

JUNE 2024 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Employment Benefits

May 27: OSFI launched consultations on proposed changes to its [Liquidity Adequacy Requirements \(LAR\) - Guideline \(2025\)](#). The changes include new tools for monitoring intraday liquidity, two new monthly regulatory returns for financial institutions, and updates to the treatment of Bankers' Acceptances. The deadline for [comments](#) is August 30.

Privacy

Jun 7: Legislation ([Bill S-210](#)), *An Act to Restrict Young Persons' Online Access to Sexually Explicit Material*, proposing fines for organizations that make explicit content available to minors and requiring age-verification methods, has been reported out of Committee in the House of Commons.

Accessibility

May 30: The government launched a call for proposals under the Enabling Accessibility Fund, allocating \$1 million for 83 [youth-driven accessibility projects](#). Deadline [to apply](#): October 4.

Action Point: Find out more about [accessibility laws across Canada](#)

Privacy

May 24: The Office of the Privacy Commissioner of Canada (OPC) published new and updated online [breach reporting forms](#). Federal institutions can now report

breaches more easily, while businesses gained improved submission and document addition features.

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

Privacy

Jun 6: The Privacy Commissioner of Canada's annual report highlighted rising [privacy concerns](#) and strategic priorities. Key findings include increased cyber breaches and privacy issues with AI. In 2023, the OPC received 1,113 *Privacy Act* complaints, 561 federal breach reports and 446 PIPEDA complaints, with breaches affecting 25 million accounts.

CASES

Social Media: Accessing Teacher's Personal Privacy-Protected Log Is a Charter Violation

An Ontario school principal hears that 2 teachers are keeping a shared personal password-protected log discussing the performance of another teacher stored in the cloud as a private Google Docs document. He enters the classroom of one of the teachers when she's not there and touches the mousepad. The log opens and he reads what's visible on the screen, scrolls through the document and takes screenshots with his cellphone. Based on what he finds, the teachers are issued a written reprimand. The teachers claim the school violated their Charter rights. The arbitrator rules that the teachers had no reasonable expectations that the communications would be kept private and that the school had a legitimate interest in managing relations among teachers and guarding against a toxic work environment. The union loses the first appeal but wins the second and the case lands in the Canadian Supreme Court, which affirms the ruling in the union's favour. Charter privacy protections against unreasonable search and seizure in the workplace do apply to public school board, the high court rules, at least in Ontario. Since the arbitrator got it wrong, the case would've normally gone back down for a new proceeding. But that wouldn't be necessary in this case because the board had since expunged the reprimands against the teacher rendering the issue moot [[York Region District School Board v. Elementary Teachers' Federation of Ontario](#), 2024 SCC 22 (CanLII), June 21, 2024].

Action Point: Use the HRI template to create your own [social media use policy](#)

Discrimination: Ban on Employment Discrimination Doesn't Cover Independent Contractor

The president of a transportation services company claimed that a client's decision to terminate the contract was age discrimination. The Canadian Human Rights Commission dismissed the complaint, finding that there was no evidence that the president's age factored into the decision and that the human rights ban on age discrimination didn't apply because the relationship between the client and company president wasn't one of employment. The federal court upheld the ruling as reasonable and tossed the appeal [[*Canada \(Canadian Human Rights Commission\) v. 6589856 Canada Inc. \(Loomis Express\)*](#), 2024 FCA 116 (CanLII), June 24, 2024].

Action Point: Find out how to implement a [legally sound age discrimination policy](#) at your workplace