

Human Resources Legislative Update

Federal Government Reviewing Consultation Feedback on Modernizing the *Canada Labour Code*

Date: September 4, 2018

On August 30, 2018, the federal government published "[What We Heard: Modernizing Federal Labour Standards](#)" (Report), in which it reviews the results of a ten-month consultation process with employers, unions, employees, academics and other stakeholders on modernizing the *Canada Labour Code* (Code) to better reflect the needs of a 21st century workforce.

Feedback was obtained on the following issues:

- improving access to leaves and annual vacation, including:
 - whether eligibility periods should be shortened or eliminated for some leaves, and whether some entitlements should be enhanced
 - the minimum amount of annual vacation and the eligibility period for same, as well as the number of years employees must work to get more than the minimum vacation
- supporting work-life balance, including:
 - whether any personal leaves should be paid and if so, how many days
 - mandating breaks and rest periods
 - updating rules regarding hours of work and scheduling
 - whether there should be a "right to disconnect", e.g. to not respond to work messages outside of working hours
- protecting employees in "non-standard" employment", including
 - whether temporary, part-time, seasonal or casual employees should be provided with wages equal to their full-time counterparts
 - protecting employees involved in precarious forms of work
 - properly classifying employees to obtain the full protection of the Code
 - defining "employee" in Part III of the Code, e.g. to clarify the status of types of workers who fit somewhere in-between "employees" and "independent contractors"
 - giving workers a voice to "speak up" to express concern about labour standards to their employers
- updating the termination of employment and unjust dismissal provisions
- wages and benefits
 - mandating a minimum wage for those employees in the federally regulated private sector and providing for "portable benefits."

The Report indicates that the government will consider the feedback and is committed to introducing legislation to update the Code to reflect the realities of the modern workforce. However, it notes that certain issues, such as giving workers a voice, wages and benefits, the right to disconnect and labour standards for workers in non-standard employment "could merit further study."

We will monitor for any new legislation tabled as a result of the Report and will provide updates as they become available.