

# HR Insider

## Newsletter

Canada's guide to HR Compliance and Management

OCTOBER 2026



### This Month's Highlights

This October, we're focusing on the workplace issues that matter to HR professionals. Explore insights on safety and compliance communication, how service should be tracked after an employee is rehired, and staying current with the latest case alerts. Read on for insights, and visit our site to access the full articles.



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# HR's Role in Safety and Compliance Communications

Clear communication is one of the most important parts of an effective workplace safety and compliance program. Policies, procedures, training requirements, and legal obligations only protect employees when people understand what is expected of them and know where to go when questions or concerns arise. While occupational health and safety teams often lead technical safety initiatives, HR plays a critical role in making sure those messages are communicated consistently, appropriately, and in ways employees can understand.

## Turning Requirements Into Practical Messages

Safety and compliance information can be complex. Legislation, regulations, internal policies, and technical standards may contain language that is difficult for employees to apply in day-to-day work. HR can help translate these requirements into practical workplace communications. This may include policy announcements, onboarding materials, manager talking points, FAQs, employee handbooks, training reminders, and company-wide updates.

Communication should explain what employees need to do, why the requirement matters, and where they can find additional

guidance.

## Coordinating HR Messaging

HR and OHS responsibilities frequently overlap. Workplace violence and harassment, accommodation, return-to-work programs, emergency procedures, incident reporting, substance impairment, psychological health and safety, and workplace investigations can all involve both functions.

When HR and OHS teams communicate separately without coordination, employees may receive inconsistent messages. Before issuing significant communications, organizations should confirm that policies, training materials, and manager instructions use consistent terminology and describe responsibilities accurately. This coordination is especially important in organizations operating across multiple jurisdictions, where legal requirements may differ between provinces, states, or countries.

## Helping Managers Communicate Consistently

Employees often receive safety and compliance information through their immediate supervisors. Managers therefore need more than a copy of a policy and instructions to distribute it.

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HR can provide managers with concise guidance explaining key messages, anticipated employee questions, escalation procedures, and situations that require HR or OHS involvement. Managers should also understand the limits of their role.

For example, supervisors may need to report accommodation requests, harassment complaints, injuries, or safety concerns rather than attempting to resolve them independently. Consistent manager communication helps reduce confusion and ensures employees receive similar information regardless of department or location.

### Making Communication Accessible

Effective communication must also account for differences among workers. Employees may have different literacy levels, language abilities, disabilities, work schedules, access to technology, and familiarity with workplace terminology.

Organizations may need to use several communication methods, including email, posters, toolbox talks, mobile applications, videos, intranet resources, or in-person briefings.

Safety-critical information should not depend solely on employees noticing an email. Employers should also consider whether

materials need translation, accessible formats, captioning, or other adjustments so employees can meaningfully receive and understand the information.

### Closing the Loop

Compliance communication should not be treated as a one-way exercise. Employees need opportunities to ask questions, raise concerns, and report situations where policies may not be working as intended.

HR can help establish clear reporting channels and reinforce protections against retaliation for raising legitimate safety or compliance concerns. Feedback can also reveal where employees misunderstand requirements or where supervisors need additional support.

Ultimately, HR's role is to help ensure that safety and compliance expectations become part of everyday workplace communication rather than documents that employees encounter only during orientation or after an incident.

When HR, OHS, and operational leaders communicate consistently and accessibly, organizations are better positioned to build trust, strengthen compliance, and support safer workplaces.

# Best Practices

## Data Privacy and Cybersecurity: A Workplace Checklist for Protecting Your Organization and Employees

From the rise of AI implementation in the workplace to complex employee benefit packages that require providing personal information, cybersecurity has become a business-wide responsibility. Every department, from Human Resources and Finance to Operations and Marketing, handles information that could be valuable to cybercriminals. For HR directors and workplace managers, the responsibility is even greater as employee records often contain highly sensitive information, including banking details, home addresses, medical information, emergency contacts, and benefits enrollment data.

