

AUGUST 2023 MONTH IN REVIEW

Federal

LAWS & ANNOUNCEMENTS

New Laws

Jun 22: Royal Assent for landmark [Bill C-22](#) establishing a new Canada Disability Benefit (CDB) for working-age persons with disabilities. There are 6.2 million Canadians who have disabilities, 23% of whom live in poverty.

New Laws

Jul 5: Exercising new authority under immigration laws, the federal government announced that it's issuing Express Entry invitations to apply for permanent residency to 1,000 health workers, including doctors, nurses, dentists, optometrists and physiotherapists.

New Laws

Jun 27: A new immigration measure temporarily (for 3 years) removes the limit on how long a study program for which temporary foreign workers can enroll without a study permit can last. Previously, foreign workers wanting to also study in a program lasting more than 6 months had to get a separate study permit.

Transportation Safety

Jul 10: Effective today, federal officials can issue administrative monetary penalties against companies and drivers who violate the [Commercial Vehicle Drivers Hours of Service Regulations](#). Previously, a warning was the only penalty that could be issued to offences under these regulations, which are designed to prevent commercial driver fatigue.

Action Point: How far can you go in [disciplining workers for fatigued and distracted driving](#)?

Industry Challenges

Jul 10: Violations of federal marine safety regulations may now result in administrative monetary penalties of up to \$5,000 on individuals and up to \$25,000 for a corporation or ship. The new AMPs are in addition to the usual penalties that can be imposed for such offences.

Action Point: Look up the [Administrative Monetary Penalty rules](#) across Canada

WHMIS

Jun 8: The Assembly is debating [Bill C-33](#), which would authorize the federal government to implement new regulations for imposing administrative monetary penalties for *Transportation of Dangerous Goods Act* violations.

Action Point: Find out [how to comply with TDGA emergency response requirements](#)

Workplace Violence

Jun 21: The Senate is just one vote away from doing what the Assembly has already done, namely passing 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.

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

New Laws

Jun 15: The federal government expanded for 2 years the Francophone Mobility Program under which Canadian employers may make job offers to eligible candidates with moderate command of French for all National Occupation Classification jobs other than in primary agriculture. Previously, the Program was open only to highly skilled French-speaking temporary foreign workers.

Emergency Response

Jun 19: If newly tabled [Bill C-345](#) passes, murder of a first responder would automatically be considered first degree murder under the *Criminal Code*. The bill also increases the maximum prison term for aggravated assault of first responders and creates a new offence of assaulting a first responder.

Environmental

Jul 1: High inflation and pleas from the provinces weren't enough to dissuade the government from following through with its plans to implement the new federal carbon tax raising the prices for gas, diesel and home heating fuels on Canada Day.

Environmental

Jun 15: Newly tabled federal legislation ([Bill C-50](#)) would establish a national framework to ensure a steady flow of sustainable jobs green jobs in the future while advancing Canada's net-zero carbon emissions goals.

CASES

Drugs & Alcohol: Non-Negative Urine Test Doesn't Prove Conductor Was Impaired

A conductor who was away from his post when his train car ran through a switch had to submit to for-cause drug testing. The urine test came back non-negative for cocaine. The conductor admitted to using cocaine after his previous shift 4 days earlier but claimed he wasn't impaired on the job or when the incident occurred. The federal arbitrator found that the urine drug test results didn't definitively prove impairment while noting that the swab test came back negative for cocaine. Result: The railway had to reinstate him immediately and without conditions [[Canadian Pacific Kansas City Railway v Teamsters Canada Rail Conference](#), 2023 CanLII 55343 (CA LA), June 19, 2023].

Action Point: Create a legally sound [drugs and alcohol testing policy](#) for your workplace

Privacy: Railway Needs Union OK to Use Surveillance Camera Footage for Discipline

The union didn't object when the railway installed new surveillance cameras at the General Yard Office because it was assured that they were just a security measure to

prevent break-ins. So, when the railway used footage from the cameras to suspend 2 employees for conduct unbecoming, the union filed a grievance. The federal arbitrator sided with the union, finding that if the railway wanted to use the cameras for purposes other than preventing theft and break-in, it had to first get the union's permission [[*Canadian pacific railway company v Teamsters Canada rail conference*](#), 2023 CanLII 59873 (CA LA), June 6, 2023].

Action Point: Implement a [legally sound video surveillance policy](#) at your workplace

Environmental: Québec Factory Fined \$600,000 for 2 Chemical Spills

An iron ore plant in Northern Québec notified the federal government of a spill of over 1,300 litres of sodium hydroxide into the sewer system which ultimately discharges into the St. Lawrence River. The plant experienced another spill incident occurred 6 months when a broken pipe spewed 7,000 litres of hydrochloric acid into the storm-drainage system which also empties into the St. Lawrence. The plant was fined \$600,000 after pleading guilty to 2 *Fisheries Act* violations [*Rio Tinto Fer et Titane Inc.*, [Govt. Press Release](#), June 15, 2023].