

## JULY 2023 MONTH IN REVIEW

# Federal

### **LAWS & ANNOUNCEMENTS**

#### **Health & Safety**

Cgender count toward the number of toilets that federally regulated employers must provide at a workplace to meet COHS Sanitation Provisions. They also require clean and hygienic tampons and menstrual pads in each toilet room, along with a covered container for their disposal. If it's not feasible to provide these items in a toilet room, the employer must provide them at another location in the same workplace that's accessible to employees at all times that offers a "reasonable amount of privacy."

**Action Point:** Take [5 steps](#) to ensure compliance with OHS personal hygiene requirements

#### **New Laws**

May 11: Newly adopted [Bill S-211](#), the *Fighting Against Forced and Child Labour in Supply Chains Act*, will require employers to implement extensive monitoring and reporting measures to ensure that none of the companies in their supply chains use forced labour or child labour while allowing the government to conduct workplace inspections and impose penalties for violations.

#### **New Laws**

May 26: The federal government implemented new measures to speed up the process of unifying accepted immigrants in Canada with their family members outside the country, including faster temporary resident visa (TRV) for spousal applicants, new processing tools for TRV spousal applicants, a new open work permit for spousal and family class applicants and open work permit extensions for holders of open work permits expiring between August 1 and December 31, 2023.

## Transportation Safety

Jun 21: The Canadian Air Transport Safety Authority is replacing Trusted Traveler with a new Verified Traveler program designed to make the air travel screening process faster and more efficient. Verified Traveler screening lines will initially open in Montreal, Toronto, Vancouver, Calgary and other select international airports across the country.

## Electrical Safety

May 18: ESDC published a new [Hazard Alert](#) to help employers protect workers against risks of electrocution, shock and other electrical injuries. The risks are particularly great at telecommunication sites where operations are carried out on or near energized power lines.

**Action Point:** Implement a legally sound [electrical safety compliance plan](#) at your workplace

## Drugs & Alcohol

Jun 2: Canada recognized World No Tobacco Day by announcing plans to adopt new laws requiring health warnings to be printed direct on individual cigarettes. If the law goes through, Canada will become the first nation on the planet to take this approach. The government has committed to cutting national tobacco use to less than 5% by 2035.

**Action Point:** Use the [OHSI Substance Abuse Compliance Game Plan](#) to curb drugs and alcohol at your workplace

## Workplace Violence

Jun 1: The Assembly passed and the Senate is debating controversial legislation ([Bill C-21](#)) to strengthen criminal law bans and import controls on handguns and assault rifles and increase penalties, including confiscations of guns, for violations. The bill would also make the national freeze on the sale, purchase and transfer of handguns that was imposed in October 2022 permanent.

## Privacy

May 29: The Office of the Privacy Commissioner published [new guidelines](#) on

workplace privacy, including with regard to the use of software and other electronic solutions to monitor employees without violating PIPEDA and other personal privacy laws.

## **CASES**

### **Workplace Harassment: Court Refuses to Put Harassment Grievance on Hold**

There was no question that an Air Canada employee was sexually harassed by a pilot during an overnight layover in Tel Aviv. The question is whether the airline did enough to protect the victim against future contact with the pilot. Meanwhile, the victim, who had to go on medical leave after the incident, filed a workers comp claim with the Québec CNESST in connection with the incident. Since both proceedings involved the same issues, Air Canada asked the federal court to delay the victim's harassment grievance until CNESST weighed in. The court refused, finding that deferring to CNESST would just further delay the process, which had already dragged on for over 2 years, and victim's ongoing attempts to return to work [[\*CUPE, Air Canada Component v Air Canada\*](#), 2023 CanLII 44161 (CA LA), May 24, 2023].

**Action Point:** Use the extensive resources on the OHSI [Workplace Violence Compliance Center](#) to protect your workers from violence and harassment