

JANUARY 2023 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

New Laws

Nov 9: The Nova Scotia Assembly passed [Bill 203](#), aka, Ruby's Law, to revise pregnancy leave under the *Labour Standards Code*. The 2 key changes: i. Unpaid leave for employees who experience a pregnancy ending in a result other than a live birth; and ii. Government authority to expand the information employees must give employers to take pregnancy leave.

Workplace Harassment

Nov 3: If you want to file a work-related discrimination complaint but belong to a labour union, take your case to the labour board and not to us. That's the message of a new Nova Scotia Human Rights Commission bulletin, citing a 2021 Supreme Court of Canada case called *Northern Regional Health Authority v. Horrocks* ruling that human rights complaints by union members should be litigated under the labour grievance rather than the human rights complaint process. While *Horrocks* deals specifically with Manitoba laws, the Commission notes that the same principles apply in all parts of Canada.

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

Workers Comp

Dec 2: The WCB announced the benefits payments dates for 2023. As usual, benefits will be paid once a month on the 10th, 11th or 12th day of the particular month.

Environmental

Dec 7: Nova Scotia published an action plan outlining 68 things it will do to address climate change and reach its 2030 greenhouse gas emission reduction targets. The province has committed to reducing emissions 53% below 2005 levels by 2030 and achieving zero emissions by 2050.

CASES

Workplace Harassment: Court Refuses to Dismiss Constructive Dismissal Harassment Claim

While workplace harassment constructive dismissal suits are common, it's big news when they make it all the way to the highest court of a province. And that's what happened in a case brought by a morning talk show co-host against the radio station that hired her in 2017. The station denied the allegations of allowing a toxic work environment and claimed that the case was barred by the 2-year statute of limitations. The Nova Scotia Court of Appeal disagreed, ruling that the constructive dismissal claim was more about breach of contract than harassment. And because contract claims are subject to a longer statute of limitations, the case was still timely [*HFX Broadcasting Inc. v. Cochrane*, 2022 NSCA 67 (CanLII), November 3, 2022].

Action Point: Implement a [workplace violence and harassment compliance game plan](#) at your site