

## November 2023 MONTH IN REVIEW

# Manitoba

### LAWS & ANNOUNCEMENTS

#### Statutory Holidays

Nov 27: Manitoba's new NDP government tabled [Bill 4](#), proposing to make the new September 30 Day for National Truth and Reconciliation, aka, Orange Shirt Day, an official statutory holiday under the *Employment Standards Code*. Public schools would also be closed the following Monday when the holiday falls on a Saturday or Sunday.

**Action Point:** Find out more about the [new federal National Day for Truth and Reconciliation stat holiday](#)

#### Workers Comp

Nov 2: The Manitoba WCB revised its [Policy 44.20](#), Adjudication of Occupational Disease Claims, to incorporate a new framework that the agency will use to determine whether particular diseases should be presumed work-related and thus covered by workers comp.

**Action Point:** Find out about [workers comp coverage of mental stress claims](#) across Canada

### CASES

#### Discipline/Work Refusal/Retaliation: Top Court Rejects Food Plant Worker's Reprisal Claim

A food plant worker claimed she was harassed, demoted and eventually fired for organizing the election of a health and safety representative at the workplace. The OHS officer ruled in the worker's favour but the Manitoba Labour Relations Board

held that there was no conclusive evidence showing that the worker's termination was in reprisal for organizing the safety representative election. In addition to contesting the outcome, the worker claimed the Board hearing was unfair. The case went all the way up to the province's top court, the Court of Appeal, which determined that there was no evidence that the worker had suffered any injustice and tossed the appeal [*Fun Tyme Foods Ltd v Hurteau*, 2023 MBCA 91 (CanLII), October 26, 2023].

**Action Point:** Find out how to discipline employees [without committing reprisals or retaliation](#)