Creating a culture of cybersecurity doesn't require employees to become technical experts. Instead, it requires consistent policies, practical training, and everyday habits that reduce risk. Use the following checklist to strengthen your organization's data privacy and cybersecurity practices.

### Workplace Data Privacy and Cybersecurity Checklist

#### Train Employees Regularly

Cybersecurity awareness should not be limited to onboarding. Provide regular training that helps employees recognize phishing emails, suspicious links, social engineering tactics, fake text messages (smishing), and fraudulent phone calls (vishing). Frequent reminders help employees stay alert as cyber threats continue to evolve.

#### Create Strong Password Practices

Weak or reused passwords remain one of the

leading causes of data breaches.

Encourage employees to:

- Use long, unique passwords for every account.
- Enable multi-factor authentication (MFA) whenever available.
- Avoid sharing passwords with coworkers.
- Use an approved password manager instead of storing passwords in notebooks or spreadsheets.
- Update passwords immediately if a compromise is suspected.

Organizations should also establish password policies that balance strong security with usability, avoiding overly frequent mandatory changes unless there is evidence of a security risk.

### Protect Employee and Benefits Information

HR departments routinely handle some of the organization's most sensitive information. Benefits enrollment documents may include dependent names, dates of birth, prescription information, insurance details, payroll deductions, and healthcare selections.

Limit access to employee records based on business need, encrypt digital files containing sensitive information, and securely dispose of paper documents through shredding or approved document destruction services.

Before sending employee information externally, verify the recipient and use secure

file-sharing methods whenever possible.

### Establish Clear AI Usage Guidelines

Artificial intelligence tools are becoming increasingly common in the workplace, but they also introduce important privacy considerations.

Develop an AI usage policy that clearly outlines:

- Which AI tools are approved for business use.
- What types of information may never be entered into AI systems.
- Expectations for reviewing AI-generated content for accuracy and confidentiality.
- Employee responsibilities when using AI to support workplace tasks.

Clear guidance helps employees benefit from AI while reducing privacy and compliance risks.

### Verify Before Sharing Information

Many cyberattacks rely on convincing employees to voluntarily disclose information.

Encourage staff to pause and verify unexpected requests for payroll information, banking changes, employee records, invoices, tax documents, or login credentials.

If a request seems unusual, even if it appears to come from a manager or executive, employees should confirm it through another communication channel before responding.

### Secure Mobile Devices and Remote Work

Laptops, smartphones, and tablets often contain access to sensitive organizational data.

Ensure employees:

- Lock devices when unattended.

- Install security updates promptly.
- Use encrypted devices where possible.
- Connect through secure networks or approved virtual private networks (VPNs) when working remotely.
- Avoid conducting sensitive work on public Wi-Fi without appropriate security protections.

### Control Access to Information

Not every employee requires access to every system. Review user permissions regularly to ensure employees can only access information necessary for their roles. Remove access promptly when employees change positions or leave the organization.

### Keep Software Up to Date

Outdated software often contains known security vulnerabilities that attackers actively target.

Enable automatic updates whenever possible for operating systems, browsers, antivirus software, productivity applications, and mobile devices. Prompt patching remains one of the simplest and most effective cybersecurity controls.

### Prepare for Security Incidents

Even organizations with strong cybersecurity programs can experience incidents.

Develop an incident response plan that identifies: Who employees should contact if they suspect a breach, steps for containing compromised systems, communication procedures, regulatory reporting obligations or business continuity and recovery plans.

Employees should understand that reporting suspicious activity quickly is encouraged and never punished.

# Bill C-35

## How New Bill C-35 Forced Labour Import Ban Will Affect HR Directors

The terms “forced labour” and “supply chain” may become a more important part of HR directors’ vocabulary if and when Parliament passes the *Ban on Importing Goods Made with Forced Labour Act* ([Bill C-35](#)). Tabled in June 2026, Bill C-35 establishes a tough new enforcement regime to prevent companies from importing goods produced by forced labour. What may look like a customs and trade issue will also impact HR operations to the extent that affected companies look to HR to document that their supply chains are free of forced labour.

