

SEPTEMBER 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Labour Standards

Aug 16: New *Canada Labour Code Regulations* modify work hour and break requirements for certain employees in banking, telecommunications, broadcasting, railways, air transport and other sectors, regarding: i. 96 hours' written notice of work schedules and 24 hours' notice of shift changes; ii. 30-minute unpaid breaks every 5 hours of work; and iii. 8-hour rest breaks between shifts.

Action Point: Look up the [maximum work hours and rest requirements](#) in each part of Canada

Immigration

Aug 8: Under the newly launched [Recognized Employer Pilot](#) (REP) of the Temporary Foreign Worker Program, recognized employers with a demonstrated history of compliance will be able to qualify for Labour Market Impact Assessments that remain valid for up to 36 months, along with access to a simplified application process to hire additional workers. The first phase of REP begins in September 2023 for primary agriculture employers; all other eligible employers can apply in January.

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

New Laws

Sep 21: That's the deadline [to apply](#) for Red Seal and other skilled trade workers to apply for Canada Apprenticeship Strategy funded training and purchases of equipment and materials during the 2023-2024 fiscal year.

Accessibility

Aug 29: The federal government will provide nearly \$73 million in Opportunities Fund for Persons with Disabilities (OF) funding to support 31 projects launched by organizations across Canada this year. This is in addition to the \$118 million to support 60 projects that the government announced last June.

Privacy

Aug 24: The federal Office of the Privacy Commission joined its global counterparts in issuing a [joint statement](#) calling on social media companies and other operators of websites that host publicly accessible personal information to take stronger measures to protect the private personal information of their users from illegal AI data scraping programs.

Action Point: Find out the 12 things you should do to [prevent data breaches](#) at your workplace

CASES

Accommodations: Railway Company Didn't Do Enough to Accommodate Injured Electrical Worker

The good news is that the electrical worker who injured his ankle while performing testing at a rail crossing in 2018 returned to work in 2021. The bad news, at least according to the union, is that he could have returned 2 years earlier had the employer met its duty to accommodate him. The federal arbitrator agreed that after initially taking proper steps, the railway company dragged its heels by ignoring the WSIB's recommendations for accommodations and concluding without evidence that the worker was incapable of performing modified work and could only be accommodated with undue hardship [[JBEW \(System Council No. 11\) v Canadian Pacific Kansas City Railway](#), 2023 CanLII 73603 (CA LA), August 15, 2023].

Action Point: Implement a legally sound [return to work policy](#)

Discipline: Airport Worker Who Commits Serious Safety Violation Gets Reinstated

A federal arbitrator ruled that an airport shunt truck driver didn't deserve to be fired for committing a serious safety violation, namely, pulling a trailer from a door despite a red light indicating that workers were still inside the vehicle, which resulted in a near miss incident. The evidence showed that other workers without

prior safety infractions who committed the same violation received only a one-day suspension. One-day suspension wasn't enough in this case, the arbitrator acknowledged, since the driver had been disciplined once before and the infraction was broader than those of the other workers who got suspended for a day. But the arbitrator concluded that termination was too harsh and reduced the penalty to a 5-day suspension [[Purolator Inc. v Teamsters Local Union 938](#), 2023 CanLII 67226 (CA LA), July 26, 2023].