

## NOVEMBER 2024 MONTH IN REVIEW

# Federal

### LAWS & ANNOUNCEMENTS

#### Transportation Safety

Sep 20: A House of Commons Committee began debate on [Bill C-33](#) proposing to beef up port system and railway security across the country. The legislation, which has passed Second Reading, would, among other things, ban behaviour that endangers the safety of a station, railway equipment or persons at the station or on board the railway equipment, as well as unruly behaviour toward railway employees, agents, or mandataries.

#### New Laws

Nov 5: From now through December 19, the Canadian Board for Harmonized Construction Codes (CBHCC) will be taking [comments](#) on proposed changes to the 2020 National Model Codes, including the National Building Code of Canada, National Fire Code of Canada, National Energy Code of Canada for Buildings, and National Plumbing Code of Canada.

#### New Laws

Oct 24: With the national population declining, the Canadian Government announced that it's reducing immigration levels through 2027. Permanent resident targets will decrease from 500,000 to 395,000 in 2025, 380,000 in 2026, and 365,000 in 2027. Temporary resident levels will also decline 5% by the end of 2026, with a modest increase to ensue in 2027.

#### Training

Oct 16: The federal government began accepting [applications](#) for a new \$30 million Canada Retraining and Opportunities Initiative funding to support community organization projects that provide new skills training opportunities to displaced workers. Deadline to apply: March 31, 2025.

## Privacy

Oct 23: Proposed legislation ([Bill C-26](#)) amending the *Telecommunications Act* to require operators to take new cyber security measures and report cyber security incidents has passed Second Reading in the Senate.

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

## Privacy

Oct 29: The Canadian Centre for Cyber Security published new [guidance and tools](#) to help government and private organizations safeguard their IT networks and confidential data against cyber threats.

**Action Point:** Find out how to implement an effective [cyberbullying prevention policy](#) at your workplace.

## Drugs & Alcohol

Nov 5: The Senate tabled [Bill S-290](#) proposing to ban the promotion and marketing of alcoholic beverages with violations resulting in fines of up to \$1 million and 2 years in prison. The bill is sponsored by the same Québec Senator that proposed similar legislation 2 years ago. That bill got through Second Reading before being killed in Committee.

**Action Point:** Find out how to implement an effective [cyberbullying prevention policy](#) at your workplace.

## Environmental

Nov 4: The federal government plans to impose an oil and gas greenhouse gas pollution cap requiring the industry to hit major emission reduction targets by 2030-2032, on its way to full carbon neutrality by 2050. The [Regulations](#) would establish a cap-and-trade system rewarding producers with better emission performance and incentivizing higher-polluters to reinvest profits into pollution-reducing projects.

## CASES

### Drugs & Alcohol: Court Upholds Random Testing of “Safety-Critical” Nuclear Plant Workers

The Canadian Nuclear Safety Commission scored another victory in its court battle with the unions over regulations that require nuclear power plants seeking Class I licences to perform pre-placement and random alcohol and drug testing on “safety-critical workers.” In 2023, a federal court ruled against affected workers who claimed the testing policy violated their Charter privacy rights. In this most recent ruling, the Federal Court of Appeal rejected the workers’ appeal, finding that it wasn’t “erroneous” for the lower court to uphold the policy as reasonable and well within the CNSC’s regulatory powers and reject the workers’ Charter claims [[Power Workers’ Union v. Canada \(Attorney General\)](#)], 2024 FCA 182 (CanLII), November 6,

2024].

**Action Point:** Find out how to create a legally sound [Drugs and Alcohol Testing Policy](#) for your workplace.

### **Transportation Safety: Court Upholds \$45.8K Fine against Railway Company**

Transport Canada fined Canadian National Railway \$45,833 for stop signal violations and allowing workers to operate a train while impaired by drugs and alcohol. After losing the appeal, CNR took its case to court contending that the appeal tribunal's decision to uphold the penalty was based on previous incidents that didn't technically constitute violations of the *Railway Safety Act*. But the federal court rejected these arguments as "unintelligible" and concluded that the tribunal's rulings on liability and the penalty amount were reasonable and that the hearing procedures were fair. In addition to upholding the tribunal ruling, the court ordered CNR to pay \$4,000 to cover the costs of the appeal [[Canadian National Railway Company v. Canada \(Attorney General\)](#), 2024 FC 1667 (CanLII), October 22, 2024].

### **OHS Enforcement: Company Loses 'Negligent Investigation' Lawsuit against the Government**

The federal government brought a criminal prosecution against a transport company for an incident that resulted in a worker's death that occurred in Alberta. The provincial court dismissed the case, finding that the matter was subject to Alberta OHS rather than criminal law. The transport company accused the Attorney General of the tort of "negligent investigation" and sued for money damages. After hearing the evidence, the federal court ruled that it was reasonable for the federal investigators to determine that the accident was within federal jurisdiction and thus subject to prosecution under the *Criminal Code*. The company appealed. But the Federal Court of Appeal held that the lower court's ruling was reasonable and refused to overturn it [[Transport Car-Fré Ltée Gestion v. Canada](#), 2024 FCA 177 (CanLII), October 29, 2024].