### What Bill C-35 Does

Importing goods produced wholly or partly by forced labour into Canada has been illegal since 2020. Bill C-35 is designed to make enforcement of that ban easier and more effective. The scheme: The Minister of Foreign Affairs will create a list of goods for which there are reasonable grounds to suspect are produced by forced labour. Canada Border Services Agency (CBSA) agents will then be able to require companies that import these listed goods to provide specific information about how the goods are produced. In effect, the company would have the burden of proving that the goods were not the product of forced labour to avoid seizure by CBSA border agents.

If you’re the HR director of a company that imports goods into Canada from abroad, Bill C-35 is a potentially major concern. That’s because much of the information your company will need to document the lack of

forced labour in its supply chain will have to come from you. Here are three action steps you can take to ensure compliance.

### 1. Require Your Suppliers to Provide Necessary Employment Information

HR directors will need to get more involved in procurement to ensure that company suppliers don’t engage in labour practices that run afoul of forced labour laws. That will likely require expanding the scope of current supplier due diligence practices beyond traditional questions about price, quality, delivery, financial stability, etc., to the supplier’s employment practices.

**Compliance Strategy:** HR directors should work with the company’s procurement and legal departments to identify the information necessary to verify suppliers’ compliance, including information about the supplier’s:

- Recruitment practices.
- Wages and deductions.
- Work schedules.
- Disciplinary practices.
- Policies or practices that limit employees’ freedom to leave employment.
- Retention of passports or identity documents.
- Worker accommodations and conditions.
- Use of temporary, migrant, or contract labour.

- Subcontracting arrangements.
- Use of labour brokers and recruitment agencies.

## 2. Evaluate Employment Arrangements of Downstream Suppliers & Brokers

Forced-labour risks may arise not only from an importer's relationship with its direct suppliers, but also from supply and recruitment practices of other companies farther down the supply chain. Example: A Canadian company that imports apparel gets its supplies from a legitimate manufacturer. The problem is that the supplier relies on another supplier that gets its labour from a recruiter that charges workers illegal recruitment fees.

**Compliance Strategy:** HR directors should help the company expand its supplier due-diligence program to address downstream recruitment, hiring, and employment practices. This is particularly important for companies whose supply chains involve migrant workers, labour-intensive manufacturing, agriculture, construction materials, mining, or other sectors in which labour intermediaries and subcontracting are common. Key questions to ask:

- Are labour brokers or subcontractors used?
- Do workers pay recruitment fees?
- Can workers can freely terminate their employment?
- Are employment contracts in a language workers understand?
- Are wages subject to improper deductions?
- Are workers' passports or identification documents retained?
- Does the supplier and its subcontractors have their own forced-labour policy and due-diligence processes?

## 3. Review Current Supplier Contracts

The HR/Procurement/Legal team should also review the company's current supplier and contractor agreements to verify compliance with forced labour laws. A generic provision requiring the supplier "to comply with all applicable laws" isn't enough. Once Bill C-35 takes effect, it will be important that supplier contracts specifically address compliance with forced labour laws.

**Compliance Strategy:** Standard supplier contracts should also:

- Require the supplier to provide the company the information it needs to verify forced labour compliance, including with regard to downstream suppliers, contractors, and recruitment agencies.
- Require the supplier to cooperate with the company's forced labour due diligence and compliance audit activities.
- Give the company the right to immediately terminate the contract if any serious forced labour violations are discovered.

## Takeaway

The key question Canadian importers with significant international supply chains will have to ask to ensure compliance with the new Bill C-35 forced labour rules:

*"Can we demonstrate that the people producing the goods we buy, import, and sell are being treated lawfully and without forced labour—and do we have the systems to find out when they're not?"*

While HR shouldn't be expected to serve as a full-blown supply chain auditor, it should play an essential role in answering that question.

