

FEBRUARY 2023 MONTH IN REVIEW

New Brunswick

LAWS & ANNOUNCEMENTS

PPE

Dec 16: The New Brunswick Assembly passed [Bill 11](#) amending the *OHS Act* to require workers on fishing vessels to wear life jackets and personal flotation devices. The bill also clarifies that fishing vessels are a “place of employment” where PPE must be worn—at all times when the vessel doesn’t have a deck or deck structure.

Fall Protection

Dec 14: The jury at a coroner’s inquest investigating a school worker’s fall death recommended changing the OHS laws to allow a work stoppage any time a required fall protection system isn’t in place. Other safety recommendations include beefed up training and mandatory use of electronic work order management systems to track each employee’s whereabouts on a site.

Action Point: Use the [QHSI Fall Protection Compliance Game Plan](#) to avoid injuries and OHS violations at your site

New Laws

Dec 15: Employees in New Brunswick will have 10 days of **paid** sick leave if [Bill 27](#), which is now in Second Reading, passes. Under the current *Employment Standards Act*, employees get up to 5 unpaid sick leave days per year.

Workplace Violence

Dec 16: Royal Assent for [Bill 17](#), the *Disclosure to Protect Against Intimate Partner Violence Act*, allowing people to apply to the police for access to private information about whether their partner has a history of intimate partner violence. Similar bills

have passed in Alberta and Saskatchewan.

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

Workers Comp

Jan 1: The 2023 transportation allowance for medical travel by an injured worker is 55 cents per km for the first 5,000 km driven and 49 cents for each km after that. Accommodations rates for those who travel over 80 km is \$49.49 per day, \$60.70 if the travel is outside of New Brunswick.

Workers Comp

Feb 28: Reminder: That's the deadline for New Brunswick employers to submit their actual payroll and wage data from 2022 to WorkSafeNB.

CASES

COVID-19: Arbitrator Upholds Mandatory Vaccination for WorkSafeNB Employees

In what may be the first reported case dealing with the issue in 2023, a New Brunswick arbitrator has gone along with the mainstream in dismissing a union challenge against an policy by an employer, in this case WorkSafeNB, requiring workers to get the COVID vaccine or go on unpaid leave if they refuse. The policy was clear, justified by safety concerns and reasonable, the arbitrator concluded, noting that it provided for medical accommodations to those who couldn't get vaccinated [[CUPE, Local 1866 v Worksafe New Brunswick](#), 2023 CanLII 1 (NB LA), January 3, 2023].

Action Point: Go to the OHSI website for a [template policy](#) on requiring workers to verify they've received the COVID vaccine