

AUGUST 2024 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS**New Laws**

Aug 6: The federal government took new measures to keep employers from using the Temporary Foreign Worker program to hire immigrants for jobs that Canadians are qualified to do, including stricter guidelines for the dual intent sub-stream and tighter oversight of and perhaps higher fees for Labour Market Impact Assessments.

New Laws

Jun 20: Parliament passed legislation ([Bill C-58](#)) to ban the use of replacement workers during strikes or lockouts and increase potential penalties to up to \$100,000 per day. Exceptions apply for certain emergencies and any work that employers and unions agree must continue during the job action.

Industry Challenges

Aug 31: That's the deadline [to comment](#) on the Competition Bureau's newly launched market study of the state of competition in the Canadian domestic airlines and air passenger services industry. The government is seeking information on barriers to competition in the market.

Environmental

Aug 7: The federal government announced that it will provide \$7.5 million for projects to raise awareness and educate Canadians about zero-emission vehicles. Target initiatives include mechanical training for students and EV test-drives in Edmonton, charger and use guides for first-time EV drivers in Dartmouth and e-bike safety courses across BC. On-road transportation accounts for about 18% of Canada's total greenhouse gas emissions.

Environmental

Sep 27: September 27th is the last day [to comment](#) on proposed regulations implementing [strict new restrictions](#) on "greenwashing," that is, the part of the *Competition Act* that bans companies from making deceptive claims about a product's environmental benefits in marketing and advertising the product to consumers.

Action Point: Find out more about federal [greenwashing rules](#) and how to comply with them.

Environmental

Sep 1: September 1st is the deadline to [submit feedback](#) on a consultation to tackle [textile waste](#), the fifth-largest category of plastic waste in landfills. The plan focuses on redesigning, reducing, reusing, repairing, and recycling textiles to reduce plastic microfibre pollution.

CASES

Inspections: Can OHS Inspectors Issue Compliance Orders to Companies Already Complying?

MOL officials wanted to attend the entire full-day meeting of Canadian Pacific's JHSC but CP let them stay for only part of the meeting. So, the officials issued a Direction finding CP guilty of obstruction and ordering it to take immediate steps to correct the problem. While acknowledging that CP had committed no underlying OHS violations and that they just wanted to observe the meeting, the officials contended that it had the right to attend the full meeting under Section 141(1)(a) of the *Canada Labour Code*, which authorizes the government to "enter any workplace controlled by an employer" to "conduct examinations, tests, inquiries, investigations, and inspections." CP contended that Section 141(1) powers apply only when there's a potential violation. The Canada Industrial Labour Relations Board dismissed CP's objections but didn't address the specific question of whether Section 141(1) authorizes the MOL to issue a Direction to a company that was already complying with the Code. So, the federal court found the decision unreasonable and sent the case back down for the Board to make a ruling on that issue [[Canadian Pacific Railway Company v. Canada \(Attorney General\)](#), 2024 FCA 124 (CanLII), July 31, 2024].

Action Point: Find out how to implement an [OHS inspections policy](#) in case inspectors show up at your door.