

## FEBRUARY 2023 MONTH IN REVIEW

# Federal

### LAWS & ANNOUNCEMENTS

#### COVID-19

Jan 5: All persons ages 2 and over must now present proof of testing negative for COVID within the previous 2 days to travel to Canada by air from China, Hong Kong or Macao. Passengers who tested positive between 10 and 90 days of their departing flight can provide documentation of their prior positive, rather than a negative test result.

#### New Laws

Feb 27: That's the deadline [to comment](#) 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

#### Immigration

Jan 23: The federal government announced that Canada met its target of accepting 4.4% of French-speaking immigrants outside Québec in 2022. Among the more than 16,300 new immigrants that settled in Francophone minority communities across the country since 2006, just over 2,800 reside somewhere in Canada other than Québec.

#### Payroll

Jan 27: The federal government completed public consultations on its [plan](#) to implement a real-time ePayroll system to modernize and simplify how employers report their payroll, employment and demographic information to the CRA and ESDC for tax, EI and other purposes.

## Employment Benefits

Jan 13: OSFI issued a new [Guidance](#) document on the maximum going concern discount rate for pension plans using an overlay strategy. **Punchline:** The agency says that, if appropriate, it will allow plans to first use the plan fund's target asset mix without regard to the overlay strategy for purposes of determining the maximum going concern discount rate.

## CASES

### Termination: Mentally Impaired Delivery Driver Wins Reinstatement

After 3 warnings and a suspension, Canada Post fired a delivery person for violating the organization's secure vehicle policy by leaving his vehicle unlocked, doors-open and running while making a delivery. While acknowledging the worker's wrongdoing, the union asked for a lighter penalty and introduced a written statement from a psychologist diagnosing him with a DSM-5 disorder impairing his memory. The federal arbitrator accepted the expert opinion and reinstated the worker, provided he receive counseling and commit no further violations in the next 2 years [[Canada Post Corporation v Canada Union of Postal Workers](#), 2022 CanLII 121430 (CA LA), December 14, 2022].

**Action Point:** Create a [legally sound policy](#) for accommodating employees with mental disabilities