

# Alberta

## LAWS & ANNOUNCEMENTS

### Privacy

Aug 22: A new Office of the Information and Privacy Commissioner [report](#) calls on the provincial government to adopt a standalone law to regulate the use of AI in Alberta to ensure protection of privacy and other fundamental human rights. Protections against AI abuses should also be incorporated into existing privacy and criminal laws, says the OIPC.

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

### Mental Stress

Aug 7: Alberta is tripling government funding for initiatives to support the mental well-being of front-line continuing care staff to \$7.5 million. Supports include counselling sessions, workload management training and yoga classes.

**Action Point:** Find out how to implement an effective workplace [mental health policy](#) for your employees.

### Health & Safety

Aug 22: Alberta will roll out its fall COVID-19 vaccine program in 2 phases. Under Phase 1, which starts on October 1, the government will provide free vaccinations to eligible high-risk residents. In Phase 2, which begins on October 20, all other residents will be offered the vaccine for an administrative fee of \$100 per dose. Albertans can book appointments in September.

**Action Point:** Find out how to create a legally and clinically sound workplace [Exposure Control Plan](#) to protect your employees against the risk of COVID, measles, influenza, and other infectious illnesses.

### Workplace Violence

Jul 31: As part of its ongoing campaign to eradicate gender-based violence in the province, Alberta awarded \$720,000 worth of grants to 3 community-led programs to promote “healthy relationships, emotional well-being and positive role modeling among men and boys.”

**Action Point:** Find out [how to protect your employees](#) from the risk of workplace domestic violence.

### Workers' Comp

Aug 15: In recognition of the psychological stress faced by nurses, the Alberta WCB expanded the presumption that post-traumatic stress disorder (PTSD) is work-related for purposes of workers' comp to registered nurses, certified graduate nurses, and graduate nurses who meet the criteria spelled out in newly amended [Section 19.2 of the Workers' Compensation Regulation](#).

**Action Point:** Find out about [workers' comp coverage of mental stress claims](#) across Canada.

## CASES

### Termination: OK to Exceed 24-Month Notice Cap for Exceptional Circumstances

After joining the company as a helper at age 23, Mr. L earned his Master Electrician degree and eventually worked his way all the up to the General Manager position earning \$254,000 in base salary and generous benefits. But ownership decided that the company needed a change in management style and terminated Mr. L without cause. While acknowledging liability for wrongful dismissal, the company insisted that 24 months is the absolute maximum for reasonable notice. The Alberta court disagreed and awarded 26 months' notice. The 24-months' cap is a rough upper limit, not a hard and fast rule, the court explained. Although they don't happen very often, there are cases where crossing the boundary is justified by "extraordinary circumstances." And this was such a case, the court concluded, citing Mr. L's age (58), contributions and lack of transferrable skills, as well as the company's thinking in relegating him to the "old school" trash can [[Lischuk v K-Jay Electric Ltd](#), 2025 ABKB 460 (CanLII), July 31, 2025].

**Action Point:** Find out how to implement a legally sound [termination notice compliance game plan](#) at your company.

### Termination: Refusing Employer's Offer of Re-Employment Is Failure to Mitigate Damages

A company laid off a 73-year-old unlicensed mechanic after 19 years of service. At the time of termination, the mechanic worked 8 hours per day 4 days per week at \$36.90 per hour. The company exhibited no hostility or animosity during the process—in fact, it was the mechanic who first broached the layoff idea. The company also said he could come back to work and even drafted a re-employment letter. But the mechanic rejected the proposal and sued for 24 months' termination notice, 21 more than he had received from the company. The Alberta court dismissed the case. While rejecting an employer's offer of re-employment isn't necessarily a failure to make reasonable efforts to mitigate damages, it was in this case given the cordial relationship and that the re-employment terms offered were the same as the mechanic's previous terms. While the mechanic might have had some legitimate concerns about re-employment (such as whether he'd have to go out and get new tools to replace the ones he had sold after termination), he rejected the offer out of hand without even asking any questions [[Richardson v New West Freightliner Inc \(New West Truck Centres\)](#), 2025 ABCJ 141 (CanLII), August 11, 2025].

**Action Point:** The *Richardson* case illustrates the important requirement that wrongfully terminated employees "mitigate" their damages by seeking new employment. If they don't, a court will reduce their wrongful dismissal damages. Find out about the [7 things](#) wrongfully dismissed employees must do to mitigate their damages.

### Disability Discrimination: Letting Telecommuter Work Out of Province Is Not Reasonable Accommodation

A disabled government employee allowed to work from home before the pandemic requested permission to work out of her vacation home in BC after COVID made telecommuting imperative. The agency said no, reasoning that the request was driven by personal preferences rather than need for reasonable accommodation. The Alberta Human Rights Commission agreed and rejected the employee's disability discrimination complaint, citing the lack of medical evidence supporting the employee's contention that working in BC improved her health. The employee was already being accommodated via permission to telecommute; and, as part of the Alberta government, the agency had a legitimate interest in wanting its employees to reside in the province [[\*McDonald v His Majesty the King in Right of Alberta \(Alberta Environment and Protected Areas\)\*](#), 2025 AHRC 82 (CanLII), August 13, 2025].

**Action Point:** Telecommuter rights are one of the hottest issues in HR law litigation. Find out how to protect your company by implementing a [legally sound telecommuting policy](#) at your workplace.