

RADAR

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Message From the Editor

- This week we would like to highlight the changes to the group and individual termination provisions in the *Canada Labour Code*, including increases to the minimum notice periods after three years of continuous employment
- In addition, the Canadian Association of Pension Supervisory Authorities (CAPSA) has updated its draft CAPSA Guideline No. 3 – *Guidelines for Capital Accumulation Plans* (CAP Guidelines) for a brief follow-up consultation

GENERAL

All/Federal – Privacy

On June 8, 2023, a new post was added to the blog for the Office of the Privacy Commissioner of Canada. The post provides practical tips that every employer can use to create an organizational culture of privacy.

Source: [Privacy in the workplace – practical tips for employers - Office of the Privacy Commissioner of Canada](#)

Federal – Employment Standards

On June 1, 2023, Order in Council 2023-0523 proclaimed certain provisions of *Budget Implementation Act, 2018, No. 2* into force effective February 1, 2024.

Among other matters, the provisions amend the *Canada Labour Code* to update both the group and individual termination provisions.

With respect to the group termination provisions, additional requirements are added, but the main

requirement to provide 16 weeks' notice before the first date of termination of employment of an employee in the group remains.

With respect to the individual termination provisions, the amendments increase the minimum notice of termination as follows:

- two weeks, if the employee has completed at least three consecutive months of continuous employment with the employer **[Note: This is the current requirement for individual employees after three consecutive months of continuous employment, even if they are employed longer than three years.]**
- three weeks, if the employee has completed at least three consecutive years of continuous employment with the employer
- four weeks, if the employee has completed at least four consecutive years of continuous employment with the employer

- five weeks, if the employee has completed at least five consecutive years of continuous employment with the employer
- six weeks, if the employee has completed at least six consecutive years of continuous employment with the employer
- seven weeks, if the employee has completed at least seven consecutive years of continuous employment with the employer
- eight weeks, if the employee has completed at least eight consecutive years of continuous employment with the employer

If an employer is bound by a collective agreement that contains a provision authorizing an employee whose position becomes redundant to displace another employee on the basis of seniority, and the position of an employee who is so authorized becomes redundant, the employer must give at least the applicable number of weeks' notice (as set out above) in writing to the trade union that is a party to the collective agreement and to the employee that the employee's position has become redundant.

In addition, an employer must give any employee whose employment is terminated a statement in writing that sets out their vacation benefits, wages, severance pay and any other benefits and pay arising from their employment with the employer as at the date of the statement.

Source: [Order in Council 2023-0523](#)

[Budget Implementation Act, 2018, No. 2](#)

Newfoundland and Labrador - Wills

On May 25, 2023, Bill 23, *Alternate Witnessing of Documents Act* received royal assent. Among other matters, this bill amends the *Commissioners for Oaths Act*, the *Notaries Public Act*, the *Registration of Deeds Act, 2009* and the *Wills Act* to allow "lawyers" in good standing with the Law Society of Newfoundland and Labrador to witness documents identified in those Acts using audio-visual technology.

This bill will not come into force until proclamation.

Source: [Bill 23, Alternate Witnessing of Documents Act](#)

Québec - Surrogacy

On June 6, 2023, Bill 12, *An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project* received assent.

Among other matters, this bill amends the following:

- *Act respecting labour standards* - Expands the pregnancy, paternity and parental leave provisions to take into account the birth of a child in the context of a surrogacy project
- *Act respecting parental insurance* - Expands benefit coverage to include in the case of a surrogacy project:
 - benefits for the person who has agreed to give birth to a child
 - paternity benefits or exclusive benefits for each of the non-birthing parents, exclusive or shareable parental benefits in connection with the birth of the child born in the context of the project as well as welcome benefits relating to a parental project involving surrogacy

Source: [Bill 12, An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project](#)

Québec - Youth

On June 1, 2023, Bill 19, *An Act respecting the regulation of work by children* received assent.

Among other matters, the bill amends the *Act respecting labour standards* and the *Act respecting occupational health and safety* with respect to youth workers.

With respect to the *Act respecting labour standards*, the bill amends provisions related to the minimum age (workers under the age of 14, subject to some exceptions), youth hours of work, and penalties.

Source: [Bill 19, An Act respecting the regulation of work by children](#)

All – CAPSA – CAP Guidelines

On June 6, 2023, the Canadian Association of Pension Supervisory Authorities (CAPSA) published a revised draft of CAPSA Guideline No. 3 – *Guidelines for Capital Accumulation Plans* (CAP Guidelines) for a brief follow-up consultation.

The CAPSA CAP Guidelines Committee (CAP Committee) identified 5 themes in the stakeholder feedback received during the 2022 consultation including:

- Fiduciary Duty
- Value for Money
- Decumulation
- Service Providers vs. Sponsors
- Definition of CAPs

The CAP Committee indicated that it has addressed these items and felt that the wide ranging and substantive nature of the comments and amendments warranted a second abbreviated consultation.

Comments can be submitted until July 21, 2023.

Source: [Letter](#)

[CAPSA Guideline No. 3 – Guidelines for Capital Accumulation Plans](#)

British Columbia - MEPPs

On June 6, 2023, the BC Financial Services Authority (BCFSA) published the Multi-Employer Pension Plans – Best Practices Guideline.

The purpose of this Guideline is to inform pension plan administrators and stakeholders of best governance practices of multi-employer pension plans registered in B.C. The objectives are:

- to promote the adoption by plan administrators of policies and procedures designed to manage the various types of risk faced by pension plans and their members; and

- to protect and safeguard the rights and benefits of pension plan members

Source: [Advisory 23-025, Multi-Employer Pension Plans – Best Practices](#)

[Guideline, Multi-Employer Pension Plans – Best Practices](#)

Ontario – Miscellaneous

On June 8, 2023, Bill 91, *Less Red Tape, Stronger Economy Act, 2023* received royal assent.

Among other matters, the bill amends the *Pension Benefits Act* to allow pension plan administrators to “continue” to send electronic communications to members after they retire without the need for paper or electronic reminder notices.

However, members, former members and retired members may, at any time, instruct the administrator to send documents to them in a written form other than electronic form.

Source: [Bill 91, Less Red Tape, Stronger Economy Act, 2023](#)

Québec – Variable Benefits

On May 31, 2023, Bill 7, *An Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions* received assent.

Among other matters, the bill amends the *Supplemental Pension Plans Act* to allow a member who is at least 55 years of age to apply for payment, in the form of variable benefits, that replace all or part of the pension to which the member is entitled by a payment in one or more instalments out of a pension plan prescribed by regulation.

Conditions are to be prescribed by regulation.

Source: [Bill 7, An Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions](#)

Contact Us

If you would like further information on any of these topics, please contact your Aon consultant at canada.retirement@aon.com.

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