

Overview of Important Recent Legislation Updates

December 2022

Alberta

Dunk & Associates continues to monitor legislation updates and implement changes to program content and training modules to ensure you are always kept up to date. To see a recap of the recent changes, [please click here](#).

Overview of Major Changes	What does this mean for Employers?
<p>Ministry Changes for Alberta OHS</p> <p>On October 24, 2022, Alberta OHS became part of the newly created Jobs, Economy, and Northern Development ministry, headed by Minister Brian Jean. Alberta OHS previously belonged to the Ministry of Labour and Immigration, under Minister Kaycee Madu.</p>	<p>This change in ministries does not affect Alberta's OHS legislation.</p> <p>Contact information for Alberta OHS (including the OHS Contact Centre and online links to ask an OHS expert, report an OHS concern, report serious injuries, illnesses, or incidents, etc.) remains the same.</p> <p>Click here to find the contact information:</p> <p>https://ohs-pubstore.labour.alberta.ca/info001</p>
<p>First Aid Training Providers</p> <p>The list of approved First Aid training agencies has been updated.</p>	<p>Make sure that you have the correct number and type of First Aiders for your workplace, and that their training is up to date through an approved provider.</p> <p>Click here to access the list of approved providers:</p> <p>https://ohs-pubstore.labour.alberta.ca/fa018</p>
<p>WCB Alberta Has New Claim Notifications for Employers</p> <p>The myWCB mobile app for employers can help employers support their workers with better return-to-work outcomes.</p> <p>Receive an alert when one of your workers reports an injury to WCB and connect with modified work resources, so you can have a plan in place from day one.</p>	<p>If you would like to use this service, you can download the app which is available on the App Store and Google Play.</p> <p>For more information about the features of the app, click here:</p> <p>https://www.wcb.ab.ca/resources/for-employers/online-services.html</p>

Overview of Important Recent Legislation Updates

December 2022

British Columbia

Overview of Major Changes

Updates Made to the Employment Standards Act & Regulation Regarding the Hiring of Children Under the Age of 16

- Children under the age of 16 will not be permitted to be employed in hazardous industries or hazardous work.
- The burden of proof is on the employer when in the case of an alleged contravention, to show that an employee has attained the prescribed age in respect of the applicable hazardous industry or hazardous work.
- Work inside walk-in freezers, coolers, or areas exposed to air contaminants will be classified as hazardous work in Regulation Part 7.1, Division 5 - Hazardous Work.

What does this mean for Employers?

These changes will take effect on January 1, 2023.

If you are currently employing children under the age of 16, you need to ensure they are not performing hazardous work. If you are recruiting for positions in hazardous industries or that would perform hazardous work, you need to ensure that you attain proof of age that the person you are hiring is 16 years of age or older.

For more information on what constitutes “Hazardous Work”, please click here:

<https://www2.gov.bc.ca/gov/content/employment-business/em-employment-standards-advice/employment-standards/forms-resources/igm/esr-part-7-1-division-5>

Federal (CLC)

Overview of Major Changes

REMINDER: Changes to Sick Leave coming into effect starting December 1, 2022.

- Employees are now entitled to a maximum of 10 paid sick days (sick leave) each calendar year. Unused sick days carry over to the next calendar year and count towards that year’s maximum of ten days.
- This new “sick leave” is separate from “personal leave”. Personal leave can be taken for family responsibilities, urgent matters concerning the employees or their families, or for attending citizenship ceremonies. Personal leave continues to be 5 days per year, 3 of which are paid if the employee has worked for a month or more.
- Employers may request a medical note for medical leaves with pay that are 5 consecutive days or longer.

What does this mean for Employers?

Ensure that you are accruing sick time for your employees starting December 1, 2022. Sick time is accrued as follows:

- 30 days after the changes become effective, employees will earn 3 days of paid sick leave.
- New employees will earn 3 days of paid sick leave after completing 30 days of continuous employment.
- After the initial entitlement listed above, employees will also earn 1 paid sick day after every month of employment.

Overview of Important Recent Legislation Updates

December 2022

Manitoba

Overview of Major Changes

What does this mean for Employers?

