

# UPDATE FOR FEDERAL EMPLOYERS: WHAT'S IN STORE FOR 2024

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**Categories:** [Insights](#), [Publications](#)

As the end of 2023 approaches, federally regulated employers should be proactively planning for several key dates upcoming in 2024. These include updates to the *Canada Labour Code* and several of its regulations, updates under the *Accessible Canada Act*, and a key pending deadline under the *Pay Equity Act*.

We discuss several of these key dates and what employers should be doing to prepare, below.

## **Requirement to Supply Menstrual Products as of December 15, 2023**

Amendments to the sanitation provisions of the *Occupational Health and Safety Regulations* require employers to provide menstrual products to employees beginning on December 15, 2023.

Employers are required to provide menstrual products, including clean and hygienic tampons and menstrual pads, in each toilet room regardless of their marked gender, as well as a covered container for the disposal of menstrual products in each toilet compartment. If it is not feasible to provide menstrual products in each toilet room due to the nature of the workplace (such as where the toilet room is accessible to both the public and employees, or where the employee spends most of their time working outside, driving, or visiting different sites), then employers should provide menstrual products in another location that is accessible to all employees and offers a reasonable amount of privacy. For example, an office supply cabinet in an employee resting room or in a menstrual product kit that can be easily carried.

The requirement to provide menstrual products does not apply to workplaces that are not controlled by the employer. For instance, employers are not required to provide menstrual products to employees working remotely from home.

## **Changes to Hours of Work Provisions as of January 4, 2024**

Amendments to the *Exemptions from and Modifications to Hours of Work Provisions Regulations* will provide added exemptions to specified classes of employees beginning on January 4, 2024 for the rail transportation, banking, and telecommunications and broadcasting sectors and June 4, 2024 for the air transportation sector.

The amendments provide additional exemptions from and modifications to the hours of work provisions of the *Canada Labour Code* requiring employers to provide 96 hours' notice of work schedules, 24 hours' notice of a shift change, 30-minute unpaid meal breaks every five hours of work, and eight-hour rest periods between work periods or shifts. The amendments are meant to reflect the operational reality for employers with continuous operations or unique scheduling practices.

The amendments vary based on industry and are specific to particular employee positions, such as commission-based salespeople in the banking sector. Employers in affected sectors are encouraged to review the applicable changes to ensure compliance in 2024.

### **Changes to Termination Notice Period as of February 1, 2024**

Amendments to the *Canada Labour Code* will increase the minimum notice of termination required for an individual termination beginning on February 1, 2024.

Currently, employers are required to provide a minimum of two weeks' notice of termination, or pay in lieu of notice, to an employee who has completed at least three months of continuous employment with the employer. This is in addition to any severance pay that may be owed.

Beginning on February 1, 2024, employers will be required to provide employees with a graduated notice of termination, or pay in lieu of notice, based on the length of an employee's continuous employment. For employees who have completed at least three months of continuous employment, the notice period will remain at two weeks. However, once an employee has completed three years of continuous employment, the notice period will increase to three weeks. Thereafter, the notice period will increase by one week for each additional year of service completed, up to a maximum of eight weeks. Employers will also be required to provide terminated employees with a written statement of benefits.

Employers should proactively update their employment agreement templates before February 1, 2024, with language providing employees with at least the amended statutory minimum notice upon termination.

For a more detailed discussion of the new notice periods, please refer to our [previous bulletin](#).

### **Accessibility Plan for Employers with 10-99 Employees and Progress Report for Employers with 100 or More Employees by June 1, 2024**

In compliance with the *Accessible Canada Act* and *Accessible Canada Regulations*, employers with 10 to 99 employees must publish their first accessibility plan by June 1, 2024. Employers are required to consult people with disabilities when creating and updating their plans.

There are several headings required to be in an organization's accessibility plan including "General", "Areas

described under Section 5 of the Act”, and “Consultations”. For more information on what should be included in each section, and recommendations for additional content, please consult our [previous bulletin](#).

For employers with **100 or more employees**, accessibility plans were required to be posted by June 1, 2023. By June 1, 2024, such organizations are required to prepare and publish an annual progress report that describes the actions the organization has taken to implement their accessibility plan. The same required headings noted above should be included in the progress report, and an additional required heading called “Feedback” should also be included. This section should include information on any feedback received throughout the year and how the organization considered the feedback.

Accessibility plans and progress reports must be published on the organization’s main digital platform used to communicate with the public and must at least meet the Web Content Accessibility Guidelines (WCAG) AA-level criteria. Additionally, an organization is required to notify the Accessibility Commissioner by email within 48 hours of publishing an accessibility plan or progress report. Applicable organizations must also notify the Canadian Radio-television and Telecommunications Commission or the Canadian Transportation Agency. For more information, please consult our [previous bulletin](#).

### **Develop and Post Pay Equity Plan by September 3, 2024**

In compliance with the *Pay Equity Act* and *Pay Equity Regulations*, employers with 10 or more employees must publish their pay equity plan by September 3, 2024. However, a draft plan must be prepared by at least late spring 2024 so the plan can be posted for 60 days to allow for employee feedback and so any resulting revisions can be incorporated into the plan before the September 3, 2024 deadline.

Employers with 100 or more employees, as well as unionized employers, are also required to establish a pay equity committee, the main purpose of which is to engage with management in developing the plan.

To develop a pay equity plan, employers must compare “predominately male” to “predominately female” job classes to identify any compensation inequities. This process requires employers to analyze the relative value of each position or role. The evaluation is about the role itself, including the skill, effort, responsibility, and working conditions associated with the role, and not the role’s market value or the characteristics of the person holding the position. For more information on how to develop a pay equity plan, please consult our previous bulletins [here](#) and [here](#).

Once the final version of the plan is posted, employers must correct any pay equity gaps by increasing the compensation of employees in jobs that are not receiving equal pay for work of equal value. Employers facing an increase in compensation greater than one percent of the employer’s annual payroll may phase in the increases over either three (for employers with 100 or more employees) or five (for employers with 10 to 99

employees) years.

## **Conclusion**

Regulatory regimes affecting federally regulated employers are continuously evolving, bringing new challenges and obligations for employers. We expect this trend to continue into 2024 as the above noted key dates take effect. To learn more or for assistance, contact a member of McMillan's [Employment and Labour Relations Group](#).

by [Kyle Lambert](#) and [Ricki-Lee Williams](#)

## **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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