



Proposed Amendments to Regulations Under the Canada Labour Code Subject to 30-Day Consultation Period

July 15, 2021

Readers of Focus will recall that in September 2019, many amendments to the labour standards provisions of the *Canada Labour Code* (the “Code”) came into effect. These changes provided new and expanded entitlements in a variety of areas, from leaves to hours of work provisions to the ability of eligible employees to seek flexible work arrangements. They also added a new Part IV of the Code, which put in place a system of Administrative Monetary Penalties for violations under the Code.

On June 26, 2021, *Regulations Amending Certain Regulations Made Under the Canada Labour Code* (the “Proposed Regulations”) were proposed. They are subject to a 30-day period of consultation, ending July 26, 2021. The purpose of the Proposed Regulations is to support the implementation and enforceability of the amended provisions by making necessary supporting changes to the *Canada Labour Standards Regulations*, the *Standards for Work-Integrated Learning Activities Regulations*, and the *Administrative Monetary Penalties (Canada Labour Code) Regulations*.

While many of the changes are technical, such as correcting language and section references that are inaccurate or obsolete as a result of the amended provisions, there are also some proposed amendments that would create new obligations.

Record-Keeping Obligations

The Proposed Regulations would create new record-keeping obligations for employers regarding the following information:

- Certificates for medical leave or medical breaks and employer requests for such certificates;
- Unforeseeable emergencies which require the postponement or cancellation of an employee’s break, which require additional hours and prevent the provision of a rest period of at least eight consecutive hours between work periods or shifts, or which prevent the provision of 24 hours’ notice of a shift change;
- Work schedules and modifications of work schedules for student interns, and work refusals made by student interns as a result of not having 96 hours’ written notice of their work schedule.

The Proposed Regulations clarify that a certificate from a health care practitioner for the purpose of



medical breaks must set out the dates of commencement and termination of the period in which the medical breaks needed are to be taken.

Other Amendments

The Proposed Regulations outline circumstances in which the Head may extend time for the filing of complaints.

They also designate violations of the proposed new record-keeping obligations as Type A violations under the *Administrative Monetary Penalties (Canada Labour Code) Regulations* for the purposes of calculating the amount of the applicable administrative monetary penalty.

In Our View

The consultation period is open until July 26, 2021. Comments on the **Proposed Regulations** can be submitted directly from the page.

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