# Month-In-Review

A roundup of new legislation, regulations, government announcements, court cases, and arbitration rulings. Visit [HRInsider.ca](https://hrinsider.ca) for the complete Month-In-Review. Now available by jurisdiction to keep you focused on what's been happening in your area including legal alerts, law announcements, and recent cases.



## Federal

**Immigration:** The Canada Border Services Agency (CBSA) is introducing telephone reporting in areas formerly covered by the Remote Area Border Crossing (RABC) Program. Starting December 1, all travelers entering Canada through remote areas of northern Ontario or the Northwest Angle into southern Manitoba, must report to the CBSA at a port of entry or designated telephone reporting site.

## Alberta

**Training:** Alberta officially recognized the Ontario Working at Heights Training Program as meeting Alberta Occupational Health and Safety (OHS) requirements for fall protection training. Translation: Workers who move to the province after completing the Ontario program will be deemed competent to perform work involving vertical fall hazards in Alberta without having to repeat their training.

## British Columbia

**Employment Benefits:** Effective immediately, British Columbia pension plan administrators and service providers must use the three updated pension plan application forms now available on the BC Financial Services Authority (BCFSA) website: the [Application for Registration of a Pension Plan](#), [Application for Registration of an Amendment to a Pension Plan](#), and [Application of Amendment to a](#)

[Supporting Plan Document](#).

## Manitoba

**Health & Safety:** Responding to the ongoing hepatitis A outbreak, Manitoba expanded free vaccination eligibility to individuals age six months or older who live in, travel regularly to, or have household visitors from an Indigenous community in the province. Children who meet the above criteria and were born after Jan. 1, 2010, remain eligible for a second dose.

## New Brunswick

**Minimum Wage:** For the first time in 10 years, New Brunswick is holding public consultations on its minimum wage. On the table is not just the minimum wage amount but how and how often it's determined. The minimum wage is currently updated annually on April 1 based on the consumer price index. Deadline to comment: October 9.

## Newfoundland and Labrador

**Accessibility:** Newfoundland and Labrador signed onto the new nationwide memorandum of understanding under which the federal government, provinces, and territories promised to work together to boost accessibility and align accessibility standards across Canada.

## Northwest Territories

**Immigration:** The federal government increased Northwest Territories' 2026

allocation for the Nominee Program by 103 nominees, bringing the total allocation for the year to 300 and restoring the territories' allocation to 2024 and 2025 levels. To accommodate the increase, the GNWT added an additional Expression of Interest draw on August 26, 2026.

## Nova Scotia

**Employment Benefits:** The Nova Scotia Public Service Superannuation Plan achieved a net return of 6.55% for fiscal year 2025–2026, above its 6.25% actuarial assumed rate, but below its 8.60% benchmark. The Teachers' Pension Plan (TPP) 2025 net return was 8.02%, above its actuarial assumed rate of return of 6.10%, but below its benchmark return of 10.18%.

## Nunavut

**Drugs & Alcohol:** Nunavut and the Northwest Territories declined to sign the new Canada-wide agreement allowing for direct-to-consumer (DTC) sales of alcohol products across provincial and territorial boundaries citing "unique realities." While both territories support the principles of internal free trade, allowing DTC sales would undermine local alcohol restrictions or prohibitions "that reflect community priorities and cultural values."

## Ontario

**Privacy:** The Ontario Information and Privacy Commission published new guidance on the privacy liability implications of using remotely piloted aircraft systems (RPAS), aka drones. Although intended principally for police and law enforcement, the principles of the guidance may also apply to private sector employers who use drones for business and employment purposes.

## Prince Edward Island

**New Laws:** The federal government is offering oyster harvesters in Prince Edward Island a one-time payment of \$40,000 for voluntarily agreeing to the permanent retirement of their wild oyster licences and permits. The new Oyster Licence Retirement Grant Program is designed to ease pressure on wild oyster stocks diminished by the spread of MSX and Dermo diseases.

