

## JUNE 2023 MONTH IN REVIEW

# Nova Scotia

### **LAWS & ANNOUNCEMENTS**

#### **Work Injuries**

May 1: According to the [WCB](#), 52,000 fewer days were lost to short-term disability from workplace injury in 2022—equivalent to 200 people working full time for a whole year. While total time loss injuries were slightly up, the injury rate dropped from 1.58 to 1.54 per 100 workers. There were 361 time-loss claims due to COVID-19.

#### **Transportation Safety**

Apr 12: Newly passed [Bill 273](#), the *Road Trails Act*, establishes new safety rules for off-highway vehicles (OHVs) is through Second Reading and just 2 steps from passage. As under pilot program rules, all OHV riders must have a valid driver's licence, insurance, registration and a licence plate.

#### **New Laws**

Mar 30: Newly tabled [Private Member Bill 290](#), *An Act to Protect Whistleblowing by Healthcare Workers*, would make it illegal to fire, discipline, demote, discriminate or take other adverse action against a healthcare worker in retaliation for reporting harassment, privacy violations, unprofessional conduct, criminal activity or other workplace violations or misconduct to authorities.

#### **Environmental**

Apr 12: Nova Scotia officially adopted [Bill 269](#) extending the *Construction Projects Labour Relations Act* requirement that construction contractors and unions enter into collective agreements to prevent work stoppages to large-scale green

hydrogen production facilities.

## CASES

### Fire & Explosions: Prosecutor Didn't Prove OHS Blasting Violations Beyond a Reasonable Doubt

The Crown charged a paving contractor with 13 violations of the OHS *Blasting Safety Regulations*, relying heavily on videotape evidence from a camera installed by the developer on the roof of a neighbouring building. The contractor contended the video evidence was inadmissible. The Nova Scotia court disagreed but still found the prosecution's evidence inadequate and dismissed all of the charges against the contractor [[R. v. Atlantic Road Construction & Paving Limited](#), 2023 NSPC 10 (CanLII), April 21, 2023].

**Action Point:** Go to the [OHSI Fire Safety Compliance centre](#) for resources you can use to prevent fires and explosions at your workplace

### Traffic Control: Labour Board Rejects Contractor's Due Diligence Defence

An OHS inspector spotted 7 OHS traffic control violations at a temporary workplace in Halifax and imposed a \$2,000 administrative monetary penalty against the contractor in control of traffic at the site. Charges included not ensuring the Traffic Control Person wore proper PPE, improperly spacing temporary condition signs and cones and use of dirty, worn out cones that had lost their effectiveness. The contractor claimed due diligence, noting its outstanding safety record and contending that the offences were tiny things that should be expected at any dynamic and chaotic construction site. If anybody should be fined, it's the workers, it argued. But the Nova Scotia Board didn't buy it. While acknowledging the contractor's safety program, it concluded that it didn't take all reasonable steps to meet its responsibility for holding workers accountable and preventing violations [[Frontline Traffic Service Inc. \(Re\)](#), 2023 NSLB 52 (CanLII), April 14, 2023].

**Action Point:** Use the [OHSI Due Diligence Scorecard](#) to assess the adequacy of your own OHS program