OEMC Municipal Conference

September 13th, 2013

A Comprehensive Update on Labour and Employment Issues

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Agenda

- Social Media
- Duty to Accommodate
- Drug & Alcohol Testing in the Workplace
- Expectation of Privacy
- Other Notable Developments
- Legislative Updates
- Q & A

Social Media & Employee Misconduct

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Social Media

Definition:

Forms of electronic communication (as web sites for social networking and micro blogging) through which users create online communities to share information, ideas, personal messages, and other content (eg. videos).

-Merrian-Webster Dictionary

Conduct

On-Duty Conduct

- Applies when the employee is on the Employer's time
- An Employer may discipline/terminate an employee for misuse of company time, equipment and/or contravention of company policy

Conduct

Off-Duty Conduct

- Direct – inappropriate posting related to Employer/employees
- In-direct – posting which raises questions regarding workplace conduct (e.g. employee absent due to "sickness" but posts pictures indicating otherwise)

Social Media Misconduct

An Employer may discipline (or terminate) an employee for misuse relating to social media dependent on:

- Existence/application of a policy which is clear, concise and consistently enforced
- Severity of the infraction

Social Media Misconduct

- Employee work record
- Seniority
- Culture of the workplace

Social Media Case Law

- *Credit Valley Hospital v. CUPE, Local 3252* (2012)
- *Tremblay v. 1168531 Ontario Inc.* (2012)
- *Wasayna Airways LP v. Air Line Pilots Association* (2012)
- *Oscar Perez-Moreno v. Danielle Kulczycki* (2013) HRTO
- *Canada Post Corporation v. CUPW* (2012)
- *Bell Technical Solutions v. CEP* (2011)

Breach of Confidentiality

Credit Valley Hospital v. CUPE Local 3252

- Grievor a part-time service representative for the hospital
- Assigned to assist at the site of a fatality involving a patient (had jumped to their death from the hospital parking garage)
- Grievor took two pictures of the scene and posted pictures and a description on Facebook
- Grievor's employment subsequently terminated

Breach of Confidentiality

Ruling:

- Termination upheld
- Breach of confidentiality of the patient
- Breach of policy relating to confidentiality
- Premeditated act and grievor failed to show remorse for his actions.

Breach of Confidentiality

Tremblay v. 1168532 Ontario Inc.

Employee posted on Facebook during and after an HRTO mediation:

"sitting in court now and ____ is feeding them a bunch of bullshit. I don't care but I'm not leaving here without my money … lol"

"well court is done didn't get what I wanted but still walked away with some"

Breach of Confidentiality

Employer did not pay settlement based on the Facebook comments – stated he wanted to let the Tribunal sort it out.

Tribunal orders:

- Applicant breached a term of the Minutes of Settlement – confidentiality
- Respondent breached a term of the Minutes of Settlement – failure to pay
- Respondent shall pay applicant amount owing, *less $1,000*

Impact on Business Interests

Wasaya Airways LP v. Air Line Pilots Association

- Pilot with Wasaya Airways posted comments on Facebook that were disrespectful to First Nations people.

- Employee was terminated as a result

Impact on Business Interests

Arbitrator concluded that while the grievor's misconduct was a serious breach of the Company's policies, the discipline imposed was excessive in light of a number of mitigating factors.

Impact on Business Interests

However, given that the Facebook post had the potential for significant detrimental effect on the Company's reputation and that management expressed an unwillingness to work with him again, the employee's misconduct was such that the employment relationship was found to have been rendered untenable.

Impact on Business Interests

While the Employee was not reinstated, the arbitrator's award provided that the grievor was entitled to full compensation and benefits for a 3 month period during which he was deemed to have been suspended after which he was to resign from the company with the letter of dismissal being expunged from his record.

Harassment re: Human Rights Code

Perez-Moreno v. Kulczcki

- Perez-Moreno intervened in an argument at work between Kulczcki and another individual with whom the Applicant was in a relationship

- Respondent posted on Facebook 2 days later that she had been written up at work for calling the applicant "a dirty Mexican"

Harassment re: Human Rights Code

Perez-Moreno v. Kulczcki

- Respondent also stated to other employees "now that mexican is not going to give me anything."
- Applicant stated that the respondent said how rewarding it was to make the racial and derogatory comments about the applicant.

