

## Highlights as of January 11, 2017

### ALBERTA:

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Bill 208 This bill is an amendment to the Employment Standards Code. Section 2 subsection 2 of the ESC is to be amended by striking out "compassionate care leave" and substituting "compassionate care leave or volunteer firefighter leave". Section 3(1)(b) is also amended by adding "volunteer firefighter leave" after "compassionate care leave".

### BRITISH COLUMBIA

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NO UPDATE: The Legislative Assembly will resume on Tuesday, February 14, 2017.

### NEW BRUNSWICK

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Bill 15 Royal Assent: This bill contains an act to Amend the Workplace Health, Safety and Compensation Commission and Workers' Compensation Appeals Tribunal Act. The amendments under section 7: prepare and approve its operating and capital budgets; plan for the future of the workers' compensation system; and develop a prevention strategy with respect to workplace injury and illness. There is an amendment regarding the membership of the board of directors and one regarding.

Bill 27 First Reading: This bill amends sections 140.1 and 142 of the Motor Vehicle Act. This amendment affects the maximum rate of speed after school zones while also strengthening some of the language that was previously written.

### NEWFOUNDLAND

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Bill 42 The purpose of this bill would be to amend the highway traffic act to provide for longer license suspensions where a person is convicted of certain impaired driving offences under the *Criminal Code* (Canada); and eliminate a conflict with the *Bankruptcy and Insolvency Act* (Canada).

Bill 51 This Bill would amend the *Emergency 911 Act*, the *Emergency Services Act* and the *Fire Protection Services Act* to reflect the fact that Fire and Emergency Services-Newfoundland and Labrador is no longer an agency and is now a part of the Department of Municipal Affairs.

Bill 53 This Bill would amend the *Labour Standards Act* to align with changes to the *Canada Labour Code* by increasing the entitlement to Compassionate Care Leave from 8 weeks to 28 weeks; and changing the period in which Compassionate Care Leave must be taken from 26 weeks to 52 weeks.

Bill 59 This Bill would amend the *Workplace Health, Safety and Compensation Act* to include presumptive cancer coverage for firefighters and volunteer firefighters.

#### NOVA SCOTIA

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NO UPDATE

#### NORTHWEST TERRITORIES

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NO UPDATE The Second Session of the 18th Assembly reconvenes  
Tuesday, Jan 31, 2017

#### MANITOBA

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Bill 200 This Bill amends *The Human Rights Code*. The list of protected characteristics under the Code is expanded to cover physical size and weight.

Bill 209 The Mental Health Act and The Personal Health Information Act are amended to broaden the circumstances in which personal health information may be disclosed without an individual's consent. Such information may now be disclosed without consent where compelling health or safety circumstances exist.

The Personal Health Information Act currently provides that information may be disclosed without consent in order to contact a relative or friend of an individual who is ill, injured or incapacitated. An amendment clarifies that the illness, injury or incapacity may be physical or mental.

This Bill includes conditional amendments to deal with the coming into force of The Protecting Children (Information Sharing) Act.

#### ONTARIO

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Bill 83 The Bill amends the *Labour Relations Act, 1995*. A trade union is no longer required to include a written description of the proposed

bargaining unit in an application for certification. If it does not include one, the bargaining unit for the purposes of the application consists of all of the employees of the employer at the time of the application, subject to the regulations made under the Act.

The Ontario Labour Relations Board is required to hold a hearing when determining whether to direct a representation vote under section 8 of the Act. The Board is required to base the voting constituency for the vote on the determination of the bargaining unit that it makes under section 9 of the Act. The Bill adds another circumstance in which the Board is required to order a representation vote, specifically if the Board determines that the employer or a person acting on behalf of the employer has interfered improperly with the activities of the trade union to achieve the threshold of 40 per cent membership among individuals in the bargaining unit which triggers a representation vote. The Bill extends the time limit for an order for the holding of a representation vote from five days to 10 days after the day on which the application for certification is filed with the Board.

The Board is prohibited from certifying a trade union as the bargaining agent of the employees in a bargaining unit unless a representation vote is held among the employees.

At present, employees in the construction industry are exempt from certain restrictions in section 79 of the Act against striking. The Bill removes that exemption.

At present, if a complaint alleges that an employer or employers' organization has contravened the Act with respect to employment practices, the burden of proof in an inquiry by the Board into the complaint lies with the employer or employers' organization. The Bill transfers the burden of proof to the complainant.

At present, a party affected by a decision of the Board has no right of appeal. The Bill provides a right of appeal to the Divisional Court in accordance with the rules of court.

In determining the unit of employees in the construction industry that is appropriate for is not permitted to confine the unit to a particular work site or shift.

The Board is required to hold a hearing to determine whether section 128.1 of the Act authorizes it to certify a trade union as the bargaining agent of the employees in a bargaining unit in the construction industry.

Bill 90            The Bill amends the *Highway Traffic Act*. Under subsection 128 (5) of the current Act, municipalities may designate portions of roads that adjoin school exits or entrances as school zones and may prescribe lower rates of speed.

