

## SEPTEMBER 2024 MONTH IN REVIEW

# British Columbia

## LAWS & ANNOUNCEMENTS

### New Laws

Aug 26: BC reports that its new \$10,000 incentive for hiring qualified teachers to work in remote, high-need areas, including Vancouver Island and the Thompson-Okanagan region, is on track to bring nearly 60 new certified teachers to rural and remote schools in the upcoming school year after leading to 50 new hirings in 2023.

### New Laws

Aug 16: The federal government will provide over \$16.3 million in the Union Training and Innovation Program (UTIP) to support 25 skilled tradespeople recruitment, retention, and hiring projects across BC. UTIP is part of the Canadian Apprenticeship Strategy's nationwide efforts to develop a more robust skilled trades workforce.

### Employment Benefits

Sep 6: The BCFSA ended [public consultations](#) on [proposed revisions](#) to the Information Security Guideline governing pension plan administrators in the province. The Guideline sets standards for managing information security risks, including unauthorized, illegal, or accidental use, disclosure, access to, modifications, or destruction of data, or impairment of network systems which can cause serious harm to pension plan members.

**Action Item:** Find out the 12 things you should do to [prevent data breaches](#) at your workplace.

## Discrimination

Aug 14: The BC Human Rights Commission published a [new report](#) analyzing key social systems that are currently having the greatest impact on human rights in BC, including employment, education, housing, criminal justice, and healthcare.

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

## Health & Safety

Jul 24: WorkSafeBC approved [changes](#) to OHS requirements for responding to hazardous substance emergencies that will take effect on Feb. 3, 2025, including the duty to create written procedures for sheltering-in-place or other non-evacuation processes and hold emergency drills at least once a year and after significant changes to the emergency response plan.

## CASES

### Termination: Real Estate Broker Quit – It Wasn’t Constructive Dismissal

A real estate broker who left the firm after it reneged on a supposed contract to split a commission 50/50 sued for constructive dismissal, and he lost. The first problem was that the BC court didn’t think he was a very credible witness, citing his contradictory testimony and inability to remember key details about meetings that were critical to his case. By contrast, the firm’s witnesses came off as truthful and reliable. Based on this and other evidence, the court ruled that the current deal was to split commissions 75/25 in the firm’s favour. Since the firm was operating within the terms of the contract, the broker’s decision to leave the firm was a voluntary resignation rather than constructive dismissal [\[Annable v Devencore Company Ltd.\]\(https://canlii.ca/t/2024bcsc1503\)](#), 2024 BCSC 1503 (CanLII, August 16, 2024).

**Action Point:** Find out about the [13 constructive dismissal pitfalls](#) you should avoid.

### Discrimination: BC Tribunal Affirms Its Authority to Rule on Online Hate Cases

The BC Teacher’s Federation filed a complaint with the Human Rights Tribunal contending that a trustee who posted derogatory comments on Facebook about trans and queer inclusive education was engaging in speech likely to expose people to hatred or contempt on the basis of their sexual orientation and gender identity or expression. The trustee moved for dismissal without trial, claiming that only federal tribunals have jurisdiction over cases involving online hate speech. The Tribunal said it did have authority to hear the case and denied the motion. The trustee appealed, but to no avail. The BC Supreme Court [upheld](#) the Tribunal’s denial and finding that

it has legal authority to rule on online hate speech. The case will resume with a hearing this fall [[British Columbia Teachers' Association v Neufeld](#), 2023 BCSC 1460 (CanLII), August 22, 2023].

**Action Point:** Use the HR Insider template to create your own [social media use policy](#).

### **Privacy: In-Vehicle Surveillance Cameras Violate Employees' Privacy Rights**

A timber-falling contractor installed surveillance cameras on the dashboard of company work vehicles to monitor occupants for eating, smoking, texting, horseplay, playing loud music, or creating other distractions in the cab. The union claimed the cameras violated the employees' privacy rights. The employer insisted that the cameras were a necessary safety measure. The BC arbitrator sided with the union, finding that the damage to the employees' privacy outweighed the safety benefits. Factors: the cameras recorded not just when the vehicles were in motion but also when they were idle; the relative lack of incidents (only 6 over a 5-year period, most of which involved property damage rather than personal injury) suggested that the drivers understood the importance of avoiding distractions while driving; the company intended to use the footage for not just safety but disciplinary purposes; and the footage contained sensitive personal information that wasn't adequately protected from hacking [[Rehn Enterprises Ltd. v United Steelworkers, Local 1-1937](#), 2024 CanLII 72130 (BC LA), July 4, 2024].

**Action Point:** Find out how to implement a legally sound [video surveillance policy](#) at your workplace.

### **Health & Safety: Smelter Fined \$783,000 for Crane Incident**

BC dished out the highest OHS fine reported in Canada so far this year—administrative monetary penalties of \$783,068 against a metals processing company for an incident at a smelter site in which an overhead traveling crane undergoing inspection while moving contacted an elevated work platform, causing a worker to fall to the ground. In addition to not implementing safe work procedures for the operation, WorkSafeBC inspectors cited the company for putting the crane back into use before it was certified as safe and not de-energizing at least part of the crane while it was being serviced, amongst other high-risk violations [Rio Tinto Alcan Inc.].