Harassment re: Human Rights Code

- Applicant found the public posting and the applicant's derogatory comments humiliating and damaging to his character, work and personal life, and stated that they created a negative emotional, social, mental and possible financial effect on him.

Harassment re: Human Rights Code

Remedies:

- Given the seriousness of the Respondent's conduct, the Tribunal ordered the Respondent to complete the Human Rights Commission's "Human Rights 101" training.

- The Registrar also provided a copy of the decision to the Employer who may wish to consider whether human rights training might be of benefit for all its employees

Harm to Other Employees

Canada Post Corporation v. CUPW

- Postal Clerk with 31 years of service
- Over a 1 month period made a number of derogatory, mocking statements about her supervisors and the Employer

Harm to Other Employees

Canada Post Corporation v. CUPW

"I'm playing with my [first name of supervisor] voo doo doll. DIE BITCH DIE"

Also referred to supervisor as "HAG", "Evil D" and the workplace as "Hell"

Harm to Other Employees

The Employer argued that the postings were grossly insubordinate, had the potential to damage the reputation of the Employer, and had greatly harmed the supervisors.

The Employer pointed out that the grievor was unapologetic, blaming her supervisors for creating an intolerable work environment that justified her postings.

Harm to Other Employees

The Union accepted that the postings were regrettable but argued that they were the result of a toxic work environment.

The grievor also thought her postings were private.

The Union submitted that dismissal was too harsh a penalty.

Harm to Other Employees

Grievance dismissed.

The postings on Facebook were abusive, intimidating and mocking.

They were disseminated to the grievor's friends, who included other employees of the Employer.

Discovery of the postings harmed the targeted managers.

Harm to Other Employees

Both managers substantial time off work for emotional distress and one required medical care.

While the grievor might have believed that her postings were private, that did not relieve her of the responsibility for what she wrote.

Harm to Other Employees

The Arbitrator rejected the Union's contention that the grievor was a heavy drinker or suffered from mental illness as reasons for diminished responsibility.

The grievor's provocation defence failed because her response on Facebook was grossly disproportionate to the events complained of.

The Employer had just cause to dismiss the grievor

Harm to Other Employees

Bell Technical Solutions v. CEP

Several employees filed grievances alleging unjust dismissal, discrimination, and harassment after they were discharged for pictures and comments they had posted on their Facebook accounts over a period of more than a year.

The postings were allegedly insulting and offensive to the Employer and their supervisor.

Harm to Other Employees

- Employer submitted that the employees had engaged in a deliberate, offensive, and malicious course of ridicule of the company and harassment of the supervisor. The Employer maintained that the postings were seen by several employees.

- The Union submitted that the postings were off-duty conduct and were meant to be private communications among them, not public communications. The Union argued that, in fact, it was the supervisor who was acting in an improper, intimidating, aggressive and harassing manner at work.

Harm to Other Employees

- Arbitrator upheld the discharge of one employee on the basis that his Facebook postings were frequent, deliberate, prolonged, and derogatory to both the company and the supervisor. The arbitrator further noted that the employee received two warnings but did not cease to make derogatory comments and that his apology letter lacked sincerity.

- However, the Arbitrator held that the other employees should be reinstated to their employment, in part due to their length of service with the Employer and the fact that provocation was a greater factor.

Practical Challenges

- Getting the evidence
- Purging posts after deletion
  - if you see something, print and save it!

Practical Challenges

- Establishing an identity in social media
- Explaining how the evidence is obtained
- Supervisor/management behaviour

Duty to Accommodate

Duty to Accommodate

- *Communication, Energy and Paperworkers Union of Canada Local 41-0 v. Nestle Purina Petcare* (Willis Grievance) (2012)
- *Attorney General of Canada v. Johnstone* (2013)
- *Devaney v. ZRV Holdings Limited and Zeidler Partnership Architects* (2012)

Duty to Accommodate

Communication, Energy and Paperworkers of Canada v. Nestle Purina Petcare

- Grievor had been employed as a millwright
- 2004 experienced a workplace injury that aggravated a pre-existing condition

Duty to Accommodate

Communication, Energy and Paperworkers of Canada v. Nestle Purina Petcare

- After 8.5 months returned to work and was offered full-time accommodated employment.
- In the following years, the grievor's condition deteriorated after he suffered a variety of futher injuries. In 2009, following another injury his restrictions were amended, further restricting the type of work he could perform.

Duty to Accommodate

- Employer concluded it could not accommodate the grievor's restrictions any further due to a lack of available work within his restrictions.

