

OCTOBER 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

New Laws

Aug 8: Under the newly launched [Recognized Employer Pilot](#) (REP) of the Temporary Foreign Worker Program, recognized employers with a demonstrated history of compliance will be able to qualify for Labour Market Impact Assessments that remain valid for up to 36 months, along with access to a simplified application process to hire additional workers. The first phase of REP begins in September 2023 for primary agriculture employers; all other eligible employers can apply in January.

Accessibility

Aug 29: The federal government will provide nearly \$73 million in Opportunities Fund for Persons with Disabilities (OF) funding to support 31 projects launched by organizations across Canada this year. This is in addition to the \$118 million to support 60 projects that the government announced last June.

Action Point: [Find out more](#) about how accessibility requirements affect your OHS program

Drugs & Alcohol

Sep 7: From now through November 3 the federal government will be holding [online consultations](#) reviewing the *Tobacco and Vaping Products Act* as part of a wider [proposed plan](#) to cut nationwide consumption of tobacco and vaping products to less than 5% of the population by 2035.

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

Privacy

Aug 24: The federal Office of the Privacy Commission joined its global counterparts in issuing a [joint statement](#) calling on social media companies and other operators of websites that host publicly accessible personal information to take stronger measures to protect the private personal information of their users from illegal AI data scraping programs.

Action Point: Find out how [privacy laws affect workplace safety](#)

Environmental

Aug 10: Newly proposed *Clean Energy Regulations* set strict emissions standards designed to cut over 340 megatonnes of greenhouse gas pollution between 2024 and 2050 and enable Canada to achieve a net-zero electricity grid by 2035. Unlike current regulations which are technology-specific, the [new draft regulations](#) apply generally to all forms of technology.

CASES

Return to Work: Railway Didn't Do Enough to Accommodate Injured Electrical Worker

The good news is that the electrical worker who injured his ankle while performing testing at a rail crossing in 2018 returned to work in 2021. The bad news, at least according to the union, is that he could have returned 2 years earlier had the employer fulfilled its duty to accommodate him. The federal arbitrator agreed that after initially taking proper steps, the railway company dragged its heels by ignoring the WSIB's recommendations for accommodations and concluding without evidence that the worker was incapable of performing modified work and could only be accommodated with undue hardship [[IBEW \(System Council No. 11\) v Canadian Pacific Kansas City Railway](#), 2023 CanLII 73603 (CA LA), August 15, 2023].