

## MARCH 2024 MONTH IN REVIEW

# Alberta

## LAWS & ANNOUNCEMENTS

### New Laws

Jan 29: For the second straight year, the Canadian Federation for Independent Business gave Alberta an A-minus grade for cutting red tape in 2023. The government says it has completed nearly 700 red tape cutting projects since taking office in 2019.

### Employment Benefits

Jan 2: Alberta published new [FAQs guidance](#) and [forms](#) for unlocking of pension benefits by individual plan members facing financial hardship in 2024.

### Privacy

Jan 26: The Alberta government issued a new [Data Ethics and Privacy Management](#) framework for ethical use of data and personal information by public agencies and officials.

**Action Point:** Make sure you have the [12 data security policies you need](#) to prevent breaches at your company

### Drugs & Alcohol

Jan 22: Citing recent declines in smoking and vaping among youth ages 15 to 19, Alberta unveiled a new [Tobacco and Vaping Reduction Strategy](#) focused on province-wide use and especially younger residents. Key elements: public education campaigns, development of online sales instructions for retailers and stepped-up

enforcement action.

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

## Health & Safety

Dec 15: The Alberta government issued [new guidance](#) for employers on what to look for in selecting an OHS consultant. You're "legally accountable" if you hire or direct somebody who isn't competent to provide OHS advice, the guidance warns.

## Workers Comp

Jan 13: The Alberta WCB announced that the 2024 cost of living adjustment amount is 3.75%. The travel allowance is increasing 4 cents to 58 cents per kilometre, and the total meal allowance is increasing from \$51.00 to \$57.00 per day.

## Workers Comp

Feb 29: That's the deadline for Alberta employers to submit their actual payroll and wages data from 2023 and projected figures for 2024 to the WCB to avoid potential penalties and late fees.

**Action Point:** Look up the [2024 workers comp rates](#) in each part of Canada

## CASES

### Termination: Employee Who Signed Severance Release Can't Sue for Disability Discrimination

After signing a severance release, an auto shop worker who was let go after suffering a stroke sued his ex-employer for failing to accommodate his disabilities. After a 5-day hearing, the Alberta Human Rights Commission ruled that the release was legally valid and tossed the case. The Commission's rejection of the employee's contention that the release was unconscionable was thorough, clear and reasonable, the court held in upholding the decision [[Caponero v Alberta Human Rights Commission \(Office of the Chief of the Commission and Tribunals\) and Kaizen Auto Group Ltd.](#), 2024 ABKB 2 (CanLII), January 2, 2024].

**Action Point:** Use the [HRI template](#) to draft an enforceable severance release agreement

## **Labour Relations: No Excluding Workers Who Work Alone from First Aid Premiums**

Under a 2021 collective agreement, an engine manufacturer agreed to pay a 60 cents per hour First Aid Premium to workers with Level 1 occupational first aid certification ("OFA 1"). Because Field Service Technicians primarily work alone and off-site, the company decided to exclude them from the Premium. So, the union filed a grievance. The Alberta arbitrator sided with the union. While the employer's argument that the Premium was meant to reward workers for helping other workers made sense, the language in the collective agreement stating that workers with OFA 1 get the Premium included no exclusions. If the employer wanted to exclude Field Service Technicians, it should have inserted express language to that effect, the arbitrator concluded [*Cummins Canada ULC v International Association of Machinists and Aerospace Workers, Local Lodge 1722*, 2024 CanLII 3900 (AB GAA), January 5, 2024].

## **Accommodations: No Proof that Mandatory Medical Mask Triggered Employee's Migraines**

After an increase in COVID cases, the site owner of a multi-employer project implemented a new policy requiring all outside contractor personnel to wear a medical mask. A maintenance worker who developed migraines and missed 3 days of work as a result of wearing the mask requested permission to wear her own, non-medical mask instead. Since the site owner insisted on medical masks, the contractor said no, suggesting that she wear her own mask under the medical mask. She was later laid off and sued the contractor for failure to accommodate. The Alberta Human Rights Commission dismissed her complaint citing the worker's failure to provide medical documentation of her alleged sensitivity to CO<sup>2</sup> and admission that she didn't receive treatment by a physician for her migraines [*Johnston v Heartland Constructors Inc.*, 2023 AHRC 123 (CanLII), December 21, 2023].

**Action Point:** Help managers avoid accommodations mistakes that can create discrimination liability