- January 2010 Purina Petcare dismissed the grievor on the basis the employment relationship had been frustrated.

Duty to Accommodate

Decision

- Arbitrator concluded that the Employer had fulfilled its duty to accommodate the grievor over the course of four years, but since there were not sufficient duties available within the grievor's restrictions, the Employer was justified in ending the employment relationship.

Duty to Accommodate – Upholding a Termination

To increase the likelihood that a termination for frustration of contract will be upheld as reasonable, the following steps should be taken by Employers:

- Analysis of the employee's ability to perform the core duties of their position, with reference to the medical information provided and an objective analysis of the work to be performed

- Record the Employer's efforts to find safe work that accommodates an employee's

Duty to Accommodate

- Up-to-date medical information should be requested, including a physician's prognosis for recovery and what, if any, restrictions the employee has.

- Employers may consider involving workplace ergonomists and/or other specialist in the search for appropriate workplace accommodations.

Duty to Accommodate and Family

Devaney v. ZRV Holdings Limited

- Employed for 27 years as an architect, including Principal-in-Charge on the Trump International Hotel and Tower in Toronto

- Devaney was also primary caregiver to his ailing mother

Duty to Accommodate and Family

- Applicant alleges his employment was terminated as a result of the respondents unilaterally changing the terms of his contract, and not allowing him to maintain a flexible work schedule in order to care for his mother

- Respondent submitted that the employment was terminated for just cause, because of the Devaney's persistent failure to regularly attend the office in the face of many warnings.

Duty to Accommodate and Family

Ruling:

- The respondents had a duty to consider and explore the possibilities of accommodating the applicant's needs related to his eldercare responsibilities.

- The respondents had not established that accommodating the applicant's Code-related absences would have resulted in undue hardship.

Duty to Accommodate and Family

Ruling:

- The Employer discriminated on the basis of family status; failed to accommodate need to care for his elderly mother and by terminating employment for absenteeism.

- Devaney awarded $15,000 for injury to dignity, feelings and self-respect.

Duty to Accommodate and Family

Attorney General of Canada v. Johnstone

- Johnstone began working as a part-time customs inspector at Pearson International Airport in 1998. Five months into her employment she was made a full-time employee. (Her husband also worked rotating shifts at Pearson)

Duty to Accommodate and Family

Attorney General of Canada v. Johnstone

- In January 2003, Johnstone requested accommodation after the birth of her first child. She requested that she be given three thirteen hours shifts per week in order to accommodate day care while maintaining her full-time status.

Duty to Accommodate and Family

- Request was denied. Johnstone was offered a max of 10 hours per day, three days per week, plus an additional 4 hour shift – a 34-hour work week which would constitute part-time employment

- Johnstone accepted the 3 x 10-hour shifts only. Shortly after returning to work, Johnstone asked if she could remain on full-time status and characterize the hours not worked as leave without pay. Request was denied.

Duty to Accommodate and Family

- After the birth of her second child in 2005, Johnstone asked to be allowed to work full-time hours over three days, but was again refused.
- Human rights complaint filed in April 2004, claiming discrimination on the grounds of family status.

Duty to Accommodate and Family

- The Tribunal allowed Johnstone's complaint, finding that a prima facie case of discrimination had been proven, and that the CBSA had discriminated against Johnstone on the basis of family status by failing to accommodate her and engaging in adverse differential treatment based on her family status.

Duty to Accommodate and Family

- The Tribunal also found that the CBSA had not proven the undue hardship necessary to exempt it from its obligations to accommodate its employee. The Tribunal ordered CBSA to:

Duty to Accommodate and Family

- cease discriminatory practices against employees seeking accommodation based on family status for the purpose of childcare responsibilities;
- consult with Johnstone and the Canadian Human Rights Commission to develop a plan to prevent further incidents of such discrimination;
- establish written policies including processes for individualized assessments to address family status accommodation requests within six months;

Duty to Accommodate and Family

- compensate Johnstone for lost wages and benefits, including overtime and pension contributions;
- ensure Johnstone be entitled to pension contributions as a full-time employee during the period in question; and
- pay Johnstone $15,000 for general damages for pain and suffering and $20,000 for special compensation.

New Family Status Test

- Applicant must establish that attendance requirements had adverse impact because of absences that were ***required*** as a result of an applicant's responsibilities as primary caregiver.

