

**Report on the Meeting of
Canadian Association of Administrators of Labour Legislators (CAALL)
May 18, 2017, Winnipeg, MB**

Nunavut Attendees

Via teleconference: William MacKay (Deputy Minister) and Stephen Shaddock (Director of Policy and Planning).

Workplace Impairment – Decision Item

Delegates discussed ongoing issues relating to workplace impairment and the potential impact of cannabis legalization. Labour stakeholders – mainly employers – have expressed concerns about legalization. The Chair of the Strategic Labour Policy Committee (SLPC) presented potential strategies and options for addressing workplace impairment:

- public education and creating awareness through traditional and social media campaigns;
- targeted awareness programs aimed at providing resources to employers and employees and following industry or youth specific strategies;
- leveraging existing legislation and regulations by sharing best practices and providing guidance on workplace impairment policies; and
- determining potential new legislative and regulatory levers by setting parameters for inclusion in hazard prevention plans and for drug and alcohol testing and accommodation.

The Deputy Ministers directed that SLPC assisted by CAALL-Occupational Safety and Health Committee (OSH) will present pros and cons of the existing legislative and regulatory provisions on impairment and also put forward potential approaches to be considered. The Deputy Ministers requested a presentation by impairment experts to address current knowledge and best practices.

Harmonization in Health and Safety – Discussion Item

Saskatchewan provided a progress report on the OSH harmonization process pursuant to the MOU, announcing the development of a portal to help in the process. The portal examines various OSH elements (e.g. hearing protection, personal protective equipment) and contains information from all jurisdictions. It provides an overall summary along with recommendations with rationale. The portal, based on its analysis, may also propose regulatory language to facilitate discussion.

The Deputy Ministers requested that a demonstration of the portal be organized for the Ministers at the Fall Ministerial meeting. Ministers will be provided with a full jurisdictional scan through the portal on first aid kits and personal protective equipment, along with recommendations based on the scan.

Post Traumatic Stress Disorder (PTSD) and Mental Health in the Workplace – Discussion Item

The federal Deputy Minister provided an update on the National Action Plan and the Private Members Bill C-211 (An Act respecting a federal framework on post-traumatic stress disorder). The Bill had been referred to the House of Commons Standing Committee on Health and will be discussed at a later date. Budget 2017 had proposed the establishment of a Community Heroes benefit. The benefit will support the families of public safety officers who have fallen in the line of duty, and is to be implemented in cooperation with the provinces, territories and municipalities.

Deputy Minister Sterling discussed the Joint Task Force on Mental Health, established jointly by the Treasury Board Secretariat and the Public Service Alliance of Canada. The joint task force led to the release of the Federal Public Service Workplace Mental Health Strategy and the establishment of the Centre of Expertise on Mental Health in the Workplace.

Legislation is currently not harmonized across the jurisdictions on this issue. In some jurisdictions the burden of proof is on the claimant to show that work activities were the cause of PTSD. Some jurisdictions have introduced legislation to provide for a presumption that PTSD has been caused by work in the absence of evidence to the contrary. Noting that harmonized presumptive legislation across all jurisdictions is not expected in the near future, the Deputy Ministers agreed that the overall objective is the removal of the stigma attached to mental health.

The Deputy Ministers identified key objectives/actions: (i) reduce stigma and encourage workers to seek help; (ii) explore ways to enhance supports; and (iii) share information on best practices.

Joint initiatives led by Saskatchewan and coordinated with British Columbia, Nova Scotia and SLPC to provide options for actions to address mental health issues. This will include studying big employers, presenting a strategy on partnering with private sector, and assessing costs related to the initiatives.

Changes to the Canada Labour Code; the Labour Code in Alberta – Information Item

The federal government is looking to make the following changes: (i) extending the period when the maternity leave may begin to 13 weeks before expected birth date; (ii) increasing the maximum length of parental leave to 63 weeks; (iii) creating a new leave of 17 weeks for a family member to care for a critically ill adult; and (iv) allowing for the leave related to critical illness of a child to be taken by any family member and not only the child's parents.

Alberta is aligning leave provisions with federal Employment Insurance, simplifying banked overtime, and adding provisions for termination pay and compressed work weeks. Additional changes include amending child labour laws to align with the

International Labour Organization (ILO) Convention 138, and extending overtime payment from time to time-and-a-half.

Update on International Labour Affairs – Information Item

Following feedback from provinces and territories, the Government of Canada is in the final stage of ratifying International Labour Organization Convention 98 (the Right to Organise and Collective Bargain). Attention will turn to advancing the ratification processes for Convention 81 on Labour Inspection and Protocol 29 on Forced Labour with a view to completion in the near future.

Exploratory discussions for a new potential Free Trade Agreements with other countries are ongoing.

Meeting of FPT Ministers Responsible for Labour (Fall 2017)

Deputy Ministers requested the following:

Updates on:

- *Occupational Health and Safety Harmonization* (Saskatchewan);
- *International Labour Affairs* (Canada);
- *Workplace Mental Health* (British Columbia, Nova Scotia, Manitoba); and
- *Workplace Impairment* (SLPC supported by CAALL-OSH).

Three new forward-looking agenda items:

- *Challenges faced by Women in the World of Work* (Canada and Quebec);
- *Diversity and employment (emphasis on Indigenous peoples)* – Nunavut highlighted their objective to explore ways to improve Inuit access to the labour market through consideration of labour standards; Saskatchewan pointed out the importance of ensuring awareness of labour rights and terms and conditions of employment when trying to engage previously un-engaged workers specifically from the Indigenous community. The discussion should address changing employment relations as well as Indigenous awareness of their rights, informed by the recommendations by the Truth and Reconciliation Commission. (Saskatchewan with input from Nunavut); and
- *Emerging trends and changes in the nature of work.* (Ontario).