

JANUARY 2024 MONTH IN REVIEW

# British Columbia

## LAWS & ANNOUNCEMENTS

### Employment Benefits

Dec 20: BCFSA issued a new [application form](#) that pension plan members facing financial hardship must use to get approval to unlock and withdraw funds from their locked-in account during 2024.

### Health & Safety

Nov 21: WorkSafeBC published [new guidance](#) on OHS changes to first aid requirements that take effect next November 1, including with regard to which workplaces are “less-accessible,” CSA standards for first aid training programs and kits and emergency transportation rules.

### Health & Safety

Feb 9: That's the deadline to comment on [proposed changes](#) spelling out what current OHS regulations (Part 3) only imply, namely, that employers must, in consultation with the JHSC, identify and assess workplace hazards and take steps to either eliminate or control the hazards they identify, while maintaining records documenting each step of the process.

### Workplace Violence

Dec 8: BC officially signed an agreement with the federal government to work together to end gender-based violence. Under the agreement, BC will receive nearly \$62 million in federal funding over the next 4 years to implement the National Action Plan to End Gender-Based Violence Plan in the province.

**Action Point:** Find out [how to protect your employees](#) from the risk of workplace domestic violence

## CASES

### **Telecommuting: Making Immunocompromised Employee Work in Office May Be Discrimination**

An architect with a compromised immune system felt he had no choice but to resign after his firm implemented a new policy requiring all essential employees to work in the office at least 3 days a week during the pandemic. The architect claimed discrimination and constructive dismissal. The firm claimed the office rule was an essential policy necessary to keep the business viable and asked the BC Human Rights Tribunal to dismiss the case. The Tribunal refused, saying a trial would be necessary to determine whether the firm committed disability discrimination. Even though the architect resigned without asking for accommodations, there was no evidence that the firm ever considered his physical condition and whether it could have taken steps to accommodate it while still achieving the purpose of the mandatory 3 days a week office policy [[Flynn v. DF Architecture Inc.](#), 2023 BCHRT 214 (CanLII), November 22, 2023].

**Action Point:** Implement a [legally sound telecommuting policy](#) at your workplace