

MARCH 2023 MONTH IN REVIEW

British Columbia

LAWS & ANNOUNCEMENTS

Statutory Holidays

Feb 16: Soon-to-be-passed [Bill 2](#) will make the September 30 National Day for Truth and Reconciliation, aka, Orange Shirt Day, a stat holiday in BC. So far, Orange Shirt Day is a stat holiday only in PEI, the 3 territories and the federal jurisdiction.

Labour Relations

Feb 9: Newly tabled [Bill 5](#) amends the *Public Service Labour Relations Act* to include practising lawyers and articulated students as “employees” covered by the law unless they’re employed in the Criminal Justice Branch, the Office of Legislative Counsel or as a member of the staff of a court.

Labour Standards

Feb 23: The Employment Standards Branch announced that it will hire up to 33 more full-timers over the next 3 years to resolve employment disputes, provide ESA guidance and process temporary foreign workers registrations.

New Laws

Feb 9: BC is providing \$4.5 million for a second round of funding of the Rural Business and Community Recovery Initiative (RBCRI) created during the pandemic to help rural businesses create new jobs and recover from financial losses due to the public health emergency.

Drugs and Alcohol

Jan 31: In an unprecedented move, BC has, with the federal government's approval, decriminalized possession of small amounts of opioids, cocaine, methamphetamine and MDMA for personal use. It's a temporary rule scheduled to expire on January 31, 2026.

Workers Comp

Jan 25: WorkSafeBC revised the Permanent Disability Evaluation Schedule (PDES) rules on evaluating claims for loss of hand strength. The new evaluation methodology applies to decisions made on or after March 1, 2023.

CASES

Mental Stress: No Evidence that Stressed Out Employee Got Fired Due to Mental Disability

An employee who got fired upon returning from sick leave claimed his company committed mental disability discrimination. The problem was that he never provided any information about what kind of mental disability other than saying he got ill as a result of the "burden and stress" he suffered at work as a result of a vague incident of forgery committed by his coworkers. Nor did he explain how his termination was related to the alleged disability. As a result, the BC Human Rights Tribunal tossed the complaint [*Naqvi v. WSP Canada Inc. (No. 2)*, 2023 BCHRT 9 (CanLII), February 8, 2023].

Action Point: Find out [how to create a legally sound drug testing policy](#) at your workplace

Workplace Violence: Inadequate Incident Investigation Leads to \$355,000 Fine

Improperly investigating workplace violence incidents can cost you a boatload of money. Just ask the health authority that was socked with a \$355,244 fine after WorkSafeBC inspectors checked the files and found that workplace violence incident reports lacked key information, like the underlying causes and corrective actions taken [*Northern Health Authority*].

Action Point: Implement a legally sound [workplace violence and harassment investigations policy](#) at your workplace