## Québec

**Employment Benefits:** Retraite Québec (RQ) announced that the retirement pension supplement under the Québec Pension Plan (QPP) will be calculated later than scheduled, that is, from the end of July to the end of October. RQ will send beneficiaries notice of changes when it does the calculation followed by payment of entitled amounts since January 1.

## Saskatchewan

**New Laws:** The Saskatchewan Drug Plan now covers Alyftrek, a medication that improves lung function for eligible patients with cystic fibrosis (CF) ages six and older who meet the medical criteria. Saskatchewan also covers other CF medications that treat specific genetic forms of the disease, including Trikafta, Orkambi, and Kalydeco.

## Yukon

**Immigration:** Yukon authorized the Yukon Medical Council to issue licences to family physicians from the U.S., U.K., Ireland, and Australia without an additional practice assessment or supervised practice period. Licences will be issued via the new "Limited A" pathway for qualified internationally trained physicians from approved countries with medical licensing standards at least equivalent to Yukon's.

# Case Alerts

## Drugs & Alcohol: Onboard Drug Inspection of Officers' Bunks Is Valid Safety Measure

A merchant shipping company performed a surprise inspection of officers' cabins using drug sniffing resulting in the seizure of alcohol and cannabis products. The union cried foul, contending that the cabins were the officers' "homes" and that the warrantless and unannounced search violated their privacy expectations. The company insisted the inspection was a reasonable safety measure given the dangers, not to mention illegality, of officers being high at sea. The federal arbitrator dismissed the grievance, finding that the search violated neither the law nor the collective agreement. And the company's interest in ensuring safety and complying with shipping laws onboard sobriety requirements outweighed the officers' privacy rights [*Canadian Merchant Service Guild v. Desgagnés Marine Cargo Inc.*, 2026 CanLII 69369 (CA SA), July 10, 2026].

**Action Point:** Random inspection and testing is difficult to justify even in a safety-sensitive workplace like aboard a merchant ship. Find out [how to create a legally sound drug testing policy](#) at your workplace.

## Absenteeism: OK to Fire Safety-Sensitive Worker for Turning Off Radio and Taking a Nap

A fuel runner working the night shift at Toronto Pearson International Airport left his post without authorization for two hours, turned off his radio rendering himself unreachable, and went into an unauthorized passenger where he was found sleeping in his Air Canada uniform. While acknowledging

that discipline was in order, the union claimed that termination was too severe, noting that other employees who got caught sleeping on the job didn't get fired. But the arbitrator wasn't impressed, noting that in none of those past cases did a safety-sensitive employee deliberately turn off their radios. This wasn't just an absenteeism or sleeping on the job situation, it was a serious safety infraction the arbitrator reasoned in finding just cause for termination [*Air Canada v. Lam, District Lodge 140*, 2026 CanLII 70772 (CA LA), June 30, 2026].

**Action Point:** The reason Air Canada won is because the employee's unauthorized nap wasn't simply a question of productivity but also a significant safety risk. Get help in [determining whether sleeping on the job is just cause to terminate](#).

## Workplace Harassment: University Has OHS Duty to Protect Employee from Pro-Life Demonstrators

Walking past campus Pro-Life demonstrators and their graphic signs displaying an aborted fetus was an especially harrowing experience for an academic coordinator who suffered a miscarriage on a bathroom floor three months into her pregnancy. After HR and the faculty association rejected her desperate pleas to stop the demonstrations, she sued the university for not protecting her from workplace harassment. The university claimed that banning the demonstrations would violate demonstrators' free speech rights. Citing their traumatic effect on the coordinator's psychological health, the Alberta arbitrator ruled that tolerating the demonstrators' graphic signs violated the university's OHS duty to protect her from a

workplace “hazard.” While bound to respect their free speech rights, the university could legally have imposed reasonable limitations to protect the coordinator, such as requiring demonstrators to provide advance notice of demonstrations and keep to one side of the quadrangle. Result: The university had to pay the coordinator \$10,000 in damages [*Mount Royal University v Mount Royal Staff Association*, 2026 CanLII 78315 (AB GAA), August 4, 2026].

