

SEPTEMBER 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

New Laws

Aug 1: The federal government sent out the first round of invitations to apply for permanent residence under the new category-based selection Express Entry rules to candidates with skills in the construction sector, including carpentry, plumbing and welding.

PPE

Aug 1: The International Safety Equipment Association (ISEA) announced plans to update ANSI/ISEA Z89.1, *American national standard for industrial head protection*, to clear up confusion on the scope of American and European safety helmets standards.

Action Point: Use the OHSI [PPE Head Protection Compliance Game Plan](#) to prevent head injuries and OHS penalties at your workplace

Transportation Safety

Aug 10: Public consultations closed on a [proposal](#) to eliminate the 3 categories of flight disruptions currently used to determine compensation to which passengers are entitled under the *Air Passenger Protection Regulations*. The changes would require airlines to compensate passengers for all flight disruptions, unless they can show they were due to an “exceptional circumstance.”

Privacy

Jun 29: The Office of the Privacy Commission offered [new instructions](#) to help

businesses and individuals protect privacy on mobile apps. Many organizations that use apps to improve their customer interactions collect clients' personal information to do so, the Commission notes.

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

CASES

Discipline: Airport Worker Who Commits Serious Safety Violation Gets Reinstated

A federal arbitrator ruled that an airport shunt truck driver didn't deserve to be fired for committing a serious safety violation, namely, pulling a trailer from a door despite a red light indicating that workers were still inside the vehicle, which resulted in a near miss incident. The evidence showed that other workers without prior safety infractions who committed the same violation received only a one-day suspension. One-day suspension wasn't enough in this case, the arbitrator acknowledged, since the driver had been disciplined once before and the infraction was broader than those of the other workers who got suspended for a day. But the arbitrator concluded that termination was too harsh and reduced the penalty to a 5-day suspension [*Purolator Inc. v Teamsters Local Union 938*, 2023 CanLII 67226 (CA LA), July 26, 2023].

Action Point: Use [progressive discipline](#) effectively to enforce your OHS policies

Environmental: BC Plant Fined \$1.1 Million for Fisheries Violation

A BC hydro plant was fined \$1.1 million after pleading guilty to a federal *Fisheries Act* violation of depositing a deleterious substance into water frequented by fish. Federal enforcement officers discovered violations while investigating the discharge of 3,300 m³ of contaminated drainage water into the Peace River in September 2018 [*Peace River Hydro Partners*, [Govt. Press Release](#), August 1, 2023].