

NOVEMBER 2024 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

Immigration

Oct 24: With national population declining, the Canadian Government announced that it's reducing immigration levels through 2027. Permanent resident targets will decrease from 500,000 to 395,000 in 2025, 380,000 in 2026, and 365,000 in 2027. Temporary resident levels will also decline 5% by the end of 2026, with a modest increase to ensue in 2027.

Immigration

Nov 8: Effective November 8th, 2024, the starting hourly wage for Temporary Foreign Workers in the high-wage stream will increase 20%, between \$5 and \$8 per hour, depending on the median wage in the applicable province or territory of work. Result: More jobs will be subject to the stricter low-wage stream rules, including employer requirements for housing, transportation, and recruitment of workers already in Canada.

Payroll

Oct 21: Newly tabled [Bill C-415](#) proposes amending the *Canada Labour Code* to provide that, in calculating paid time for a flight attendant, the employer must include and pay regular wages for the time that the employee spends in carrying out their pre-flight and post-flight duties and completing mandatory training programs.

Training

Oct 16: The federal government began accepting [applications](#) for a new \$30 million Canada Retraining and Opportunities Initiative funding to support community organization projects that provide new skills training opportunities to displaced workers. Deadline to apply: March 31, 2025.

Privacy

Oct 23: Proposed legislation ([Bill C-26](#)) amending the *Telecommunications Act* to require operators to take new cyber security measures and report cyber security incidents has passed Second Reading in the Senate.

Action Point: Find out how to protect your organization from [revenge porn and cyberbullying liability](#) risks.

Privacy

Oct 29: The Canadian Centre for Cyber Security published new [guidance and tools](#) to help government and private organizations safeguard their IT networks and confidential data against cyber threats.

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

New Laws

Oct 31: Comments closed on the Government of Canada's proposed new [strategy](#) for leveraging artificial intelligence to enhance productivity of public service employees and establish guidelines for use of AI by public employees in carrying out their job functions.

Action Item: Find out how to implement a [legally sound AI use policy](#) for your employees.

Workplace Harassment

Sep 25: Private Member Bill [C-378](#) proposing to give ex-employees more time to sue their former companies for workplace harassment by extending the deadline for filing a claim to 2 full years passed Second Reading in the House of Commons. Under the current *Canada Labour Code*, former employees have only 3 months after leaving a company to bring a claim.

CASES

Discrimination: No Evidence that Lack of Advancement Was Due to Sexual Orientation

A call centre worker claimed that CIBC failed to promote him, in part, because he's heterosexual. My manager told me, the worker contended, that "every male Manager both here and downstairs are gay/bisexual people," and that they would only promote other gay or bisexual individuals. But the Canada Human Rights Commission dismissed the complaint, and the federal court nixed the appeal. "The fact that he was unable to progress in his career at the CIBC does not lead

inexorably to the conclusion that he was the victim of discrimination based on his sexual orientation or his vocal disability," the court reasoned [[Jagadeesh v. Canadian Imperial Bank of Commerce](#), 2024 FCA 172 (CanLII), October 21, 2024].

Action Point: Find out how to implement a legally sound [sexual orientation and transgender discrimination policy](#) at your workplace.

Termination: Dozing Off on the Job Not Just Cause to Fire Heavy Equipment Operator

After working over 15 hours the previous day, a worker showed up groggy for his shift and briefly dozed off while operating a Ballast Regulator. By the time he awoke 20 seconds later, it was too late to stop the Regulator from colliding with a vehicle resulting in injury to the driver and serious damage to both machines. While acknowledging the worker didn't show up "fit and rested" as required by company policy, the union claimed that he didn't deserve to be fired. The federal arbitrator agreed and reinstated him. Sleeping on the job isn't as serious as dozing off for just a short period, noted the arbitrator citing the caselaw. And although the worker had only 5 years of service, he had received only minor discipline over that time. More significantly was how he behaved after the incident by accepting responsibility and answered questions candidly. Adding to the sympathy factor, he was so distraught about the affair that he developed PTSD [[Canadian Pacific Kansas City Railway v Teamsters Canada Rail Conference Maintenance of Way Employees Division](#), 2024 CanLII 87130 (CA LA), September 16, 2024].

Action Point: Get help in [determining whether sleeping on the job](#) is just cause to terminate.