

## JANUARY 2025 MONTH IN REVIEW

# Federal

### LAWS & ANNOUNCEMENTS

#### Airborne Contaminants

Jan 8: A new government Hazard Alert warns of the dangers of dust and fumes containing beryllium, a chemical that can cause lung cancer and berylliosis when inhaled. Although very low, the current permissible exposure limit for beryllium of 0.05 micrograms per cubic meter of inhaled air is under review. Accordingly, employers should avoid or strictly monitor and control exposure to dust, fumes and substances containing beryllium.

**Action Point:** Find out how to implement a legally sound [Airborne Contaminant Exposure Control Plan](#) at your workplace that you can use for beryllium and other hazardous products found at your site.

#### Confined Spaces

Dec 16: The federal government issued an updated [Hazard Alert](#) calling on employers in the shipping and maritime industries to take special measures to protect workers inside cargo holds, a common form of confined space in which toxic gases are contained and oxygen levels are low.

**Action Point:** Use the [OHS Insider Confined Spaces Compliance Game Plan](#) to avoid fatalities and OHS violations, whether inside cargo holds or other kinds of hazardous confined spaces in which workers carry out work.

#### New Laws

Jan 3: The federal government increased the fees that foreign nationals who've been kicked out of Canada must pay to reenter the country, from \$1,500 to \$12,800 for those who were escorted out of the country and \$3,800 for unescorted removals. The Canada Border Services Agency over 14,000 inadmissible foreign nationals in the first 10 months of 2024.

## New Laws

Dec 23: The Government of Canada will no longer provide work and study permits to flagpolers at ports of entry. Flagpoling occurs when foreign nationals with temporary resident status in Canada leave Canada and, after visiting the U.S. or St. Pierre and Miquelon, re-enter to access immigration services at a port of entry. Immigration services at the border are meant for individuals arriving in Canada, not those already in the country, the government explained.

## New Laws

Dec 23: In an effort to crack down on immigration fraud, the federal government announced that Express Entry candidates will no longer receive additional points for having a job offer starting this Spring. This temporary measure is designed to eliminate the incentive to illegally buy or sell labour market impact assessments to improve a candidate's chances of being selected to come to Canada as a permanent resident.

## Drugs & Alcohol

Dec 23: There were 3,787 opioid-related deaths across Canada in the first 6 months of 2024, an average of 21 deaths per day, according to a [new government report](#) based on law enforcement data. Three provinces—Alberta, BC, and Ontario—accounted for 84% of these reported opioid toxicity deaths.

**Action Point:** Many overdose fatalities occur in the workplace. Find out [how to implement a workplace Naloxone Program to](#) prevent opioid overdose deaths at your site.

## Workplace Violence

Nov 27: Privacy laws banning disclosure of personal information without consent make exceptions for disclosures that are necessary in the interest of protecting personal health and safety. The Privacy Commissioner of Canada and his counterparts from across the country issued [new guidelines](#) to help organizations make responsible decisions about whether to disclose such information to law enforcement in situations involving domestic violence.

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

## Environmental

Dec 23: From now through February 28, the federal Competition Bureau will be holding public consultations seeking [comments](#) on its [proposed guidelines](#) for companies to follow to [avoid liability under the strict new greenwashing laws](#) that took effect last June targeting businesses that make false environmental claims about their companies or products.

**Action Point:** Find out more about the new [federal greenwashing laws and how to comply with them](#) when making environmental claims in your own product marketing.

## **Environmental**

Dec 15: The country is on track to achieve its long-term climate change goals. Canada's economic sector greenhouse gas emissions dropped year-over-year between 2022 and 2023, to 694 megatonnes, a drop of 6 megatonnes, according to a new government report. That's the equivalent to taking over 1.8 million cars off the road for a year. Canada's emissions are now the lowest they have been in 27 years, other than the pandemic years, and significantly lower than pre-pandemic levels.

## **CASES**

### **Drugs & Alcohol: Worker's Failure to Disclose Addiction Doesn't Excuse Duty to Accommodate**

Canadian Pacific fired an engineer for abusive conduct toward hotel employees during a business trip stay. While conceding that the engineer engaged in harassment, the union claimed that he was drunk and sued CP for failing to accommodate his alcohol addiction. We didn't know the engineer had such an addiction because he never disclosed it, CP countered. The federal arbitrator sided with the union. An employee's failure to disclose their addiction doesn't relieve an employer of its duty to make reasonable accommodations. Addicts routinely deny and lie to cover up their evictions, the arbitrator reasoned. With the union having made out a legal case that the engineer was entitled to accommodations, the burden shifted to CP to show that accommodation was impossible without undue hardship. And since CP didn't meet that burden, it had to reinstate the engineer [[Canadian Pacific Kansas City Railway v Teamsters Canada Rail Conference](#), 2024 CanLII 121066 (CA LA), November 25, 2024].

**Action Point:** Find out the right and wrong to get workers to [voluntarily disclose their substance abuse addictions and dependencies](#) so you can get them help and protect their health and safety.

### **Transportation Safety: Trucker Who Runs His Vehicle into Co-Worker Gets to Keep His Job**

Did the yardman with 13 years of employment deserve to lose his job for hitting a coworker with his truck? The federal arbitrator said no and reduced the punishment to a one-month suspension. While acknowledging that the yardman was at fault, there were mitigating circumstances: the yard was dark, the victim was wearing dark clothes without a reflective bib and standing in the truck's blind spot and the yardman was driving at the speed limit. The yardman also accepted responsibility for the incident and had no history of previous incidents [[Teamsters Québec Local 106 c](#)

[Active Canada inc.](#), 2024 CanLII 126813 (CA SA), December 19, 2024].

**Action Point:** Find out how far you can go in [disciplining workers for distracted and dangerous driving](#).