

AUGUST 2024 MONTH IN REVIEW

# Federal

## LAWS & ANNOUNCEMENTS

### Immigration

Sep 26: New [measures](#) to keep employers from using the Temporary Foreign Worker program to hire immigrants for jobs that Canadians are qualified to do take effect, including a suspension on processing Low-Wage Stream Labour Market Impact Assessments in census metropolitan areas with unemployment rates of 6% or higher, subject to exceptions.

### Immigration

Sep 26: Effective today, employers may hire no more than 10% of their total workforce through the Temporary Foreign Worker Program Low-Wage stream. That's the second reduction of 2024. Exceptions will be made for seasonal and non-seasonal jobs in food security sectors (primary agriculture, food processing and fish processing), as well as healthcare and construction.

**Action Point:** Find out the 10 things you need to know if you hire [temporary foreign workers](#)

### Immigration

Sep 26: The federal government reduced the maximum duration of employment for workers hired through the Temporary Foreign Worker Program Low-Wage stream from 2 years to 1 year, effective today.

### New Laws

Aug 16: The Government of Canada announced that the Union Training and Innovation Program (UTIP) will invest over \$74.6 million in 124 projects designed to improve the recruitment, retention and training of apprentices for skilled trades jobs in in-demand sectors across the country.

## New Laws

Aug 31: [Comments](#) closed on the Competition Bureau's newly launched market study of the state of competition in the Canadian domestic airlines and air passenger services industry. The government is seeking information on barriers to competition in the market.

## Pay Equity

Aug 19: The Pay Equity Commissioner granted the Treasury Board of Canada Secretariat an [extension of 3 years](#) to develop a pay equity plan for core public administration employees. The action comes just over a month after the Commissioner received an 18-month extension to create a pay equity plan for RCMP members.

**Action Item:** Find out the 8 things you must know to comply with the [federal pay equity law](#)

## New Laws

Sep 30: That's the deadline to complete an [online questionnaire](#) asking about what, if anything, the federal government should change to its current policies and programs to ensure that Canadians acquire the workforce training, skills and education necessary to equip themselves for success in the future labour market.

## CASES

### Labour Relations: Court Reverses Order Finding Railway in Contempt for Overworking Crews

A labour arbitrator sided with union in a case contending that Canadian Pacific was overworking train crews and ordered it to stop violating parts of the collective agreement requiring it to relieve crews within 10 or 12 hours. The union accused CP of violating the order. The court agreed and held CP in contempt after finding "beyond a reasonable doubt" that it endangered the lives of crews and passengers by overworking crews in 22 incidents. However, the federal appeals court reversed the ruling after faulting the lower court for finding CP in contempt of court without determining that it exhibited the intent necessary to be guilty of contempt [[Canadian Pacific Railway Company v. Teamsters Canada Rail Conference](#), 2024 FCA 136 (CanLII), August 23, 2024].

**Action Point:** Look up the [maximum work hours and rest requirements](#) in each part of Canada

### Discrimination: Demoting Black and Promoting White Employee Is Not Discrimination

I don't blame him for being upset, wrote the Canadian Human Rights Tribunal of the gentleman of colour about being promoted, for purposes diversity and inclusion, to a bank position that required him to move from Saskatchewan to Ontario and that his employer knew was going to be eliminated less

than a year later. The fact that he ended up getting demoted 2 white colleagues in the same position got promoted to newly created jobs added fuel to his anger. But while understanding of his feelings and critical of how the bank handled things, the Tribunal ruled that the employee didn't have a valid case for racial discrimination because the bank produced evidence demonstrating that it had legitimate and valid reasons for promoting the 2 white employees and demoting him based on performance, seniority and geographic location and that race and colour didn't factor into the decision [[Miller v. Toronto-Dominion Bank](#), 2024 TCDP 94 (CanLII), August 1, 2024].

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

#### **Health & Safety: Can OHS Inspectors Issue Compliance Orders to Companies Already Complying?**

MOL officials wanted to attend the entire full-day meeting of Canadian Pacific's JHSC but CP let them stay for only part of the meeting. So, the officials issued a Direction finding CP guilty of obstruction and ordering it to take immediate steps to correct the problem. While acknowledging that CP had committed no underlying OHS violations and that they just wanted to observe the meeting, the officials contended that it had the right to attend the full meeting under Section 141(1)(a) of the *Canada Labour Code*, which authorizes the government to "enter any work place controlled by an employer" to "conduct examinations, tests, inquiries, investigations and inspections." CP contended that Section 141(1) powers apply only when there's a potential violation. The Canada Industrial Labour Relations Board dismissed CP's objections but didn't address the specific question of whether Section 141(1) authorizes the MOL to issue a Direction to a company that was already complying with the Code. So, the federal court found the decision unreasonable and sent the case back down for the Board to make a ruling on that issue [[Canadian Pacific Railway Company v. Canada \(Attorney General\)](#), 2024 FCA 124 (CanLII), July 31, 2024].

**Action Point:** Find out [how to create a vibrant safety culture](#) at your company