

## MARCH 2023 MONTH IN REVIEW

# Nova Scotia

### **LAWS & ANNOUNCEMENTS**

#### **First Aid**

Jan 17: With OHS division inspectors focusing on home healthcare agencies, the agency issued [new guidance](#) to help employers comply with current regulatory rules for protecting workers working in isolated locations where an isolated workplace first aid plan is required.

**Action Point:** Implement a [First Aid Compliance Game Plan](#) at your workplace

#### **New Laws**

Jan 9: Nova Scotia set aside an extra \$13 million to create up to 3,200 paid internships for post-secondary and other students over the next 4 years in the healthcare, clean-tech and other sectors requiring high-skill researchers.

#### **Workers Comp**

Jan 10: The Nova Scotia WCB began [surveying](#) employers, workers, safety experts and other stakeholders about the province's current workplace safety and workers comp system.

#### **Workers Comp**

Feb 15: Reminder: Nova Scotia employers have until March 31 to submit their 2023 workers comp payroll reports to the WCB to avoid potential late fees, interest and penalties.

## CASES

### Workplace Harassment: High Court Uphold Sexual Assault Conviction of Workplace Groper

The Nova Scotia Court of Appeal upheld the conviction of a worker for sexually assaulting a female co-worker. During the 6 months that the two worked together at “The Best Little Oarhouse in Nova Scotia,” the worker intentionally brushed his hand across the victim’s buttocks “on multiple occasions.” He also intentionally elbowed her breast twice, an unwelcome gesture that he accompanied with an equally obnoxious remark such as “better call the labour board.” The high court decided that the conviction and sentence of 4 months of conditional imprisonment, followed by 6 months’ probation were valid and denied the worker’s appeal [[R. v. Carson](#), 2023 NSCA 6 (CanLII), January 30, 2023].

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

### Return to Work: Failing to Accommodate Injured Worker Costs Employer \$48,000

A welder incapable of performing his old job due to workplace injuries asked to return to light duty work. Since it had no such work to offer, the employer terminated him. Question: Did the employer accommodate the welder’s disability to the point of undue hardship? The Nova Scotia arbitrator said no. It was a small company with limited work for people who can’t weld, the arbitrator acknowledged. But the company didn’t try enough to explore the alternatives. It should have at least assessed the welder’s capabilities and sought to piece together a permanent position suited to those abilities. **Result:** Termination was entitled to roughly 12 months’ termination notice, \$48,000, for wrongful dismissal [[Dauphinee v Lunenburg Foundry & Engineering Limited](#), 2023 NSLB 12 (CanLII), January 26, 2023].