

Changes to the *Canada Labour Code*

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BACKGROUND

Part III of the Code establishes basic labour standards for persons employed in federal Crown corporations (but not the public service), and federally regulated private-sector industries such as:

- international and interprovincial transportation by land and sea, including railways, shipping, trucking and bus operations;
- airports and airlines;
- port operations;
- telecommunications and broadcasting;
- banks;
- industries declared to be for the general advantage of Canada or of two or more provinces, such as grain handling and uranium mining; and
- First Nation band councils.

SUMMARY OF CHANGES EFFECTIVE IN 2024

The following changes were made to the *Canada Labour Code* (the “Code”) in 2023, which come into effect in 2024:

- **Employment Statements:** Employers must provide employees with a written statement detailing their position, employment rights, and benefits upon termination.
- **Reimbursement:** Employers are required to reimburse employees for reasonable work-related expenses within 30 days of receiving an expense claim.
- **Menstrual Products:** Employers must provide employees with menstrual pads and tampons in each bathroom, and each bathroom must have a covered container to dispose of menstrual products.
- **Termination:** Employers must provide employees with greater notice, or pay in lieu of notice, upon termination.
- **Hours of Work Exceptions:** Certain classes of employees in the banking, telecommunication, rail transportation and air transportation sectors are exempt from some or all hours of work provisions in the Code.

EMPLOYMENT STATEMENTS: S 253.1

Employers must provide employees with a written statement within the first 30 days of employment containing the following information:

- Name of employee and employer;
- Description of duties and responsibilities of employee;
- Job title of employee;
- Address of work;

- Start date of employment;
- Term of employment (fixed term contract or permanent);
- Duration of probationary period;
- Description of necessary qualifications for position;
- Description of required training for position;
- Employee's hours of work and information on calculation of hours/overtime;
- Wage rate and overtime rate;
- Timing of pay days;
- Mandatory wage deductions; and
- Information about how employee can claim reimbursement of work-related expenses.

The Minister of Labour has prepared a template form which employers can use, which can be found [here](#).

REIMBURSEMENT: S 238.1

Employers must reimburse an employee for any expenses incurred after July 9, 2023, as long as:

- The employee paid the expense out of pocket;
- The expense was work related;
- The expense was reasonable; and
- The employee is not required to pay for the expense as per a written agreement or collective agreement (i.e., an employment contract requiring employees to pay the cost of replacing a lost uniform).

Employers are required to reimburse employees for reasonable work-related expenses within 30 days of receiving an expense claim.

The factors employers will use to determine whether an expense is reasonable or not are:

- the expense is connected to the employee's performance of work;
- the expense is incurred to enable the employee to perform work;
- it is incurred at the request of the employer;
- if the amount is beyond what is necessary to enable the performance of the work;
- the expense is one that is normally reimbursed by employers in similar industries;
- the employer authorized the expense in advance;
- the expense is incurred by the employee in good faith; and
- the claim includes documentation, such as a receipt or invoice.

MENSTRUAL PRODUCTS

As of December 15, 2023, employers are required to provide clean and hygienic menstrual products and disposal containers to employees at no cost while they are in the workplace.

That means providing pads and tampons in washrooms (or another space controlled by the employer) so that any employee who needs them while on the job has access. In addition, each toilet/bathroom must have a covered container for the disposal of menstrual products.

TERMINATION – STATEMENT OF BENEFITS: S 230(2.2)

Employers must provide a statement of benefits to employees within two weeks of the employee's notice of termination, including the following information:

- The employee's vacation benefits;
- The employee's wages;
- The employee's severance pay; and
- Information about any other benefits arising from their employment.

TERMINATION – NOTICE: S 230(1.1)

Employers must provide employees with longer termination notice or pay in lieu. Depending on the length of the employee's continuous employment, the following notice periods are required:

LENGTH OF EMPLOYMENT	NOTICE REQUIRED
At least 3 months	2 weeks
At least 3 years	3 weeks
At least 4 years	4 weeks
At least 5 years	5 weeks
At least 6 years	6 weeks
At least 7 years	7 weeks
At least 8 years	8 weeks

TERMINATION – SEVERANCE: S 235

Employees remain entitled to severance if they have completed at least 12 consecutive months of continuous employment before their employment is terminated.

Severance pay is equal to the greater of:

- two (2) days wages for each full year the employee worked prior to their termination of employment; and
- five (5) days wages at the employee's regular rate.

HOURS OF WORK – EXCEPTIONS

Certain classes of employees in the banking, telecommunication, rail transportation and air transportation sectors are exempt from some or all hours of work provisions in the Code. These amendments came into force on January 4, 2024, except for the air transportation sector which comes into effect on June 4, 2024.

The abovementioned sectors are exempt from the following set hours of work provisions under the Code which require employers to give employees:

- 96 hours notice of scheduled shifts (s 173.01);
- 24 hours notice for change to or addition of shifts (s 173.1);
- mandating 30-minute breaks every five hours (s 169.1); and
- eight hour rest periods between each shift (s 169.2).

QUESTIONS?



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