New Family Status Test

- If it is the caregivers choice, rather than a requirement, a *prima facie* case of discrimination is not established.

- With family status, as will all other grounds, Code requires the accommodation of needs, not preferences.

Takeaway

- Employer has a duty to accommodate legitimate and required requests
- Family status applies to elder care responsibilities
- Treat requests for family accommodation like you would a disability

Takeaway

- Accommodation can include:
  - assigning shifts outside seniority systems in collective agreements
  - working from home
  - flexible hours and time off

Drug & Alcohol Testing in the Workplace

Drug and Alcohol Testing

- *Entrop v. Imperial Oil Ltd, (2000)*
- *Communications, Energy and Paper Workers Union of Canada v. Irving Pulp and Paper, (2013)*

Drug & Alcohol Testing

Entrop v. Imperial Oil Ltd. 2000

- The Ontario Court of Appeal considered an Employer policy instituted at Imperial Oil refineries that required employees in safety-sensitive positions to submit to random drug and alcohol testing, and provided for automatic dismissal upon a positive test result.

Drug & Alcohol Testing

Entrop v. Imperial Oil Ltd. 2000

- The Court held that the Employer's policy imposed sanctions on "any person testing positive … on the assumption that the person is likely to be impaired at work currently or in the future, and this not 'fit for duty'".

Drug & Alcohol Testing

- However, the Court held that random alcohol testing of employees in safety-sensitive positions could be justified as a BFOR provided that sanctions are properly tailored to an employee's individual circumstances.

Drug & Alcohol Testing

- Court distinguished between drug and alcohol testing on the grounds that drug testing is indicative of past drug use rather than current or likely future impairment, which a positive breathalyzer reading is indicative of actual impairment.

Drug & Alcohol Testing

- Ontario Human Rights Commission accepted that alcohol testing post-incident and for cause was justified as "sufficiently related to job performance"

Drug and Alcohol Testing

Communications, Energy and Paper Workers Union of Canada v. Irving Pulp and Paper, 2013

- Irving operates a kraft paper mill in St. John, NB. Between 1991 and 2006, Irving had no formal policy with respect to alcohol and drug use.
- In 2006 it unilaterally adopted a "Policy on Alcohol and Other Drug Use" under the management rights clause of the collective agreement without any negotiations with the Union.

Drug and Alcohol Testing

- Policy contained a universal random alcohol testing component, whereby 10% of the employees in safety sensitive positions were to be randomly selected for unannounced breathalyzer testing over the course of a year.

- The Union filed a grievance challenging only the random testing aspect of this policy.

Drug and Alcohol Testing

- The rest of the testing policy was not challenged. Under it, employees were subject to mandatory testing if there was reasonable cause to suspect the employee of alcohol or other drug use in the workplace, after direct involvement in a work-related accident or incident, or as part of a monitoring program for any employee returning to work following a voluntary treatment for substance abuse.

Drug and Alcohol Testing

- There were only eight documented incidents of alcohol consumption or impairment at the workplace over a period of 15 years, from April 1991 to January 2006. Nor were there any accidents, injuries or near misses connected to alcohol use.

Drug and Alcohol Testing

- Board determined there was little benefit to the Employer in maintaining the random testing policy. Weighing the Employer's interest in random alcohol testing in the workplace as a workplace safety measure against the harm to the privacy interest of employees, the Board therefore allowed the grievance and concluded that the random testing policy was unjustified.

Drug and Alcohol Testing

- On judicial review, the Board's award was set aside as unreasonable because of the dangerousness of the workplace.
- The Court of Queen's Bench and the Court of Appeal supported Irving's argument that the nature of dangerous or "safety sensitive" workplaces was sufficient to warrant random testing, and that the employer was not required in such circumstances to demonstrate evidence of a pre-existing problem with drugs and/or alcohol use in the workplace.

Drug and Alcohol Testing

- The Supreme Court of Canada found that where employees are engaged in "safety sensitive" work, testing will be appropriate in circumstances such as after a workplace incident or where an employees has a demonstrated problem with drugs or alcohol. For random drug or alcohol testing, reasonable cause generally must be established by evidence of an existing workplace problem with substance abuse.

Drug & Alcohol Testing –Timing

Pre-Employment Drug and Alcohol Testing

- Law in Canada currently unsettled and Employers should be cautious in adopting/implementing such measures and ensure the testing is a BFOR.

