

MAY 2024 MONTH IN REVIEW

Alberta

LAWS & ANNOUNCEMENTS

Workplace Harassment

May 14: The provincial government announced \$2 million in grants to 11 organizations to prevent gender-based violence. The province also developed a 10-year strategy involving over 60 community sessions. Recent actions included \$10 million for women's shelters, \$4 million annually for Indigenous projects, and nearly \$10 million for sexual assault services.

Action Point: Find out how to implement a [Workplace Harassment and Violence Prevention Policy](#)

Employment Benefits

May 10: Financial institutions had to be on the Superintendent's List to offer locked-in pension products like LIRAs, LIFs, and LRIFs. This list was regularly updated, and only current versions were valid for transfers of locked-in funds.

CASES

Workplace Harassment: Faulty Investigation Dooms Employer's Termination Case

Uttering "women are hos" or words to those effect to a co-worker while entering a lunch trailer was worthy of discipline, the union conceded, especially since a pair of female crane operators were in the trailer. But it insisted that firing the crane operator practically on the spot was an overreaction. The Alberta arbitrator agreed and knocked the penalty down to a 3-day suspension. While lauding it for taking swift action in response to workplace harassment, the arbitrator faulted the employer for not doing an "appropriate investigation at the time of the incident

[w]hile it was still fresh in everyone's mind." It then compounded the mistake by failing to take proper notes of what was said during the termination meeting [*Sterling Crane v International Union of Operating Engineers Local 955*, 2024 CanLII 46844 (AB GAA), May 24, 2024].

Action Point: Find out how to implement a legally sound [workplace violence and harassment investigations policy](#) at your workplace

Drugs & Alcohol: Company Goes Too Far in Seeking Post-Incident Drug Test

A power line technician serious leg injuries while skidding wooden poles suffered and had to be rushed to the hospital where he was treated and released. Upon learning of the incident, the employer sent supervisors to the hospital to escort the technician to another site for post-incident alcohol and drug testing along with a good friend the victim had called to take him home. Emotions soon became heated. The technician, who was in great pain, would have to go up stairs at the testing facility; and he couldn't eat or drink until after the testing was done. While suspecting that he was evading the test, HR eventually backed down and instructed the supervisors to take the technician home. Just as his wife was about to get badly needed fluid into his body, there was a knock on the door: the company operations supervisor carrying a pamphlet clearly explaining the potential consequences of refusing a drug test. I'm not refusing, the technician insisted, I just need safe transport to the test site. The test was never given and the technician underwent surgery on his ankle. The union filed a grievance contesting the company's right to test and claiming it invaded the technician's privacy. While admitting that it could have handled things better, the company denied doing anything wrong. The Alberta arbitrator basically agreed, tossing all but one part of the grievance. Sending the supervisor to the technician's home was a privacy violation, it found, for which the company had to pay him \$7,500 in damages [*ATCO Electric Ltd. (ATCO) v Canadian Energy Workers Association (CEWA)*, 2024 CanLII 37038 (AB GAA), April 26, 2024].

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

Discrimination: Black Worker Disciplined for Safety Violations, Not Race

A black probationary worker claimed he was "berated" for not having his hardhat with him on a construction site and that a white worker who had committed the same offence would have just received a reminder. He also insisted that race factored into the decision to issue him a written reprimand for entering a confined space without proper training. But the Alberta arbitrator dismissed the complaint after finding no evidence to support either charge [*Nnani v Foresite Geomatics Ltd.*, 2024 AHRC 58 (CanLII), April 10, 2024].



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