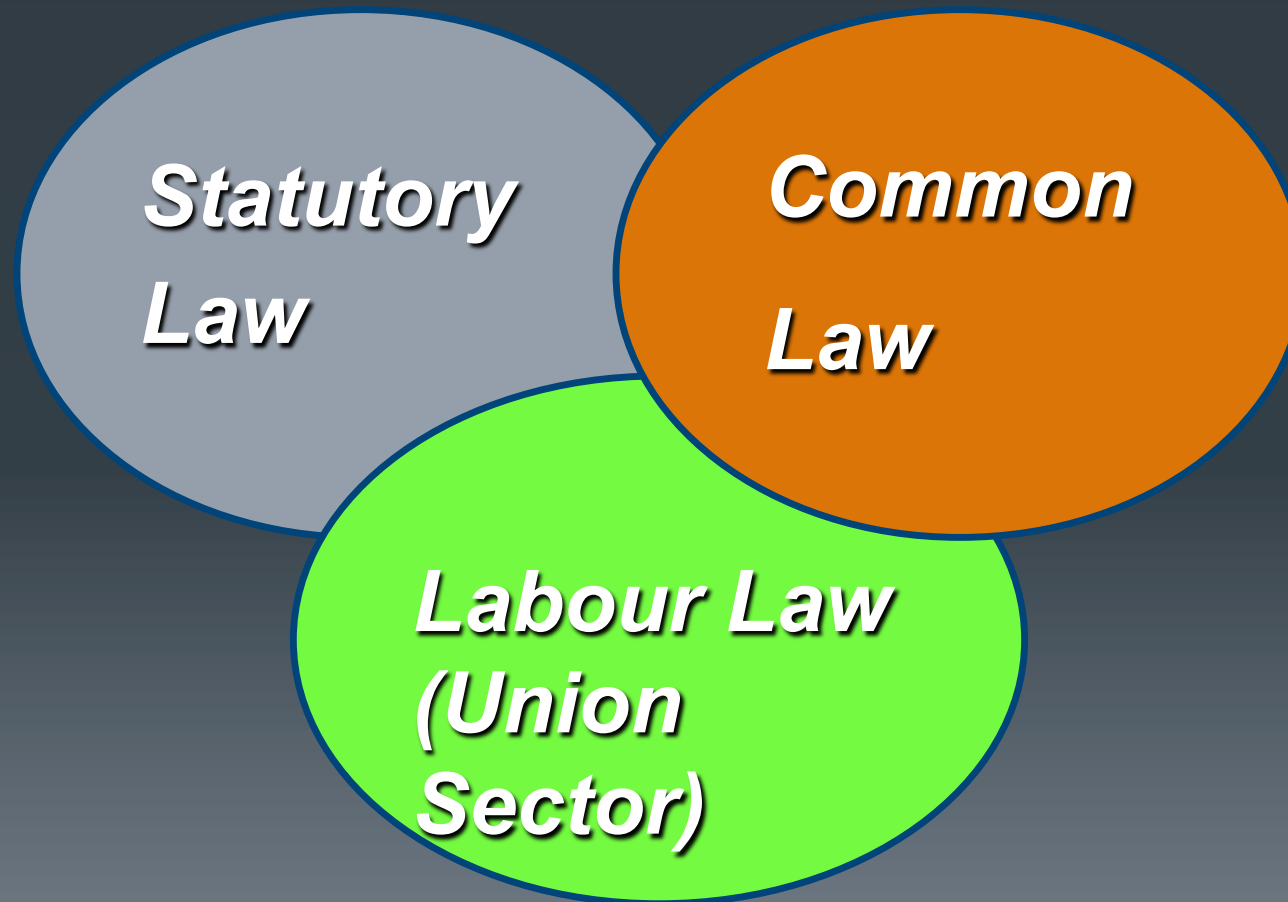


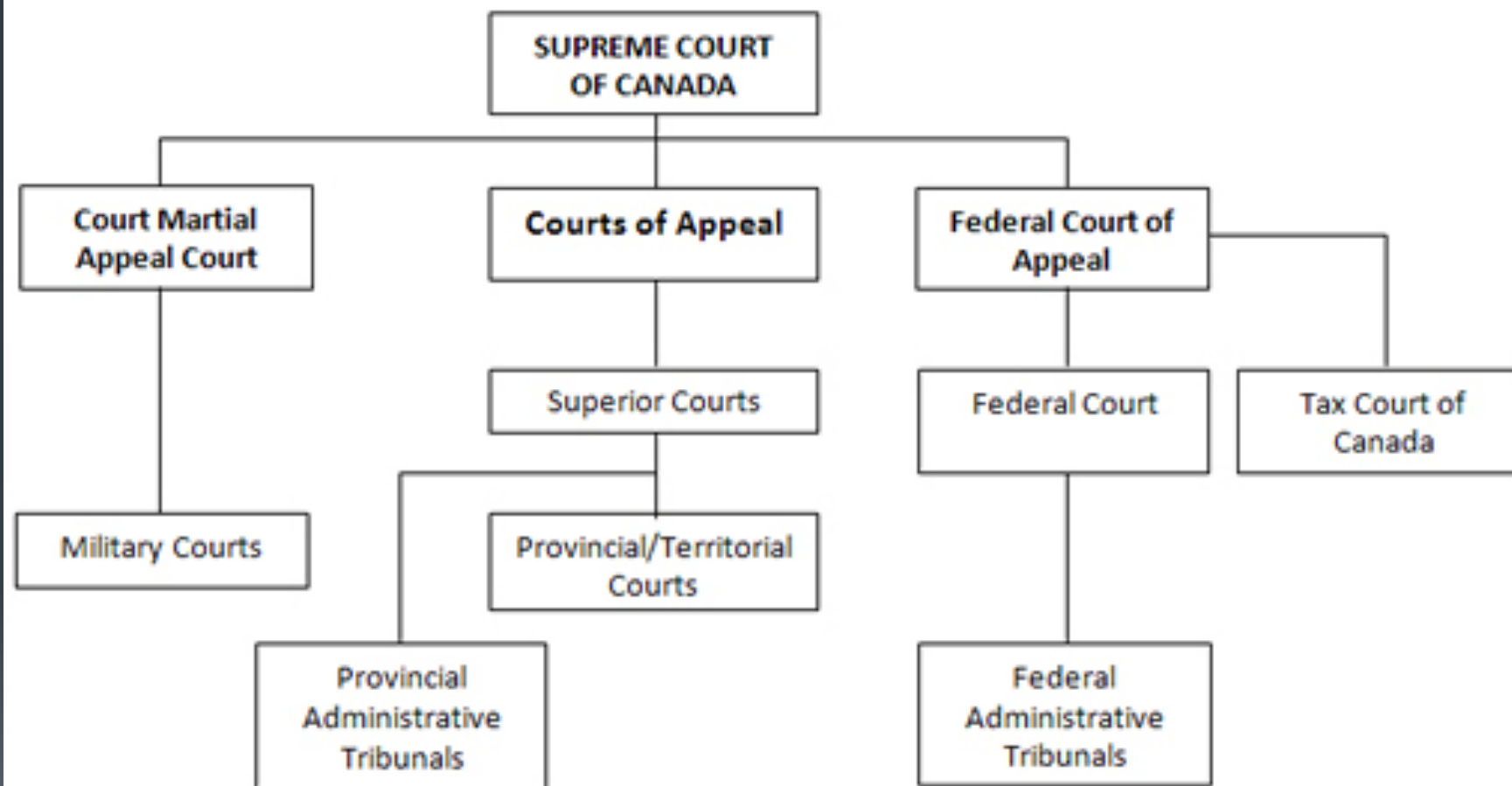
*Legislation &
Post-
Secondary
Labour
Relations*



Sources of Employment Law



Canada's Court System



Key Concepts

- Jurisdiction:
 - The limits of legal authority: who does the law apply to?
 - Provincial or Federal?
 - Public or Private Sector?
- Statute/Code/Act:
 - Law formally written and passed by Government
 - Regulation = how to interpret Act/Code
- Common Law:
 - Law made by judicial decision (aka precedent)