**Action Point:** The takeaway from this case is that free speech doesn’t give workers or visitors licence to harass another person at the workplace, especially when employers can impose reasonable restrictions that protect the harassment victim without taking away the speaker’s speech rights. Find out more about the [laws governing free speech and political speech in the workplace](#) and [how to impose fair restrictions without violating employees’ rights](#).

### Overtime: Supervisor Is Not a “Manager” and Must Be Paid Overtime

A warehouse night shift supervisor who left the company after being moved to the day shift filed a complaint for constructive dismissal and unpaid overtime. The company claimed the shift change was in response to theft allegations against the supervisor and that overtime wasn’t required because she was a “manager.” Finding no evidence to support the theft charges, the Employment Standards Director found that the shift change was constructive dismissal and that the supervisor wasn’t a manager but an employee entitled to overtime and other *Employment Standards Act* (ESA) payments. The company appealed to the BC Employment Standards Tribunal, which rendered a mixed verdict: The Director’s ruling on constructive dismissal was erroneous because it didn’t address

the company’s legitimate concerns about the supervisor’s behaviour; however, the determination of her not being a manager wasn’t clearly erroneous. Result: The company had to pay her about \$23,000 in unpaid ESA entitlements for the time she did work, including \$9,858 in overtime [*Fruiticana Produce Ltd.*, 2026 BCEST 59 (CanLII), July 28, 2026].

**Action Point:** Find out more about [overtime exemption for “manager” requirements across Canada](#).

### Termination: City Official Voluntarily Resigned and Wasn’t Constructively Dismissed

While admitting to handing in a written resignation letter, a senior government official claimed he was forced to resign and sued the city for constructive dismissal. But the New Brunswick court wasn’t impressed. The fact that the city first broached the issue of resignation didn’t automatically prove the official was forced out. Objectively, nobody told him he had to resign, the court reasoned, even if that’s how he subjectively understood the message. As a result, the resignation was voluntary and the official not only wasn’t entitled to damages but also had to pay the city’s legal costs [*Daniel Laforge v. Grand Falls*, 2026 NBKB 162 (CanLII), August 5, 2026].

**Action Point:** An employee’s intent to resign must be clear and unambiguous. Although the employer won, the case illustrates that even a letter of resignation doesn’t demonstrate such an intention when it’s given under duress. Find out more about the [law of resignation](#) and how to avoid inadvertent wrongful dismissal by wrongfully assuming that an employee who no longer works for you has resigned.

# Ask the Expert

## Tracking Prior Service After Rehire

HR systems do not always reflect an employee's full employment history, particularly when there has been a break in service followed by rehire. Clear documentation can help employers distinguish between continuous employment, recognized service, and benefit eligibility.



### Question

An employee was previously terminated and later rehired. The organization recognizes some of the employee's prior service for vacation and other entitlement purposes, but the HRIS only displays service from the most recent rehire date. Should the employer change the employee's original hire date in the HRIS to reflect their total recognized service, or is it better to keep the current rehire date and maintain separate records of prior service?

### Answer

Keeping the HRIS hire date tied to the employee's current period of employment is generally a reasonable approach, particularly where the earlier employment relationship formally ended and the employee was later rehired.

### Explanation

A good practice is to distinguish between the employee's current employment date and any prior service that the organization

has chosen or is required to recognize. The HRIS can continue to show the employee's current rehire date, while HR maintains a separate confidential record identifying the earlier employment period and explaining how that service is being credited.

Where possible, employers may also use a secondary service date, seniority date, custom field, employee note, or similar HRIS feature to record recognized service without changing the employee's actual current hire date. This can be particularly helpful where previous service affects vacation entitlement, benefits, seniority, or other employment terms.

Consistency and documentation are especially important. Employers should clearly identify which types of entitlement recognize prior service and ensure that the same approach is applied consistently in comparable situations. Employees can also be advised that the HRIS reflects their current employment record, while separately documented recognized service is used when calculating applicable entitlements.