

Alberta

LAWS & ANNOUNCEMENTS

Discrimination

Jan 21: New discrimination complaints increased by roughly 20%, according to the Alberta Human Rights Commission's newly [2023-2024 Annual Report](#). Of the 1,047 complaints opened, physical disability was the leading ground at 26%, followed by mental disability at 21%, gender at 14%, race/colour at 10%, ancestry/origin at 8%, family status at 6%, and age at 5%.

Action Point: Beware of certain kinds of seemingly legitimate [employment practices](#) that may have the effect of inadvertently perpetuating racial discrimination and increasing your liability risks.

Accessibility

Feb 4: Alberta announced that it's creating a new program providing benefits enabling persons with disabilities to get and keep fulfilling jobs. Scheduled to launch in July 2026, the Alberta Disability Assistance Program will replace the assistance benefits that the disabled lose as a result of obtaining employment.

Action Point: Find out more about [accessibility laws across Canada](#).

New Laws

Jan 28: Alberta is using a new Automatic Yes Toolkit to identify permits that can benefit from faster decision-making processes. Permit approvals for lower-risk and routine activities such as *Water Act* applications, will be replaced with clear operating requirements, freeing up resources to focus on more complex applications. Government decisions on permits requiring detailed reviews will also be subject to mandatory time limits.

New Laws

Feb 15: Alberta announced that it will provide \$8.6 billion in funding to accelerate school construction over the next 7 years. The government will form public-private partnership bundles to carry out 11 school projects in Airdrie, Calgary, Chestermere, Edmonton, and Okotoks.

Workplace Harassment

Mar 31: Workplace violence and harassment prevention plans of workplaces open to the public between 11 pm and 5 am [must now](#) provide for a time lock safe that can't be opened by workers between those hours, signs indicating that such a safe is in place and limited quantities of cash and other high-value items, which must be stored in a secure location.

Action Point: Use the HR Insider [template](#) to create and review your own workplace harassment and violence policy.

Workplace Violence

Feb 11: Alberta is investing \$15.7 million during 2024-25 as part of its 10-year strategy

to end gender-based violence in the province and support survivors. The funding builds on existing annual investments of more than \$150 million.

CASES

Termination: Manager Gets 20 Months' Notice but Limited Stock Option Damages

A manager sued for damages after the company he served for 24 years eliminated his position. The manager won 20 months' reasonable notice, the unofficial maximum an employee can get in common law for breach of contract. But he also wanted damages for the loss of other compensation, including payments he would have received as a participant in the company's optional shareholder profit sharing (SHPS) program. While finding that the SHPS payments were a part of his compensation, the court noted that the manager had signed a unanimous shareholder agreement authorizing the company to buy back employee-owned shares at any time on 90 days' notice. As a result, 90 days was the maximum damages to which he was entitled for loss of SHPS payments during the notice period. The Alberta high court upheld the ruling as reasonable [[Kirke v Spartan Controls Ltd.](#), 2025 ABCA 40 (CanLII), February 7, 2025].

Action Point: Although it wasn't an issue in this case, mitigation of damages may enable you to reduce the costs of losing a wrongful dismissal lawsuit. Find out about the [7 things](#) wrongfully dismissed employees must do to "mitigate" their damages.

Drugs & Alcohol: Positive THC Test Isn't Grounds for Termination but Reinstatement Is a No Go

A mine worker had to undergo post-incident drug testing after he drove a heavy haul truck into a berm. The test came back positive for marijuana and the mine terminated the worker for violating its anti-drug policy. While admitting to eating a couple of cannabis gummies and sharing a joint the previous day while he was off duty, the worker insisted that his buzz was long gone by the time he reported to work. Given how long THC lingers in the body after the high, the Alberta arbitrator concluded that the test result finding 4 ng/ml didn't by itself prove the worker was impaired at the time of testing. Nor did the employer provide any other evidence of impairment. But the arbitrator also found that the worker's admitted use of pot was still a serious violation that undermined the trust the employer must have for a safety-sensitive worker. So, instead of reinstatement, it ordered the employer to pay money damages to compensate the worker for any harms he suffered as a result of being wrongfully terminated [[CST Canada Coal Limited v United Mine Workers of America, Local 2009](#), 2025 CanLII 5367 (AB GAA), January 8, 2025].

Action Point: While [creating a legally sound drug testing policy](#) is vital to ensuring a sober workplace, the CST case illustrates that a positive test for marijuana doesn't necessarily prove that an employee was impaired at the time of testing.

Discipline: Arbitrator Cuts Refinery Worker's Safety Suspension in Half

Did an experienced millwright deserve the 2-day suspension he got for his role in causing an incident that resulted in loss of containment of light gas oil at a refinery? The company claimed the millwright violated 2 of its 5 "Life-Saving Rules" for this type of work, including issuing a work permit without site verification and failure to follow safety procedures for control of hazardous energy. The union claimed that the

penalty was unduly harsh, especially since other workers involved in the incident weren't disciplined. The Alberta arbitrator sided with the union, reducing the penalty to a 1-day suspension to remain on the millwright's record for only 3 years, as opposed to the 6 years the company proposed [[*Unifor, Local 3000CA v Imperial Oil Limited*](#), 2025 CanLII 9137 (AB GAA), January 30, 2025].