

SEPTEMBER 2023 MONTH IN REVIEW

Alberta

LAWS & ANNOUNCEMENTS

New Laws

Aug 22: Alberta will provide \$5 million in Aviation Skills Grant funding to 14 employers to strengthen the province's aviation industry in the form of up to \$30,000 per trainee to offset the costs of training for new or vacant positions. More than half of the grants will go to training new pilots and aircraft maintenance engineers.

New Laws

Sep 15: That's the deadline for MA and PhD candidates in STEM graduate programs [to apply](#) for Innovation Catalyst Grants of up to \$250,000 over 2 years for use in creating new startup companies and commercializing new technologies in Alberta.

Health & Safety

Jun 30: According to the Alberta WCB's new [Annual Report for 2022](#), year-over-year lost-time injuries inched up from 1.9 to 2.0 per 100 workers and disabling injuries climbed from 2.9 to 3.1. New claims jumped from 122,170 to 135,524. Fatality claims accepted dropped from 178 to 161, while average claim duration remained at 62.6 days.

Action Point: [How to create a vibrant safety culture](#) at your organization

CASES

Termination: Employee Who Violates Last Chance Agreement Gets One More Last Chance

Facing termination for absenteeism and other violations, a railway maintenance operator entered into a Last Chance Agreement (LCA) requiring mandatory drug and alcohol testing. When he tested positive for methamphetamine in a hair follicle test a month later, the company fired him for violating the LCA. The union claimed the operator had a disability that the company failed to accommodate. Even if that were true, violating an LCA is just cause to terminate, the company countered. After all, if employees could violate LCAs with impunity, employers wouldn't bother to offer them. But the Alberta arbitrator disagreed, reinstating the operator, provided that he refrain from further drug and alcohol use and undergo random testing without a positive result or skipped test for 2 years. The court found the decision justifiable, intelligible and transparent and tossed the company's appeal [[*Canadian Pacific Railway v Teamsters Canada Rail Conference Maintenance of Way Employees Division*](#), 2023 ABKB 454 (CanLII), August 4, 2023].

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

Workplace Harassment: Employee Was Fired for Performance, Not Harassment Complaint

A customer services rep claimed she got fired in retaliation for reporting bullying and harassment to her supervisors. The company claimed she got fired for poor performance, unwillingness to take constructive feedback and overall negative attitude. The OHS officer agreed that the employer had a legitimate and nondiscriminatory cause for termination and dismissed the complaint. The Alberta Labour Relations Board ruled that the determination was reasonable and refused to overturn it [[*Pitman v. Ichor Blood Services Inc.*](#), Board File No. OHS-00075, August 2, 2023].

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