

## APRIL 2024 MONTH IN REVIEW

# Alberta

### LAWS & ANNOUNCEMENTS

#### New Laws

Mar 1: Alberta's newly tabled 2025 Budget includes increases of \$102 million over 3 years to add 3,200 apprenticeship classroom seats in high-demand areas and support curriculum updates, as well as \$62.4 million over 3 years to expand physician education, including via rural health training centres.

#### Discrimination

Mar 13: According to the Alberta Human Rights Commission's newly tabled [Annual Report](#), employment accounted for 78% of all discrimination complaints filed in 2022-2023, as opposed to just 70% the year before. Leading grounds of alleged discrimination for all kinds of complaints: disability (49%), gender (13%), race/colour (9%) and religion (8%).

**Action Point:** Beware of [employment practices](#) that inadvertently perpetuate racial discrimination

#### Privacy

Mar 8: The Alberta Office of the Information and Privacy Commissioner [revised](#) the procedures it follows when processing the privacy breach notifications it receives from organizations covered by the *Personal Information Protection Act* (PIPA). The agency will implement the new procedures starting on April 1, 2024.

**Action Point:** [Avoid privacy violations](#) when using digital technology to monitor employees

## New Laws

Feb 20: Alberta is providing a \$2.8 million grant over 2 years to the Women Building Futures program to help unemployed and underemployed women get the training they need to become support commercial drivers. Of Alberta's 149,638 Class 1 drivers, only 4,370 (or 2.9%) are women.

## Workers Comp

Mar 1: The Alberta WCB published its [Strategic Plan for 2024-2028](#). Key priorities include working with employers to support proactive return-to-work strategies for workers with mental health injuries, using artificial intelligence to help injured workers find alternative care paths to a successful return to work and conducting a best practice review to ensure the agency's ability to fairly assess permanent earnings impairment and offer permanently injured workers the right benefits, while optimizing work alternatives.

## CASES

### Labour Relations: Must Paid Bereavement Leave Days Be Taken Consecutively?

A collective agreement provided healthcare employees 5 days of paid bereavement leave but didn't specify whether those days had to be taken consecutively. The employer claimed leave was consecutive while the union contended that employees had the right to divide up their bereavement leave into separate periods. After going through not only the language of the collective agreement but also the bargaining history between the sides, the Alberta arbitrator concluded that the 5 days didn't have to be consecutive. Making the days consecutive could defeat the purpose of giving employees the opportunity to mourn the loss of a family member, it reasoned. In addition, the bargaining record suggested that the employer knew the days weren't consecutive and deliberate and unsuccessfully tried to change the language to specify that leave would be consecutive [[Youville Home \(Covenant Health\) v United Steelworkers, Local 1-207](#), 2024 CanLII 23297 (AB GAA), March 18, 2024].

**Action Point:** Use the HRI [Bereavement Leave Policy template](#) to create your own policy

### Retaliation: Worker Barred from Oil Site Gets Second Chance to Prove Retaliation Claim

A worker filed an OHS discrimination action complaint against Shell Canada for barring him from a worksite in retaliation for complaining about a spark watch

attendee's abandoning his duties for 20 minutes. Shell claimed he was barred for engaging in abusive behaviour in violation of the company's workplace conduct policy. The OHS officer assigned to investigate sided with Shell, but the Alberta Board found the decision unreasonable because it didn't account for the fact that the worker was involved in a safety incident that occurred at the site, a form of "protected activity," thus triggering the bar on discriminatory action. As a result, it granted the worker's appeal and ordered the officer to conduct a new investigation [*Thorkelson v. Shell Canada Limited*, Alberta Labour Relations Board File No. OHS00085, February 9, 2024].

**Action Point:** Find out how to discipline employees without committing reprisals or retaliation