Reminder Young Employees

Young people who are 13, 14, or 15 years of age need to complete a Young Worker Readiness Certificate Course before they can begin working

This course replaces the requirement for a child employment permit.

If you are employing young workers who are 13, 14 or 15 years old, you need to ensure they have completed this course.

To Access the course, click here:

<https://ywrcc.safemanitoba.com/user/hb>

Please **DO NOT** submit the certification of Completion to Employment Standards when you are hiring a young person. These certificates must be kept as part of an employer's records.

Temporary Suspension - Certificate from a Health Professional

The requirement for an employee to provide a certificate from a health professional in respect of a leave provided for in The Employment Standards Code is temporarily suspended.

To reduce strain on the health system and help prevent the spread of the virus, employers may request reasonable verification of the need for leave, but cannot request a note from a doctor, nurse, or other health professional.

During the COVID-19 public health crisis, employers are not permitted to request a physician's certificate or medical certificate to verify an employee's eligibility for any protected leave available under The Employment Standards Code.

Reasonable verification that the employee is entitled to the leave will be different from case to case. The intent is to confirm the employee is taking the leave to deal with a specified purpose.



Overview of Important Recent Legislation Updates

December 2022

Nova Scotia

Overview of Major Changes	What does this mean for Employers?
<p>Provide Feedback!</p> <p>Premier Tim Houston is calling on Nova Scotians to share ideas on how to make it easier to access services or start and grow a business in the province in an effort to help "remove red tape".</p>	<p>Nova Scotians can share their feedback on red tape at:</p> <p>https://beta.novascotia.ca/share-feedback-red-tape</p>
<p>Labour Standards Code Amendment Introduced (NIF):</p> <p>The proposed amendment involves the creation of an unpaid leave of absence for employees who experience a pregnancy that does not end in a live birth; this includes either of the following:</p> <ul style="list-style-type: none">• Up to 5 consecutive days for a pregnancy that does not result in a live birth; or• An unpaid leave of up to 16 weeks if their pregnancy ends after the 19th week. <p>Eligibility for this leave includes any of the following:</p> <ul style="list-style-type: none">• Pregnancy ends.• Their spouse or partner's pregnancy ends.• Their former spouse or partner's pregnancy ends if they would have been the biological parent.• They would have become a parent of a child, born as a result of the pregnancy, under a surrogacy agreement.• They would have become a parent of a child, born as a result of the pregnancy, by means of an intended adoption pursuant to the laws of the Province.	<p>If passed, the amendments will take effect on January 1, 2023.</p> <p>If passed, you will need to review and update your policies regarding leaves of absence.</p> <p>If passed, and you are a Full Service Human Resources client of Dunk & Associates, your Leave of Absence Policies will be updated to reflect this change.</p>

Overview of Important Recent Legislation Updates

December 2022

Ontario

Overview of Major Changes

Blitzes and Initiatives: Preventing Occupational Disease

The MLITSD, along with health and safety partners, will be focusing on preventing occupational diseases in different sectors from October to December 2022. The Healthy Workers in a Healthy Workplace – Occupational Disease initiative will roll out in two phases:

Phase 1: Compliance support and awareness campaign, October 3 – December 30, 2022

Phase 2: Focused inspections campaign, October 31 – December 30, 2022

The focus of the initiative in each sector will be:

- Construction: asbestos reporting and compliance with the Asbestos Worker Registry
- Health care: occupational dermatitis
- Industrial: silica exposures
- Mining: diesel exhaust in underground mines
- Radiation: ionizing radiation in all sectors

Post-Inspection Survey to Improve Health and Safety Programs and Services

The MLITSD's Occupational Health and Safety Branch are measuring the impact of their work to ensure their programs and services are as effective and efficient as possible. To best identify what's working and how to improve, they need to hear directly from workers and employers that have had interactions with their occupational health and safety inspectors.

As part of their field visits, their health and safety inspectors may ask for an email address from the main employer and worker contact(s). This will be used to send one or two surveys about how our work has influenced employers and workers:

- Knowledge of occupational health and safety laws, hazards, and controls
- Health and safety practices
- Workplace safety culture

What does this mean for Employers?

Ensure your company is prepared in case an MLITSD Officer comes in for a visit!

