

## APRIL 2023 MONTH IN REVIEW

# Alberta

## LAWS & ANNOUNCEMENTS

### Minimum Wage

Mar 17: The government says it won't introduce a liquor server minimum wage or make any other structural changes to the system. The remarks are in response to a new Minimum Wage Expert Panel [report](#) finding that increasing the minimum wage from \$10.20 to \$15.00 between 2015 and 2018 cost the Alberta economy roughly 23,000 jobs.

**Action Point:** Find out more about the latest round of [minimum wage increases](#) taking effect across Canada

### Immigration

Mar 17: The new provincial budget provides \$23.8 million for grants to organizations to help immigrants settle in Alberta, including: i. Supports for Newcomer Integration grants for settlement and language services; and ii. Settlement Integration and Language Projects grants for system improvements and capacity building projects.

### Mental Health

Mar 9: From now through May 28, Alberta will be accepting [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

## New Laws

Mar 24: The new Alberta budget earmarks \$30.4 million over 3 years for CAREERS: The Next Generation and Skills Canada, a work-integrated apprenticeship learning program to prepare students for careers in the skilled trades.

## Drugs & Alcohol

Mar 1: The Alberta WCB published [new guidance](#) to help employers implement programs to make naloxone kits available in the workplace. Naloxone is a life-saving drug administered to victims of opiate drug overdoses.

**Action Point:** Implement a life-saving [naloxone opioid overdose plan](#) at your workplace

## Workers Comp

Mar 22: Alberta passed legislation to cut red tape across a broad range of business regulatory areas. Among other things, [Bill 9](#) amends the *Workers Compensation Act* to enhance presumptive benefits for firefighters involved in the Fort McMurray wildfire.

## CASES

### Drugs & Alcohol: OK to Revoke Job Offer to Applicant Who Flunks Pre-Employment Drug Test

A pipeline company offered an applicant the safety-sensitive job of Business Continuity and Emergency Management Advisor but withdrew the offer after he flunked his pre-employment drug test. The applicant admitted that he had marijuana THC in his system but claimed it came from CBD oil he legally used to treat a respiratory ailment and sued the company for disability discrimination. While agreeing that the applicant suffered an adverse effect—revocation of the job offer—due to a disability, the Alberta human rights tribunal dismissed the applicant's case because the company didn't know he was disabled. Nor did the company have a duty to inquire into whether he was disabled since the applicant, knowing that flunking the test might cost him the offer, never revealed his condition or the fact that he used CBD oil made from marijuana to treat it and there were no other reasonable grounds to suspect he had a disability [[Greidanus v Inter Pipeline Limited](#), 2023 AHRC 31 (CanLII), March 13, 2023].

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

workplace

## **Labour Relations: City Can't Make Transit Operators Pay for their Own Traffic Tickets**

Edmonton issued a new policy requiring transit operators to pay the City for any red-light violations caught on camera via the Automated Traffic Enforcement (ATE) system they commit while operating a City vehicle. The City contended the policy was a legitimate safety measure; the union said it violated the disciplinary provisions set out in the collective agreement. The arbitrator agreed with the union. The Alberta Labour Relations Board found the arbitrator's ruling reasonable and rejected the City's appeal [[Edmonton \(City\) v Amalgamated Transit Union, Local No. 569](#), 2023 CanLII 16166 (AB LRB), March 6, 2023].

## **Health & Safety: Worker Can't Blame WCB for Not Notifying Employer of His Appeal**

After the WCB rejected his workers comp claim, a worker filed an appeal but didn't send his employer the required notification until well after the 6-month deadline had passed. The worker blamed the WCB and Appeals Commission for the mishap, contending that because he didn't have a lawyer they should have told him he had to notify his employer within 6 months. But the Alberta Court of Appeal was unmoved, finding that the agencies had no duty to inform him of the rule. It may be a "harsh and inflexible rule, but self-represented litigants are presumed to know the law," the high court reasoned in dismissing the appeal [[Julien v Alberta \(Appeals Commission for Alberta Workers' Compensation\)](#), 2023 ABCA 81 (CanLII), March 10, 2023].