

APRIL 2023 MONTH IN REVIEW

New Brunswick

LAWS & ANNOUNCEMENTS

Workplace Harassment

Feb 8: New Brunswick launched a new Workplace Sexual Harassment Lawyer Referral Program providing workers who believe they've suffered workplace harassment a free 2-hour consultation with an experienced lawyer to discuss their case.

Action Point: Use the extensive resources on the OHSI [Workplace Violence Compliance Center](#) to protect your workers from violence and harassment

Industry Challenges

Feb 22: WorkSafeNB issued a [revised guide](#) to help employers comply with safety requirements for logging and silviculture operations contained Section 21 of the *OHS General Regulation*, including the regulatory changes that took effect in April 2022.

Return To Work

Feb 16: WorkSafeNB kicked off a new “Getting back is part of getting better” advertising campaign to highlight the importance that work plays in the injury and illness recovery process. More than 3,400 New Brunswick workers missed time due to a work injury in 2021.

Privacy

Mar 2: To protect personal information, New Brunswick wiped the TikTok app from all government-issued mobile devices and installed blocks to prevent anybody from

uploading the app onto such devices.

Action Point: Find out how [privacy laws affect workplace safety](#)

CASES

Work Refusals: Confrontational Refusal During COVID Warrants Suspension, Not Termination

It wasn't **that** he refused work due to COVID but **how** he invoked those OHS refusal rights that got a healthcare worker fired. He was confrontational, disrespectful, noncooperative, uncommunicative and unwilling to furnish information about his condition, while making remarks about his own health that scared his co-workers to death at the height of the crisis when strict screening was required for entry. The worker didn't clearly communicate that he was engaging in a work refusal the way OHS laws require. However, the New Brunswick arbitrator reasoned, while discipline for insubordination and failure to cooperate with COVID protocols was justified, termination was too harsh given the worker's long service, absence of prior discipline and the fact that he had gotten away with being disrespectful to managers for so long. So, the arbitrator reduced the penalty to a one-month suspension without pay [[CUPE, Local 813 v Horizon Health Network](#), 2023 CanLII 12589 (NB LA), February 21, 2023].

Action Point: Go to the [OHSI Work Refusals compliance centre](#) for resources you can use to properly handle work refusals at your site