

OCTOBER 2024 MONTH IN REVIEW

Alberta

LAWS & ANNOUNCEMENTS

Privacy

Sep 23: The Alberta Privacy Commission announced that it will be making changes to the procedures it uses to review Privacy Impact Assessments (PIAs) that public entities are required to submit and that private sector organizations may voluntarily submit to the OIPC to help identify and address potential privacy risks.

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

New Laws

Sep 6: Alberta launched an advertising campaign and [website](#) to promote apprenticeship education. The province currently offers 47 apprenticeship education programs, which provide roughly 80% on-the-job learning via paid employment under the instruction of a qualified mentor and 20% classroom instruction.

New Laws

Aug 30: Alberta received over \$132 million under the Canada Community-Building Fund (CCBF) to fund local infrastructure development projects. This is the first of 2 payments that the CCBF will direct to the province during the 2024-2025 fiscal year. In all, Alberta will receive over \$1.39 billion from the program over the next 5 years, including \$265 million this year.

New Laws

Aug 30: The federal government announced that it will invest over \$15.6 million to support 16 projects across Alberta that are providing innovators access to specialized equipment and knowledge to test, refine, and commercialize their advanced products and technologies. The projects cover a wide range of key economic sectors, including digital technology, advanced manufacturing, life sciences, and clean technology.

CASES

Drugs & Alcohol: Mere Human Error Not Grounds for Post-Incident Impairment Testing

The union filed a grievance against a utility company for requiring a power line technician to undergo post-incident drug and alcohol testing after a mishap that occurred during a bucket escape drill. While acknowledging that the worker's job was safety-sensitive, the union claimed that the incident wasn't serious enough to trigger testing since nobody got hurt. The Alberta arbitrator ruled that the incident was serious enough for testing given the potential for injury, but that testing wasn't justified because the evidence demonstrated that the workers involved in the drill did follow proper procedures and there was no reason to suspect impairment. "The mere fact that an individual committed an error will not justify post-incident testing, as there are various reasons beyond impairment that such errors may occur," the arbitrator reasoned [[Canadian Energy Workers Association v Atco Electric Yukon Ltd.](#), 2024 CanLII 81129 (AB GAA), August 28, 2024].

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

Health & Safety: Distracted Driving Is Grounds for Termination Even for a First Offence

Is using a cell phone while driving in violation of a company's distracted driving policy just cause to terminate a bus driver? The Alberta arbitrator concluded that it was and dismissed the union's grievance. Even though it was apparently an isolated incident that occurred while the bus was stopped at a traffic light, the arbitrator reasoned that distracted driving is still a serious and dangerous violation that other courts have ruled warrants immediate termination without progressive discipline, even for a first offence [[Red Arrow Motor Coach Ltd v Red Arrow Drivers Association](#), 2024 CanLII 89635 (AB GAA), September 16, 2024].

Workplace Violence: OK to Terminate Worker for Threatening to Shoot Co-

Workers

An Alberta arbitrator ruled that a company had just cause to fire a worker for violating its respectful workplace policy by threatening to go home, get a gun, return to work, and shoot his coworker and supervisor. After hearing from 10 witnesses, including the accused, the arbitrator determined that the worker did make threats of violence and, in so doing, committed violations serious enough to warrant termination while rejecting the union's claims that the investigation and decision making process was unfair [[International Brotherhood of Boilermakers, Local Lodge Number D359 v Heidelberg Materials](#), 2024 CanLII 81148 (AB GAA), August 23, 2024].

Action Point: Find out about the 10 things you must do to [prevent workplace violence](#).