

## LEGAL

### **Employee's Timeline to Sue Decreased**

*Waterstone Law LLP* – In June 2013, the new *BC Limitation Act* will come into effect reducing an employee's limitation period to sue an employer.

The previous *Limitation Act* allowed for a six year limitation period for most employment related claims. Now on June 1, 2013, an employee has just two years from the time of the act or omission, or from the time the act or omission was discovered, to file a claim against an employer. Note, the previous *Act* is still in effect until those claims are exhausted. Therefore, if an employee was dismissed in January 2013, the six year limitation period is applicable.

*Waterstone Law* points out 2 additional points employers should be aware of. First, if an employee waits until the 11<sup>th</sup> hour of the two year limitation period to file a claim, they still have a further year to serve the employer once the case has commenced. Second, the new *Limitation Act* does not change the six month time limit to file a complaint with the BC Employment Standards Branch.

### **Charter and PIPA collide**

*McCarthy Tetrault* – On November 15, 2013, the Supreme Court of Canada (SCC) made a sweeping and momentous decision ruling Alberta's *Personal Information Protection Act* (PIPA) was unconstitutional.

The United Food & Commercial Workers local 401 were in the midst of a strike. The Union videotaped employees crossing the picket line and distributed the images. The Information and Privacy Commissioner sued the Union calling it an infringement of an individual's right to privacy.

The SCC ruled PIPA is overly broad, violates Section 2(b) of the *Charter of Rights and Freedoms*, unjustifiable under Section 1 and unconstitutional. Alberta was given 12 months to make changes to the law.

This significant decision has implications for British Columbia, Manitoba and federal privacy legislation as they are substantively similar to Alberta's.