 2023.

## Privacy

May 29: The Office of the Privacy Commissioner published [new guidelines](#) on workplace privacy, including with regard to the use of software and other electronic solutions to monitor employees without violating PIPEDA and other personal privacy laws.

**Action Point:** [Avoid privacy violations](#) when using digital technology to monitor employees

## Payroll

May 4: The Taxpayers' Ombudsperson is investigating complaints about CRA's sending collection letters to individuals who've already paid back COVID benefit overpayments. The initial review will be limited to individual cases, but a systemic investigation may be necessary if the Ombudsperson finds a wider pattern of irregularities.

## Workplace Violence

May 18: The Assembly passed and the Senate tabled controversial legislation ([Bill C-21](#)) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations. The bill would also make the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent.

## Workplace Violence

Apr 27: Newly passed [Bill C-233](#) requires judges to consider, before issuing a release order for a person accused of an offence against their intimate partner, to consider whether to require the person wear an electronic monitoring device "in the interests of the safety and security of any person."

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

## Health & Safety

May 10: The government published [new Canada Labour Code regulations](#) to clarify that toilets not specific to sex or gender count toward the number of toilets that federally regulated employers must provide at a workplace to meet COHS Sanitation Provisions. The new regulations also require employers to furnish clean and hygienic tampons and menstrual pads in each toilet room, along with a covered container for their disposal. If it's not feasible to provide these items in a toilet room, the employer must provide them at another location in the same workplace that's accessible to employees at all times that offers a "reasonable amount of privacy."

## CASES

### Labour Relations: Senate Employees Don't Get Compensation for Phoenix Pay System Fiasco

Remember all the glitches that the federal government encountered when it first implemented its new Phoenix payroll system a few years ago? The government ended up having to agree to a settlement with the unions paying a lump sum of \$2,500 to each affected government employee as compensation for the stress, aggravation, pain and suffering experienced they suffered as a result of that fiasco. However, the federal labour Board rejected a union proposal to include employees in the Building Operations Section and the Material Management and Logistics Section and Senate of Canada in on the lump sum deal, finding that those employees didn't suffer as much as others covered by the settlement. The federal appeals court said the Board's ruling was reasonable and refused to overturn it [[Public Service Alliance of Canada v. Canada \(Senate\)](#), 2023 FCA 111 (CanLII), May 24, 2023].

### Workplace Harassment: Court Refuses to Put Harassment Grievance on Hold

There was no question that an Air Canada employee was sexually harassed by a pilot during an overnight layover in Tel Aviv. The question is whether the airline did enough to protect the victim against future contact with the pilot. Meanwhile, the victim, who had to go on medical leave after the incident, filed a workers comp claim with the Québec CNESST in connection with the incident. Since both proceedings involved the same issues, Air Canada asked the federal court to delay the victim's harassment grievance until CNESST weighed in. The court refused, finding that deferring to CNESST would just further delay the process, which had already dragged on for over 2 years, and victim's ongoing attempts to return to work [[CUPE, Air Canada Component v Air Canada](#), 2023 CanLII 44161 (CA LA), May 24, 2023].

**Action Point:** Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace