

MAY 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Labour Standards

Mar 28: Revised *Canada Labour Standards* [regulations](#) increase the age at which children can't do certain kinds of work from under 17 to under 18. Similarly, the ban on letting an employee work between 11 p.m. to 6 a.m. the following day is now under age 18, rather than 17.

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

Labour Relations

Apr 20: If it passes, newly tabled [Bill C-330](#) will amend the *Canada Labour Code* to require an employer that's an airport authority (or provider of services to such authority that replaces a previous contractor) to observe the previous trade union and terms of employment applicable to the previous contractor's employees.

New Laws

Apr 26: The federal government officially unveiled its new 5-year Action Plan for promoting and protecting official languages across the country.

Discrimination

Apr 20: Canadian corporate board rooms are making glacially slow progress toward achieving diversity goals, according to a newly published [report](#) finding that numbers of diverse board members rose slightly, the overall percentage of corporate board seats filled by women and visible minorities actually decreased in

2022.

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

Payroll

Mar 28: The Senate tabled [Bill C-241](#), which has already completed Third Reading in the House, to amend the *Income Tax Act* to allow tradespersons and indentured apprentices to deduct from their income amounts expended for travelling where they were employed in a construction activity at a job site that is located at least 120 km away from their ordinary place of residence.

Health & Safety

Apr 1: Newly effective WHMIS SDS [requirements](#) took effect. The changes impact the information that must be listed in SDS Section 9, Physical Properties, and Section 14, Transport Information. The good news is that there's a 3-year phase-in so you don't have to comply until Jan. 1, 2026.

CASES

Drugs & Alcohol: Supreme Court Upholds Quebec Cannabis Criminalization Law

After the federal government decriminalized possession and cultivation of fewer than 4 cannabis plants for personal use, Quebec adopted its own law criminalizing any possession and cultivation of such plants for personal purposes in a dwelling house. A citizen sued on behalf of all those arrested and prosecuted under the provincial law claiming that it was unconstitutional. The lower Quebec court agreed but the province's highest court, the Court of Appeal, reversed. The case went all the way to Supreme Court of Canada, which dismissed the appeal and upheld the Court of Appeal's affirmation of the law's constitutionality [[Murray-Hall v. Quebec \(Attorney General\)](#), 2023 SCC 10 (CanLII), April 14, 2023].

Action Point: Find out how to [effectively control substance abuse](#) at your workplace

Discipline: Faulty Investigation Dooms Railway's Case for Safety Violation Termination

A railway fired a locomotive engineer for failing to secure unattended equipment on the mainline. Applying just one instead of the required 6 hand brakes to a 900-tonne train would have been just cause to terminate any safety-sensitive worker, let alone

one with a history of discipline for safety violations. But the federal arbitrator rejected the argument. The engineer, who had 30 years of service, admitted and took responsibility for his violation. The railway admitted that it would have imposed only a long suspension had another worker committed the same violation. In addition, the investigator hurt the railway's case by not allowing the union rep to ask certain questions about the safety program. **Result:** The engineer was reinstated, although without compensation [[Teamsters Canada Rail Conference v Canadian Pacific Railway Company](#), 2023 CanLII 24771 (CA LA), March 30, 2023].