NATIONAL ACADEMY OF ARBITRATORS

MAY 25, 2018

Bill C-44: Amendments to the *Canada Labour Code*

Parliament adopted Bill C-44 (An Act to implement certain provisions of the budget and other Measures). This Bill contains provisions that amend the *Canada Labour Code* to enhance compliance and enforcement mechanisms, and transfers additional responsibilities to the Canada Industrial Relations Board (CIRB). In particular, the Bill envisages the following:

1) Transfers to the Board the powers, duties and functions of the Appeals Officers under Part II of the *Canada Labour Code (the Code) -Occupational Health and Safety*

2) Transfers to the Board the powers, duties and functions of the adjudicators (unjust dismissals) and referees (wage recovery) under Part III of the *Code – Standard Hours, Wages, Vacations and Holidays*

3) Provides the Chairperson of the Board with the power and authority to appoint external adjudicators to determine matters under Parts II and III of the *Code*

4) Provides a new complaint mechanism for reprisals for exercising rights under Part III of the *Code* where the Board will have jurisdiction to adjudicate (similar to the existing complaints of reprisals under Part II)

5) Creates a new Part IV to the *Code* and establishes an administrative monetary penalty scheme to supplement enforcement under Parts II and III of the *Code*. Under this scheme, a Minister's review of a notice of violation could be appealed to the Board

6) Transfers to the Board the powers, duties and functions of adjudicators under the *Wage Earner Protection Program Act*

Many of these provisions are subject to regulations being developed and adopted before they are brought into force. All amendments are to come into force on a date to be fixed by Order of the Governor in Council.