

AUGUST 2023 MONTH IN REVIEW

# Federal

## **LAWS & ANNOUNCEMENTS**

### **Discrimination**

Jul 4: Newly effective *Public Service Employment Act* amendments require covered departments and agencies to evaluate their interview, written exam and other hiring process assessment methods for potential biases against people belonging to equity-seeking groups, and to take steps to remove or minimize the biases they identify.

**Action Point:** Beware of [employment practices](#) that inadvertently perpetuate racial discrimination

### **New Laws**

Jul 28: The federal government began paying out the newly enhanced Canada Workers Benefit of up to \$2,616 per family (\$1,518 for individuals) to top up the incomes of low-paid employees so they can afford groceries, rent and other essentials. From now on recipients won't have to wait until after filing their tax returns to get the benefit.

### **Immigration**

Jul 5: Exercising new authority under immigration laws, the federal government announced that it's issuing Express Entry invitations to apply for permanent residency to 1,000 health workers, including doctors, nurses, dentists, optometrists, and physiotherapists.

### **Immigration**

Jun 27: A new immigration measure temporarily (for 3 years) removes the limit on how long a study program for which temporary foreign workers can enroll without a study permit can last. Previously, foreign workers wanting to also study in a program lasting more than 6 months had to get a separate study permit.

## **Employment Benefits**

Jun 30: OSFI issued a [draft advisory](#) on what technology federally regulated pension plan administrators should deploy to prevent cyber attacks and how to notify the government of any attacks or incidents that do occur.

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

## **Privacy**

Jun 29: The Office of the Privacy Commission offered [new instructions](#) to help businesses and individuals protect privacy on mobile apps. Many organizations that use apps to improve their customer interactions collect clients' personal information to do so, the Commission notes.

## **CASES**

### **Labour Relations: Air Canada Need Only Negotiate, Not Grant Wage Increase for Inflation**

The union filed a grievance against Air Canada for breaching an agreement to negotiate and pay wage increases after the Consumer Price Index (CPI) increased by over 3% in 2021. Air Canada claimed that the union misinterpreted the agreement and what the company had to do in the event of a CPI of over 3%. Our only obligation was to negotiate, not grant an increase, it contended. The federal arbitrator agreed, noting that the agreement merely specified that wage increases would be "subject to" negotiation. Thus, while the company didn't enter into the required negotiations, the union had no remedy for the breach [[Air Canada v CUPE](#), 2023 CanLII 58239 (CA LA), June 29, 2023].

### **Privacy: Union Must OK Disciplinary Use of Surveillance Camera Footage**

The union didn't object when the railway installed new surveillance cameras at the General Yard Office because it was assured that they were just a security measure to prevent break-ins. So, when the railway used footage from the cameras to suspend 2 employees for conduct unbecoming, the union filed a grievance. The federal

arbitrator sided with the union, finding that if the railway wanted to use the cameras for purposes other than preventing theft and break-in, it had to first get the union's permission [[Canadian pacific railway company v Teamsters Canada rail conference](#), 2023 CanLII 59873 (CA LA), June 6, 2023].

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