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Fast Facts

BULLETIN 62 | FRIDAY, DECEMBER 16, 2022

Recent Updates

Happy Holidays from HR Performance & Results

This holiday season, the HR Performance & Results team is thankful for all of our clients, colleagues, and collaborators who have worked with us to provide the best HR support possible to our community and beyond. We look forward to working with you in the new year.

From our team to yours, have a wonderful holiday and best wishes for 2023!

- *The HR Performance & Results Team*

Note: The HRPAR offices will be closed for the holiday season on the following days: Friday, December 23rd, Monday, December 26th, Tuesday, December 27th, and Monday, January 2nd.

Looking Back: Legislative Updates Across Canada in 2022

2022 brought with it a number of significant legislative changes, requiring employers to adapt quickly. Below we've compiled a brief, high-level overview of some of the most consequential provincial and federal legislative updates.

Ontario

Working for Workers Act 2021 & Working for Worker's Act, 2022

Disconnecting from Work:

- Effective June 2, 2022, companies who employ 25 or more employees are required to have a written policy on Disconnecting from Work.
- In the ESA, "disconnecting from work" is defined as "not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work".
- There are no new requirements as per the ESA for employers to free employees from the obligations to participate in work-related communications, or create a "right" for employees to disconnect from work.

Digital Platform Workers Act:

- This Act establishes specific rights for digital platform workers, including their right to earn a minimum wage. [Click here](#) for more information.

Electronic Monitoring:

- Employers with 25 or more employees are required to have a written policy on electronic monitoring in place. The electronic monitoring policy must inform employees of how and under what circumstances they are being electronically monitored.
- The policy would also need to include the purposes for which the information obtained through electronic monitoring may be used by the employer.
- All employers that employ 25 or more employees (including part-time and casual employees) as of January 1 of any year are required to have a written policy on electronic monitoring in place prior to March 1 of that year.

Occupational Health and Safety Act Amendments:

- **Increased Fines for Violations:** Fines for an individual have been increased from \$100,000 up to \$500,000 per offence for a contravention under the *OHSA*. Fines for directors and officers of corporations have been increased from \$100,000 up to \$1,500,000. These individuals may also face imprisonment for up to 12 months.
- **Increased Time for Prosecution:** The limitation period for instituting prosecution under the *OHSA* has been extended from one year to two years.
- **Naloxone Kit:** Employers are required to provide a naloxone kit in workplaces where opioid overdoses are a potential hazard. They are also required to provide training to an individual regarding the administration of naloxone. There is no timeline by which an employer is required to comply with this amendment.

Alberta

Employment Standards Code and Labour Relations Code

Effective May 31, 2022:

- **Bereavement Leave:** The Employment Standards Code provides 3 days of unpaid bereavement leave. Reasons for taking the leave have been extended to include individuals who have experienced pregnancy loss as eligible for bereavement leave, provided they have worked for the employer for at least 3 months.
- **Reservist Leave:** The Employment Standards Code allows reservist leave, which has been extended to provide as much time as necessary to attend training, provided that the employee has worked for the same employer for at least 12 consecutive weeks. This removes the 20-day limit previously in place.

British Columbia

Hiring Young Workers

- Effective January 15, 2022, employers may only hire employees who are 16 years of age, instead of the previous requirement of 12 years of age. For more information on the requirements, including the exceptions and permits required, [click here](#).

Occupational Health and Safety Regulation

Effective August 22, 2022, the Occupational Health and Safety Regulation was amended to introduce a new section on the Right to

Refuse Unsafe Work:

- Once a worker refuses work under Section 3.12 of the Occupational Health and Safety Regulation, another worker **may not** be assigned to complete the work unless:
 - The work refusal has been resolved, or
 - The worker has been informed by the employer, **in writing**, of the below:
 - The work refusal;
 - The unsafe condition reported by the worker under Section 3.12;
 - The details of why the task they are being assigned would not create an undue hazard to the health and safety of the other worker;
 - The right of the worker to refuse work under Section 3.12.

Manitoba

Accessibility Standard for Information and Communication Comes into Effect

- Effective May 1, 2022, the Accessibility Standard for Information and Communication became law in Manitoba. This is the third standard under the Accessibility for Manitobans Act and aims to reduce barriers that prevent Manitobans from accessing information or being provided information in an accessible format.
- In order to comply by May 1, 2025, organizations must maintain accessible websites, provide information and communication in accessible formats when requested, and have standards and policies in place that aim to address and reduce barriers to information. For more information, [click here](#).

Quebec

Quebec Government passes Bill 96: An Act respecting French, the official and common language of Quebec

- The Government of Quebec has passed legislation to uphold and protect the French language in the province. To read the bill in its entirety, [click here](#).
- The legislation now requires all employers in the province of Quebec to distribute all written communications to employees in

French, i.e. offers of employment, letters of promotion or transfers, any employment contracts, employment application forms, training documents produced for staff, other documents related to conditions of employment, etc., unless the employee has requested communication exclusively in a language other than the official language of French.

Federal

Paid Sick Leave Provided to Federally Regulated Employees

- Effective December 1, 2022, the *Canada Labour Code* was updated to provide 10 days of paid sick leave to federally regulated, private-sector employees. For more information, [click here](#).

Canadian Government Increases Unpaid Medical Leave

- Effective December 18, 2022, the Government of Canada has increased the maximum amount of unpaid medical leave up from 17 weeks to 27 weeks for federally regulated, private-sector employees.

Training Workshops

FEBRUARY 1, 2023

Why Can't I Just Hire Them?

You can - but it takes strategy! During this practical, interactive workshop, participants will learn the key considerations for recruiting top talent in their industry.

DATE & TIME

Wednesday, February 1, 2023
11:00 a.m. - 3:00 p.m.

LOCATION

Hybrid - HRPAR Office & Virtual (Zoom)

PRICE
\$249 (+HST)

REGISTER NOW

Blog



DECEMBER 15, 2022

HUMAN RESOURCES

EI Sickness Benefits Increased

The Government of Canada has announced changes to EI sickness benefits. Effective December 18, 2022, EI sickness benefits will be permanently increased to **26 weeks**, up from 15 weeks. This will...

— [Read More](#)

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