

MAY 2023 MONTH IN REVIEW

Alberta

LAWS & ANNOUNCEMENTS

Immigration

Apr 3: Changes to Alberta's Advantage Immigration Program will make it easier for in-demand workers and entrepreneurs to become permanent residents, including lowering of the Rural Entrepreneur Stream investment threshold to \$100,000 and eliminating the requirement for a letter from a settlement agency under the Rural Renewal Stream.

Mental Health

May 28: That's the deadline to submit [applications](#) for Supporting Psychological Health in First Responders (SPHIFR) grants from research and nonprofit organizations that want to carry out projects to support the mental health and well-being of first responders and emergency healthcare workers.

Action Point: Find out about [workers comp coverage of mental stress claims](#) in Alberta

Workplace Violence

Apr 25: The new Alberta 2023 budget provides additional funding for domestic violence prevention programs, including counseling to help men overcome anger and abusive behaviours, as well as shelters for women and children victimized by domestic violence.

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

CASES

Retaliation: Reassignment Was Retaliation for Discrimination Complaint

A 61-year-old equipment operator who was not only the oldest worker on the crew but also its only woman, sued the company for age and sex discrimination related to a pay matter. Soon after the Human Rights Commission tossed the case, the company reassigned her to a less favourable work schedule. The operator claimed retaliation and this time she won. The company appealed all the way up to the Alberta Court of Appeal, which upheld the Commission's ruling and award of \$10,000, finding that the record supported the conclusion that the reassignment was partly in retaliation against the operator for filing the original discrimination complaint [[Way-Patenaude v Alberta \(Human Rights Tribunal\)](#), 2023 ABCA 109 (CanLII), March 31, 2023].

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

Termination: OK to Fire Driver for Deliberately Endangering Workers' Safety

An industrial transport driver with 2 years of service got fired for deliberately applying "a harsh brake maneuver" to get the workers who were standing on the bus to sit down. But while his intent was to protect the workers' safety, the move backfired resulting in injury to 2 workers. The union acknowledged that discipline was in order but contended that termination was too harsh, given the driver's previously clean disciplinary record and the respect of his peers. The Alberta arbitrator dismissed the grievance. The driver's actions "were deliberate and demonstrated extremely poor judgement." The employer's trust in him was destroyed beyond repair and reinstating would send other workers the wrong safety message, the arbitrator concluded [[Diversified Transportation Limited v General Teamsters, Local Union No. 362](#), 2023 CanLII 32700 (AB GAA), April 10, 2023].

Termination: Off-Duty Sexual Assault of Co-Worker Is Just Cause to Fire for First Offence

A co-worker goes to a transit worker's place to test drive the car he's selling. During the drive, he tries to hold her hand. She lets him know in no uncertain terms that she's not interested in having a sexual relationship with a married man. He persists. She again delivers a clear NO. As the drive ends, she feels bad and wants to smooth things over. So, she reaches over to give him a hug. He grabs her breast in a sexual way and the case ensues. After hearing all of the witnesses, the Alberta arbitrator rules that the city had just cause to fire the transit worker for off-duty conduct, despite his 17 years of employment without prior discipline, finding that the violation was serious enough to warrant termination without progressive discipline

[*Corporation of the City of Calgary v Amalgamated Transit Union, Local 583*, 2023 CanLII 20867 (AB GAA), March 7, 2023].

Action Point: Implement a legally sound [off-duty conduct policy](#) at your workplace