

## December 2024 MONTH IN REVIEW

# Alberta

### LAWS & ANNOUNCEMENTS

#### Discrimination

The Assembly is debating [Bill 24](#) proposing to add new personal rights to the *Alberta Bill of Rights*, including the right to not receive medical care or a vaccine without consent, and the right to acquire, keep, and use firearms legally without unnecessary interference from provincial laws. The legislation would also broaden the scope of activities protected by the right to freedom of expression.

#### Privacy

Newly tabled [Bill 33](#), aka *Protection of Privacy Act*, strengthens, and updates restrictions on the collection, use and disclosure of individuals' personal information. The new rules, including mandatory privacy management programs and privacy impact assessments, would be contained in a separate statute rather than incorporated into the law ensuring access to government information.

**Action Point:** Find out how to [avoid privacy violations](#) when using digital technology to monitor employees.

#### Drugs & Alcohol

The federal government proposed [regulations](#) that would allow Alberta to participate in the new national coordinated system of excise taxes on vaping products. This means that Alberta will be allowed to impose additional duties on vaping products manufactured in or imported into Canada at the federal rate, starting in 2025.

**Action Point:** Find out how to [effectively control substance abuse](#) at your workplace.

## CASES

### **Drugs & Alcohol: Court Upholds Random Testing of “Safety-Critical” Nuclear Plant Workers**

The Canadian Nuclear Safety Commission scored another victory in its court battle with the unions over regulations that require nuclear power plants seeking Class I licences to perform pre-placement and random alcohol and drug testing on “safety-critical workers.” In 2023, a federal court ruled against affected workers who claimed the testing policy violated their Charter privacy rights. In this most recent ruling, the Federal Court of Appeal rejected the workers’ appeal, finding that it wasn’t “erroneous” for the lower court to uphold the policy as reasonable and well within the CNSC’s regulatory powers and reject the workers’ Charter claims [[Power Workers’ Union v. Canada \(Attorney General\)](#), 2024 FCA 182 (CanLII), November 6, 2024].

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

### **Termination: Company Can’t Prove ‘Authoritarian’ Ship Captain Deserved to Be Fired**

An oil transport company fired one of its ship captains for an alleged “authoritarian leadership style” that made life on board the vessel “difficult to bear.” But the arbitrator ruled that termination amounted to unjust dismissal, finding that the company didn’t meet its burden of proving that the captain’s personality made him incapable of establishing “courteous and productive interpersonal relationships” with crew members. The federal court concluded that the arbitrator’s decision was reasonable and refused to overturn it [[Desgagnés Marine Petro Inc. c. Broudic](#), 2024 FCA 178 (CanLII), October 31, 2024].

### **Telecommuting: Company Doesn’t Need Union Permission to Limit Work-from-Home Arrangement**

TELUS Communications declared a new return to work policy requiring Customer Experience Agents that had been allowed to work from home to come to the office at least 3 days a week. TELUS also announced the shutdown of an Ontario call center that forced agents in the province to relocate 150 km to the firm’s Montreal office. None of this sat well with the union which organized protests and filed a grievance. The federal arbitrator sided with TELUS, noting that the work from home arrangement had been subject to extensive negotiation over the years and that TELUS had repeatedly made unilateral modifications to the policy without negotiating them with the union. Nor was it unprecedented for TELUS to implement unilateral workforce reduction measures, which until now, went largely unopposed by the union [[Telus Communications Inc. v Telecommunications Workers Union, United Steelworkers Local Union 1944](#), 2024 CanLII 106321 (CA LA), October 28, 2024].

**Action Point:** Find out [how to end telecommuting arrangements](#) without committing constructive dismissal.