

APRIL 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Labour Standards

Mar 22: The government published a [report](#) summarizing the feedback received during recent consultations on extending *Canada Labour Code* employment standard protections to gig workers. The expectation is that the government will draw up a set of proposed regulatory changes based on the comments.

Action Point: Find out about current [employment law protections for gig workers](#)

New Laws

Mar 31: [Comments](#) closed on proposed changes to the *Competition Act* that would, among other things, make it a crime for employers to fix wages and enter into agreements not to poach each other's employees.

Action Point: [Avoid inducement risks](#) when recruiting employees from other companies

New Laws

Feb 21: With skilled truck drivers in short support, the government will invest \$46.3 million to provide training and wage subsidies to recruit, train and onboard up to 1,400 new truck drivers and 1,200 workers in other in-demand trucking sector occupations via the Sectoral Workforce Solutions Program. The project will also develop a national standard for driver training.

Immigration

Apr 6: Effective today, international graduates with a recently expired or expiring post-graduation work permit (PGWP) can remain working in Canada for up to 18 additional months while seeking a new permit.

Immigration

Apr 15: The federal government ended [online surveying](#) on the immigration system and its larger role in the country's economic and social system, as well as what can be done to integrate newcomers into Canada more effectively.

New Laws

Mar 6: [Bill S-211](#), which would require certain government organizations and private-sector entities to report on the measures they've taken to prevent risk of using forced or child labour in their supply chains, has passed the Senate and is on its way to Third Reading in the House.

Privacy

Mar 7: The Privacy Commissioner revised its [guidelines](#) on the privacy risks of faxing personal information. Tips:

- Choose a machine that encrypts transmissions and requires users to key in a password to access and print the fax
- Keep fax machines used to send or receive personal information in a secure area so unauthorized people don't see faxed documents
- Before sending a fax, check that the receiver's number is correct, then verify in the machine's display window that you've keyed it in correctly
- Only fax personal information that you'd feel comfortable discussing over the phone.

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

Workplace Violence

Jan 31: Newly tabled [Bill C-311](#) would amend the *Criminal Code* to make assaulting or causing physical or emotional harm to a woman knowing that she's pregnant aggravated circumstances that judges must consider in sentencing.

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#)

Employment Benefits

Mar 27: OSFI published the final version of the [Instruction Guide for Asset Transfers related to Defined Contribution Provisions of Pension Plans](#) and [accompanying form](#), the Approval Request Form for Asset Transfers related to Defined Contribution Provisions of Pension Plans. It also issued a revised [Instruction Guide on Buy-in Annuity Products](#).

Employment Benefits

Mar 8: Newly tabled [Bill C-318](#) would create a new Employment Insurance (EI) special benefit of 15 weeks for adoptive parents and parents of children conceived via surrogate methods.

CASES

Termination: Talking on Cell Phone & Lying to Investigator Is Just Cause to Fire Train Engineer

The 60 demerit points for using her cell phone on 4 different occasions cost a locomotive engineer her job. The engineer also admitted to not being honest in her statements to investigators. The company contended that all of this was enough to permanently breach its trust in her and the federal arbitrator agreed. While violating the “cardinal rule” of not using cell phones isn’t automatically grounds for termination, the engineer’s lack of honesty was a decisive and aggravating factor [[Teamsters Canada Rail Conference v Via Rail Canada Inc.](#), 2023 CanLII 17658 (CA SA), March 9, 2023].

Health & Safety: Railway Can’t Prove Terminated Signalers Committed a PPE Violation

A railway company fired 2 signalers who were on probation for other safety violations for not wearing required PPE, namely slip-proof safety boots. The union contended that the decision was totally unreasonable. The federal arbitrator agreed and reinstated both workers finding that the company failed to meet its burden of proving that the signalers did anything wrong. The evidence suggested that at the time the alleged violation occurred both workers were actually on standby duty in their vehicle and thus not required to wear slip-proof boots or any other kind of PPE

[*United Steelworkers, Local 2004 v Canadian National Railway Company*, 2023
CanLII 13791 (CA SA), February 27, 2023].