Under the Bill, subsection 128 (5) is re-enacted so that all roads adjoining schools are school safety zones. The school safety zone will continue a certain distance in either direction. School safety zones are required to have signage and roadway markings at every entrance to the school safety zone and at intersections and crosswalks. The signs will include flashing lights and may include signs that detect and display the speed of approaching vehicles. Municipalities continue to have the power to prescribe a lower rate of speed.

The Lieutenant Governor in Council may make regulations, including to standardize school safety zone signage and roadway markings. Consultation with school boards whose schools are affected is required before the regulation is made.

Bill 72            The Bill amends the *Highway Traffic Act* to enable the Minister to make regulations establishing rules of the road that apply to roundabouts. Before making a regulation, the Minister must conduct a study about the safe use of roundabouts and must consult with members of the public. The Minister is required to table a progress report in the Legislative Assembly every year until a regulation is made.

Bill 65            The Bill amends the *Highway Traffic Act*. It addresses the ability of municipalities to set speed limits within their borders and the use of automated speed enforcement systems and red light camera systems.

Section 128 of the Act is amended so that municipalities can designate areas by by-law where they can impose speed limits that are lower than 50 kilometres per hour.

Part XIV.1 (Photo-Radar System Evidence) of the Act is repealed and replaced by a new Part XIV.1 (Automated Speed Enforcement) that authorizes the use of automated speed enforcement systems in community safety zones and school zones. Section 12 of the Act is amended to allow the Registrar to require the return of number plates and to cancel number plates that are not returned within a specified time. Number plates that are damaged, altered, deteriorated or worn such that they can't be photographed by an electronic toll system, automated speed enforcement system or red light camera system may

be cancelled if not returned within 30 days; other number plates may be cancelled if not returned within 60 days.

Part XIV.2 (Red Light Camera System Evidence) of the Act is amended to remove the restriction in subsection 205.15 (1) that red light camera systems may be used only in areas of the province designated by regulation. Various provisions under Part XIV.2 are amended to specify that information may be superimposed on the front or back of a photograph that is used as evidence, and the Lieutenant Governor in Council's power to make regulations under this Part is transferred to the Minister.

Bill 30 The Bill amends the *Human Rights Code* to include genetic characteristics as a prohibited ground of discrimination. The Act currently includes race, marital status and disability, among other things, as prohibited grounds of discrimination.

In addition to other amendments, various sections are amended to provide that every person has a right to equal treatment, without discrimination because of genetic characteristics, with respect to services, goods and facilities, the occupancy of accommodation, the right to contract, and employment and membership in various types of organizations. This includes the right to equal treatment if a person refuses to undergo or disclose the results of a genetic test. High value insurance contracts are permitted to differentiate or make a distinction, exclusion or preference on reasonable and *bona fide* grounds because of genetic characteristics.

Bill 19 The Bill amends the *Highway Traffic Act* to authorize the Minister of Transportation to designate any part of the King's Highway as a texting zone. A texting zone is an area where a driver is able to park or stop safely to use a hand-held wireless communication device.

The Bill also amends the *Public Transportation and Highway Improvement Act* to authorize the Lieutenant Governor in Council to designate a commuter parking lot or transit station or rest, service or other area as a texting zone and to require that signs be displayed at or approaching the texting zone.

## PRINCE EDWARD ISLAND

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Bill 56 **SECTION 1** amends section 30 of the Act to remove the monetary limit on orders concerning unpaid wages. It also makes amendments to provide greater consistency in the authority of the inspector appointed under the Act and the Employment Standards Board to make orders respecting complaints, inquiries and appeals, to make

the wording of the subsections that relate to these matters more consistent and to update a cross reference. It also provides, with respect to the provisions that are being replaced or added by this Act, that the new provisions are applicable to a matter that is ongoing when the provisions take effect if the matter is the subject of a complaint or inquiry made after the provisions take effect.

## QUEBEC

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NO UPDATE                      On December 10, 2016, the National Assembly adjourned until February 7, 2017, at 1:40 p.m. Parliamentary committee proceedings will resume in late January.

## NUNAVUT

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NO UPDATE

## SASKATCHEWAN

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Bill 42                              Royal Assent: An Act to amend The Traffic Safety Act dealing with certain Enforcement Measures and other matters. Indicates a notice of suspension must be in a form approved by the administrator.

Bill 28                              Royal Assent: Section 2-56 is amended to increase the compassionate leave entitlement to 28 weeks which ensures that the individual receives job protection for the period entitled to Employment Insurance benefits as well as the two-week waiting period. The provision is also amended to establish that only one leave can be taken in a 52 week period.

## YUKON

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NO UPDATE:                      By proclamation of the Commissioner of Yukon, the Legislative Assembly of Yukon is summoned to meet on Thursday, January 12, 2017 at three o'clock in the afternoon.

## PARLIAMENT OF CANADA