

SEPTEMBER 2023 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

New Laws

Aug 3: Nova Scotia announced that it will launch a new 2-years master's program for physician assistants at Dalhousie University, starting in January. This will be the first physician assistant program in Atlantic Canada and only the fourth in the entire country.

Environmental

Jul 31: Nova Scotia issued its second annual [climate change progress report](#), covering the period from August 1, 2022, to July 31, 2023.

CASES

OHS Inspections: Fire Captain Can't Appeal Inspector's Decision Not to Issue an OHS Order

When the Halifax fire department introduced a new Harbour Fire Rescue Boat model, a platoon captain reported safety concerns to a government OHS officer. After performing a site inspection, the officer concluded that the department had an adequate safety plan and decided not to issue any OHS compliance orders or warnings. The captain appealed under Section 54 of the Nova Scotia *OHS Act*, which allows an employee who's an "aggrieved person" to appeal an OHS inspector's decision not to issue an order. The department contended that the captain had no legal standing to appeal. The labour board agreed and dismissed the appealing, ruling that the captain wasn't an "aggrieved person" because he wasn't a firefighter required to serve on the boat and thus wasn't "directly affected" by the OHS inspector's decision [[Gates v Halifax Regional Municipality represented by the Halifax Regional Municipality Fire and Emergency Service](#), 2023 NSLB 99 (CanLII),

July 14, 2023].

Workers Comp: Injury to Worker During Personal Religious Ritual Isn't Work-Related

Does workers comp cover an injury suffered by a worker while performing a private religious ritual at work? The worker in this case slipped and hurt his back while putting his socks back on after performing a religious cleansing ritual called wuḍū in a private washroom at the site. The Nova Scotia WCB denied the worker's request for benefits, concluding that the accident resulted from a personal, non-work-related activity and that the injury thus didn't "arise out of [his] employment." The Court of Appeal upheld the ruling and determination that the religious ritual was an "incidental activity" undertaken at the worksite that had no relation to the worker's employment [*Tufts v. Nova Scotia (Workers' Compensation Appeals Tribunal)*, 2023 NSCA 50 (CanLII), July 11, 2023].

Action Point: Find out about [how far you must bend PPE rules to accommodate workers' religion](#)