The Canadian Charter of Rights and Freedoms (1982)



Jurisdiction:

32. (1) This Charter applies

a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and

b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Key Employment Statutes

Provincial

- Alberta Human Rights Act
- Alberta Labour Relations Code
- Alberta Employment Standards Code
- Alberta Worker's Compensation Act
- Alberta Occupational Health and Safety Code

Federal

- Canadian Human Rights Act
- Canada Labour Code
 - Part I – Labour Relations
 - Part II – Health & Safety
 - Part III – Employment Standards
- Employment Equity Act


ES Changes

Entitlement	New	Old
Leave eligibility	After 90 days	After 1 year
Compassionate care leave	27 weeks	8 weeks
Maternity/parental leave	16 weeks/62 weeks	15 weeks/37 weeks
Illness/injury leave	16 weeks	
Personal responsibility leave	5 days	
Domestic violence leave	10 days	
Critical illness adult/child	16 weeks/36 weeks	
Death or disappearance child/crime	52 weeks/104 weeks	
Termination		
Holidays		
Overtime banking	6 months & 1.5 x	3 months 1x

WCB


Legislation now in place as of January 1

- Update cost-of-living adjustment (COLA) calculation
- Enhance retirement benefits
- Introduce lump-sum fatality benefit
- Enhance grant requirements for safety associations




Legislation takes effect April 1

- Expand presumption for myocardial infarction to paramedics
- Expand PTSD presumption to include correctional officers and emergency dispatchers
- Expand presumption for traumatic psychological injury claims for all workers



Legislation takes effect September 1


- ◇ Introduce Code of Rights and Conduct
- ◇ Amend process for estimating earning capacity
- ◇ Provide interim relief during review or appeal
- ◇ Establish employers' obligation to reinstate injured workers
- Extend window for appeal to two years
- Remove the cap for maximum insurable earnings
- Enhance benefits for severely injured young workers
- Enhance benefits for all surviving spouses
- Continue coverage for workers under their employers' health benefits plan



2018 JANUARY APRIL SEPTEMBER

Consultation January 2 - March 6

- ◇ Develop Code of Rights and Conduct
- ◇ Amend process for estimating earning capacity
- ◇ Provide interim relief during review or appeal
- ◇ Establish employers' obligation to reinstate injured workers



Workers' Compensation Board - Alberta:

<https://www.wcb.ab.ca/about-wcb/2018-updates.html>

OHS

1. Roles and responsibilities of work site parties
2. Express **definitions for harassment and violence**
 - Employers and supervisors expressly obligated to ensure workers are not subjected to or participate in harassment or violence
 - Workers obligated to refrain from causing or participating
3. Clarification of health and safety information that must be available at worksite
4. Mandatory *Joint Worksite Health & Safety Committees* and *Representatives*
 - Members/representatives must be **paid for time spent on JWHSC duties**
 - Must be trained
 - Duties are specified in the Act
5. Expanded requirements of OHS programs
6. Changed reporting for injuries/accidents
7. New provisions **Director of Medical Services access to information**
8. Changes to **compliance and enforcement**
9. New provisions on information collection/exchange
10. Changes to review and appeals

NOTE:

Point of clarification, on the application of leaves, referring to the Employment Standards Code Part I and how it interacts with Section 90 of the PSLA:

Application of this Act

- 2(1) This Act applies to all employers and employees, including the Crown in right of Alberta and its employees, except as otherwise provided in this Part.
- (2) ***Except for provisions relating to leaves under Divisions 7 to 7.6 and other provisions of this Act necessary to give effect to those provisions***, this Act does not apply to
- (a) employees who are members of a municipal police service appointed pursuant to the *Police Act* and their employers with respect to the employment of those employees, or
 - (b) employees and employers to the extent that another Act states that this Act or a provision of it does not apply to them.

To me this would suggest that while the PSLA is exempt from the code, that exemption does not apply to the leaves I was talking about today.