Drug & Alcohol Testing – Timing

Post-Incident Drug and Alcohol Testing

- Post-incident & reasonable cause testing are likely permissible in safety-sensitive position.
- To date, no cases have come before the courts regarding reasonable cause and post-incident drug and alcohol testing of employees in non-safety-sensitive position.

Drug & Alcohol Testing –Timing

Random Drug and Alcohol Testing

- Random alcohol testing of employees in safety-sensitive position may be permissible where such testing is reasonably necessary in the context of the Employer's operations and provided the Employers takes all steps to accommodate to the point of undue hardship in the event of a positive test result.

Drug & Alcohol Testing – Timing

Random Drug and Alcohol Testing

- Random alcohol testing of employees in non-safety sensitive positions is generally not acceptable.

- Random drug testing is not permissible in Ontario, as testing is viewed as a poor indicator of present impairment.

Drug & Alcohol Testing – Timing

Return-to-Work and Follow-Up Testing

- Testing which is tied to an Employer's accommodation of employees with substance-related disabilities may be permissible if …

Drug & Alcohol Testing – Timing

Return-to-Work and Follow-Up Testing

- … it is reasonably necessary and meets the BFOR criteria, in that it must be reasonable necessary in the context of workplace operations and must be accompanied by Employer accommodation efforts to the point of undue hardship.

Drug and Alcohol Testing – Termination

Terminating an Employee with an Addiction

- If an addicted employee is disciplined or terminated based on a positive test result, this would be considered discrimination on the basis of a disability…

Drug and Alcohol Testing – Termination

Terminating an Employee with an Addiction

- …unless the Employer can demonstrate a negative test result is a BFOR. If not, the disability must be accommodated to the point of undue hardship.

Drug and Alcohol Testing – Termination

Breach of Employer Policy

Generally, Employers must establish the following factors in order for a breach of an Employer rule to constitute cause for discharge:

1. The rules must be distributed

1. The rules must be known by the employees

Drug and Alcohol Testing – Termination

3. The rules must be clear and unambiguous

4. The rules must be consistently enforced by the Employer

5. The rules must be enforced and employees must be warned that they will be terminated if a rule is breached

Drug and Alcohol Testing – Termination

6. The rules must be reasonable

7. The rule violation must be sufficiently serious to justify termination

Expectation of Privacy

Expectation of Privacy

- *Jones v. Tsige*, (2012)
- *R. v. Cole*, (2012)

Expectation of Privacy

Jones v. Tsige

- Jones and Tsige were employees at Bank of Montreal, at different branches and unknown to each other

- Tsige became involved in a relationship with Jones' former husband. After having a financial dispute, Tsige began to access the bank account of Jones, at work, to see if the husband was paying child support

Expectation of Privacy

Jones v. Tsige

- Continued over the course of 4 years and at least 174 times
- Tsige's actions were contrary to BMO's Code of Business Conduct and Ethics

Expectation of Privacy

- Tsige was suspended without pay for one week and denied her bonus

- In civil court, Judge awarded costs to Jones at $35,000

Expectation of Privacy

Issue: Does Ontario Law recognize a right to bring a civil action for invasion of personal privacy?

Holding: YES

Expectation of Privacy

"One who intentionally intrudes, physically or otherwise, upon the seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of privacy, if the invasion would be highly offensive to a reasonable person."

-Restatement (Second) of Torts (2010)

Expectation of Privacy

R. v. Cole

- Cole, a teacher was granted a work computer by his Employer, the School Board.
- The use of the laptop for incidental personal purposes was permitted

Expectation of Privacy

- While performing maintenance, a technician found on the laptop a hidden folder containing nude and partially nude photographs of a female student

- The principal copied the photographs onto a CD and seized the laptop. The laptop's temporary internet files were copied onto a second CD

- The laptop and both CD's were handed over to the police

Expectation of Privacy

- The laptop's use was governed by the School Board's Policy and Procedures manual, which stipulated that correspondence remained private, but subject to access by the school administrators if the specific conditions were met.

- Further, it stated that "all data and messaged generated on or handled by board equipment are considered to be the property of [the school board]"

Expectation of Privacy

Issue:

Did Cole have a reasonable expectation of privacy with respect to the school computer?

