

## NOVEMBER 2023 MONTH IN REVIEW

# Alberta

## LAWS & ANNOUNCEMENTS

### Employment Benefits

Nov 22: Alberta ended public consultations on whether to withdraw from the Canada Pension Plan and establish an [Alberta Pension Plan](#) for residents who don't receive retirement benefits through their employer. Meanwhile, legislation ([Bill 2](#)) to hold a referendum allowing Albertans to vote on the plan is working its way through the Assembly.

### Labour Relations

Nov 28: [Bill 5](#), the *Public Sector Employer Amendment Act*, which would harmonize union and non-union pay structure across different public agencies is in Second Reading and will likely pass.

### Payroll

Nov 7: Newly passed [Bill 1](#), the *Alberta Taxpayer Protection Amendment Act*, requires the government to hold and win a referendum before imposing any future provincial personal and corporate income tax increases. A referendum will also be mandatory for reducing personal income tax bracket thresholds or basic personal, spousal and equivalent-to-spouse credit amounts.

### New Laws

Nov 2: Determined not to allow unelected officials wield as much power as they did during the COVID-19 pandemic, Alberta tabled legislation, [Bill 6](#), that would transfer the Chief Medical Officer's authority to adopt rules during communicable disease

public health emergencies to the Lieutenant Governor in Council. The CMO would still have power to rule on particular cases.

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

## Drugs & Alcohol

Nov 23: Alberta passed [Bill 3](#) broadening its power to hold opioid drug manufacturers and distributors, as well their advisors, accountable for the public healthcare costs and financial damages caused by their products. The government will invest the moneys it recovers into public programs supporting addicts with mental health challenges.

**Action Point:** Find out how to [effectively control substance abuse](#) at your workplace

## CASES

### Discrimination: Swift Reaction Keeps 'N' Word Incident from Creating Toxic Work Environment

A white employee's derisive comments about rap music during a company-wide video meeting, including uttering the "N" word at least twice in referring to lyrics, set off a firestorm of protest, including Chat function notes from other employees while the meeting was taking place such as "You cannot use that word, Tracey"; "Tracey, you need to apologize"; "Stop being an ass"; etc. A black employee, the only one at the agency, registered a strong protest and soon took medical leave. She then sued the agency for creating a toxic work environment. The Alberta Human Rights Commission dismissed the complaint—but just barely. The offence the black employee took was very real and very justified, it reasoned. However, the context of the "N" word remarks and the fact that the white employee was directly citing them from songs was significant. Most importantly, the agency rescued the situation and prevented what very easily would have become a poisoned work environment by taking immediate action after the phone call by investigating the incident, reaching out to support the victim, reaffirming the agency's non-harassment and workplace respect policy and offering office-wide sensitivity training [[Tolentino v His Majesty the King in right of Alberta \(Alberta Justice and Solicitor General\)](#), 2023 AHRC 112 (CanLII), November 17, 2023].

**Action Point:** Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

### Mental Stress: Worker Must Notify Employer of Mental Disability to Get Accommodations

A physiotherapist who lost his job claimed he was suffering from burnout and sued his ex-employer for failing to accommodate his mental disability. We didn't know you were suffering from burnout because you never told us, the employer replied. While conceding the point, the physiotherapist claimed that the company could see he was under stress and had a duty to inquire about his mental health. It doesn't work that way, said the Alberta court in tossing the case. Stress is a factor in many jobs today and doesn't "automatically equate to a mental health condition," the court reasoned. It's the duty of the employee to bring their disability and resulting need for accommodation to the employer's attention and not the other way around [[Volpi v Alberta \(Human Rights Commission\)](#), 2023 ABKB 608 (CanLII), October 27, 2023].

**Action Point:** Create a [legally sound policy](#) for accommodating employees with mental disabilities