Your Worker Safety Representative and Managers should be familiar with what the MLITSD is looking for.

For further information on each sector go to:

https://www.ontario.ca/page/occupational-health-and-safety-compliance?mc_cid=232ccd2232&mc_eid=31d846b5ea

It is not mandatory to provide an email address to the MLITSD inspector, but you are encouraged to share your contact information and your feedback to help the MLITSD improve its programs and services to better fit the needs of Ontario's workplaces.

All contact information collected as part of this initiative will be used only for survey distribution. Survey answers will remain anonymous.

Overview of Important Recent Legislation Updates

December 2022

Quebec

Overview of Major Changes

New CNESST Form for a Temporary Assignment of Work.

The CNESST has introduced a new form for Temporary Work Assignments to ensure better supervision of the temporary assignment of the work process.

The employer of a worker who has suffered an employment injury must now use the CNESST form for a temporary assignment of work.

The treating health care professional will indicate on the form the worker's temporary physical or mental functional limitations.

The employer must send the form to the CNESST, whether or not the temporary assignment is authorized by the attending health professional.

The attending health professional must give a favourable opinion to allow the employer to proceed with a temporary assignment.

The temporary assignment is authorized if the treating health professional believes that:

- The worker is reasonably able to perform the work.
- This work does not pose a danger to the worker's health, safety, and physical and mental well-being due to their injury.
- The work is beneficial to his or her rehabilitation.

What does this mean for Employers?

Ensure you are using the CNESST Temporary Assignment of Work Form.

When an employer offers a worker a temporary assignment that involves fewer hours than the worker's regular job, the employer must indicate on the temporary assignment form the option they choose for the payment of wages. The employer must inform the CNESST before the temporary assignment begins.

The employer has 2 options:

1. They pay 100% of the wages and employment benefits that the worker would have received if they had continued to work. The employer pays 100% of the wages and benefits of the job held by the worker at the time of the injury as if they were still working full-time. It claims reimbursement from the CNESST for the net wages paid for hours paid but not worked, up to the amount of the income replacement indemnity to which the worker would have been entitled to without this assignment (within 90 days of the end of a pay period).
2. They pay the worker wages for the hours worked and the CNESST pays the worker an amount equal to the income replacement indemnity to make up the difference between the amount of income replacement indemnity to which the worker would be entitled, but for the assignment, and the net wages paid to the worker by the employer for that work. The employer has 90 days from the end of a pay period to request reimbursement from the CNESST. The employer may ask the CNESST to change the option chosen for the same temporary assignment only once.

Overview of Important Recent Legislation Updates

December 2022

Yukon

Overview of Major Changes

Government of Yukon and Yukon RCMP Launch New Mobile Crisis Response Team

The Government of Yukon and the Yukon Royal Canadian Mounted Police (RCMP) have launched a new Mobile Crisis Response Team in Whitehorse. The new unit, named Car 867, will respond to calls for service related to mental health issues and suicide risks.

Car 867's team will be staffed with a police officer and a mental health nurse from the Yukon government's Mental Wellness and Substance Use Services Unit. They will provide a specialized joint response including on-site mental health assessments and referrals to community agencies.

The objective of this new partnership is to provide trauma-informed, client-centered responses to mental health emergencies. This joint initiative will help early intervention with underlying mental health issues and may also help divert people away from the criminal justice and hospital systems. This new unit is a key action to respond to the Substance Use Health Emergency.

What does this mean for Employers?

Employers need to know whom to contact if an employee is having a mental health issue and requires immediate assistance.

Requests for police assistance will continue to go through police dispatch (non-urgent line 667-5555 or 911 in the case of an emergency) and dispatch will determine if Car 867 is appropriate to respond. When dispatched, Car 867 will travel to the individual's location to provide on-scene support, provided the unit is available and the call relates to a mental health issue or suicide risk.

While Yukon RCMP will continue to respond to calls of any nature 24 hours a day, seven days a week, the Mobile Crisis Response Team will have specific hours of operation during the initial launch.

People experiencing mental health or substance use challenges can receive support by calling Mental Health and Substance Use Services (MWSUS) at 867-456-3838. In case of an emergency, please call 911.