



**AFOA CANADA**

*Building a Community of Professionals*

# HR LEGISLATION

*Resource Sheet*

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## DISCLAIMER

Each province or territory has its own guidelines and regulations in its respective employment standards legislation. This tool offers an overview of the general guidelines for common leave provisions, and you can check the specific regulations for your jurisdiction (province/territory/federal).

## WHAT IS HR COMPLIANCE?

HR Compliance is the ongoing process of developing and implementing policies and processes to ensure that employment practices are aligned with all relevant laws and regulations. Jurisdiction in the context of employment legislation refers to the authority granted by law to courts to rule on legal matters related to employment and render judgments. Businesses and public services must comply with the legislative requirements and guidelines of their respective jurisdictions (ie. Ontario Human Rights Code, Alberta Human Rights Act, Canadian Human Rights Act).

## WHY IS IT REQUIRED?

All organizations must comply with all laws and regulations where they are based (jurisdiction). These laws govern the employment relationship by providing minimum standards to protect the human rights and safety of all employees.

### KEY AREAS OF HR COMPLIANCE AND RESPONSIBILITY

- Human Rights
- Accessibility
- Health & Safety
- Labour Standards

## HUMAN RIGHTS

### *What is it?*

Legislation is designed to enforce the fair treatment of every individual by prohibiting discrimination and harassment based on defined protected grounds. Businesses and public services must follow the guidelines and requirements mandated by their respective provincial, territorial, or federal legislation.

In the workplace, it is important to recognize that the unique aspect of Human Rights is that it prevails over all other laws. In other words, you must comply with Human Rights before other laws. When there is a conflict between your jurisdiction's human rights legislation and another law, the **Human Rights legislation will prevail.**



## ACCESSIBILITY

### *What is it?*

Accessibility in Canada is about creating communities, workplaces, and services that enable everyone to participate fully in society without barriers. This legislation also recognizes the existing human rights framework supporting equality for people with disabilities. The Accessible Canada Act (ACA) is a Canada-wide accessibility act that applies to the federal public sector, Crown corporations and all federally-regulated organizations. **Similarly, some provinces have their own accessibility legislation, including:**

- Ontario (Accessibility for Ontarians with Disabilities Act)
- Manitoba (Accessibility for Manitobans Act, AMA)
- Nova Scotia (Nova Scotia Accessibility Act)
- British Columbia is currently developing their own accessibility act
- Saskatchewan and New Brunswick have legislation in progress

While each piece of legislation has its own specific requirements, employers must provide training to all employees to provide basic knowledge about accessibility, how to interact with people with disabilities, and how to provide excellent customer service to people of all abilities. They also state that you must provide accommodations for employees to be able to fully participate in work, from recruitment and hiring policies and practices, to adjusting the work itself for the individual if the barrier is due to one of the protected grounds under the human rights legislation of that jurisdiction.

## HEALTH & SAFETY

### *What is it?*

In Canada, each province and territory has its own set of laws related to occupational health and safety (OH&S). Specifically, there is an Act in each province or territory, typically called the Occupational Health and Safety Act, that applies to most workplaces within that region.

These laws outline the general rights and responsibilities of employers, supervisors, and workers. Additionally, regulations made under these Acts define the application and enforcement of occupational health and safety requirements.

This legislation is designed to protect workers from health and safety hazards on the job and has the purpose of preventing workplace-related accidents and injuries including occupational disease. Provincial and territorial legislation also covers a wide range of safety and health issues, including hazard communication through the Workplace Hazardous Materials Information System (WHMIS).

**In the workplace, this legislation applies to:**

- Wellness, security and safety policies
- Facilities and equipment policies
- Violence and harassment policy



## EMPLOYMENT STANDARDS

### *What is it?*

In Canada, each province and territory has its own employment standards legislation that sets out the minimum legal requirements employers must follow. Federally regulated employers are governed by the Canada Labour Code. **Each of these set of standards covers various aspects of employment, including:**

- **Hours of work** (how to calculate overtime, standard hours of work each week, maximum hours)
- **Minimum wage:** The lowest hourly rate an employer can pay an employee.
- **Statutory holidays:** Paid time off for specific holidays.
- **Vacation and leaves:** Entitlements for vacation time, sick leave, and other types of leave.
- **Notice of termination and severance pay:** Requirements when terminating an employee's employment.

**In the workplace, this legislation applies, but is not limited to, the following:**

- Staff Leaves (vacation, entitlements while on job-protected leaves)
- Employment contracts
- Probation and related entitlements, or termination within the probation period

### THE BOTTOM LINE

You must always promote, support, and apply these legislative requirements and the principles of human rights, equity, health and safety and labour standards in the workplace.

You cannot contravene, support activities that contravene, or provide direction that contravenes these legislative requirements.

You must ensure all policies and procedures comply with the legislative requirements within your respective jurisdiction.



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