Outcome:

- Photo excluded by trial judge as evidence at trial for child pornography charges

- Case appealed all the way to the Supreme Court

Expectation of Privacy

- Supreme Court of Canada allowed as evidence but ruled that employees have a reasonable expectation of privacy in personal information stored on their work computers where personal use is permitted

- Decision does not address Employer's right to monitor employees' work-issued computers

Expectation of Privacy

- Emphasizes the importance of having an employment policy in place about personal use of work computers. Policy will diminish the expectation of privacy.

Other Notable Developments

Mandatory Retirement for Suppression Fire Fighters

- In 2008, HRTO rendered its decision in *Espey v. London (City),* in which it held that mandatory retirement of suppression fire fighters at age 60 was a *bona fide* occupational requirement.

Mandatory Retirement for Suppression Fire Fighters

- In 2011 the *Fire Protection and Prevention Act* was amended by Bill 181 permitting mandatory retirement of suppression fire fighters at age 60, notwithstanding the *Human Rights Code* and subject to the duty to accommodate.

Mandatory Retirement for Suppression Fire Fighters

- In a recent decision, *Corrigan v. Mississauga (City),* the HRTO considered whether a municipal Employer had a positive obligation to consider requests for individual exceptions to the mandatory retirement policy of age 60 and to work with those fire fighters to develop a medical fitness testing regime.

Mandatory Retirement for Suppression Fire Fighters

- Tribunal found it did not; rather the onus is on the individual fire fighter to come forward with a request for accommodation including evidence of an extremely low or negligible risk of cardiac event.

Mandatory Retirement for Suppression Fire Fighters

- Important to remember that the duty to accommodate still exists, and that the municipality has a duty offer an available position, where one may exist, for which the fire fighter is qualified outside suppression or elsewhere within the municipality, where a fire fighter wishes to work past age 60.

Breach of Confidentiality

Barrie Police Services Board v. Barrie Police Association, 2013

- On May 11th, 2011, Veteran Police Office McRae awarded 28 months premium pay in a grievance settlement.

- Resolved by way of a Memorandum of Agreement which was strictly confidential

Breach of Confidentiality

Barrie Police Services Board v. Barrie Police Association, 2013

- On October 12th, 2011, McRae posted a document on the Employee Bulletin Board addressed to the Association's "General Membership" as part of his bid to be elected Association president, which contained the following:

Breach of Confidentiality

"The grievance of my unlawful removal from CID, which was supported by the general membership, was resolved when the Service offered twenty-eight months back pay, even thought I had been removed for a period of twenty-two months."

Breach of Confidentiality

"The Association Executive agreed to this resolution agreed to this resolution despite my wishes to proceed to a hearing to challenge the honesty, integrity and credibility of the Service's case. The Service's willingness to offer this monetary resolution, again, only served to validate my position on the grievance."

Breach of Confidentiality

- Arbitrator found that McRae was bound by the terms of the 2011 Memorandum of Agreement and that he breach the confidentiality clause. Ordered McRae to return the money provided to him by the Board Settlement (approximately $15,000).

Legislative Updates– Provincial & Federal

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Legislative Updates – Provincial

ESA introduces Settlement by Labour Relations Officer

- Creates a mechanism to promote early settlement discussions between parties.

Bill 33, "Toby's Act"

- Amends Ontario's *Human Rights Code* to prohibit prejudice on the base of "gender identity" and "gender expression"

Legislative Updates – Provincial

Bill 21, "Leaves to Help Families"

- Amends the *ESA* by creating "family caregiver leave" which states that an employee is entitle to leave without pay to provide support or care to a family member who has a serious medical condition.

Legislative Updates – Provincial

- Entitles an employee to take up to 8 weeks leave in each calendar year

- Also includes leave to attend to "critically ill child care, crime related child death or disappearance leave"

Legislative Updates – Provincial

Entitles an employee to take :

- up to 37 weeks leave to provide care or support to a critically ill child.

- up to 104 weeks leave if a child of the employee dies as a result of a crime

Legislative Updates – Provincial

- up to 52 weeks leave if a child of the employee disappears and is probable the disappearance was the result of a crime

Legislative Updates – Federal

Bill C-44, "Helping Families in Need" Act

- Amends the *Employment Insurance Act* allowing parents who fall ill while receiving EI parental benefits to access EI sickness benefits

Legislative Updates – Federal

Bill C-44, "Helping Families in Need" Act

- Amends Part III of the *Canada Labour Code* mandating unpaid leave for parents to care for a critically ill child or for parents whose child has disappeared or died as a result of a crime

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