

## OCTOBER 2024 MONTH IN REVIEW

# Nova Scotia

### LAWS & ANNOUNCEMENTS

#### Work Injuries

Sep 13: Workplace injury rates resulting in 3 or more missed workdays in the province declined slightly in the first quarter of 2024 from 1.40 to 1.37 per 100 covered workers, according to WCB's new quarterly report. For every 100 workers covered, 259 days were lost to workplace injury, versus 277 in the first quarter of 2023. Regrettably, there were also 6 workplace deaths during the period, 3 acute and 3 health-related.

#### Workplace Harassment

Sep 20: The Assembly passed [Bill 464](#), the *Stronger Workplaces for Nova Scotia Act*, adding a new provision to the *OHS Act* requiring employers to create and implement a policy to prevent harassment in the workplace by September 1, 2025, with the details to be furnished via regulations developed by the government.

**Action Point:** Find out how to implement an effective [Workplace Violence and Harassment Compliance Game Plan](#) at your site.

#### Infectious Illnesses

Oct 10: Nova Scotia residents can now [book appointments](#) for free COVID-19 and influenza vaccinations, which are available from participating family doctors, nurse practitioners, family practice nurses, pharmacies, public health offices, and mobile units.

**Action Point:** Use the [OHSI Infection Exposure Control Plan](#) to protect workers from infectious disease.

#### Emergency Response

Sept 20: Legislation ([Bill 455](#)) establishing a new Department of Emergency Management and authorizing the creation of a Nova Scotia Guard to be deployed for emergency response has passed the Assembly but not yet proclaimed effective. The

Bill was tabled last March.

**Action Point:** Ensure that your company is [properly prepared for workplace emergencies](#).

### **New Laws**

Oct 4: The federal government officially recognized NICHE, a Nova Scotia program to facilitate acceptance of internationally trained health professionals in 5 professions of significant need: licensed practical nurses; medical laboratory technologists; medical radiation technologists and other diagnostic imaging professions; pharmacists and pharmacy technicians; and respiratory therapists. Ottawa will also provide up to \$10 million in Foreign Credential Recognition (FCR) Program funding to support NICHE.

### **New Laws**

Sep 20: Nova Scotia announced that it will officially adopt the 2020 national codes, that is, the *2020 National Building Code*, *2020 National Plumbing Code*, and *2020 National Energy Code for Buildings*, starting April 1, 2025. Amendments will have to be made to the current *Building Code Act* regulations to bring provincial rules into line with the national standards, particularly regarding accessibility and environmental matters.

### **New Laws**

Oct 2: The Canadian Adult Education Credential (CAEC) has replaced the outdated General Education Development (GED) certificate as the high-quality credential for adult learners in Nova Scotia. The CAEC relates directly to Canada's education system and is comprised of 5 tests assessing reading, writing, mathematics, science, and social science.

### **Drugs & Alcohol**

Dec 1: That's the deadline for servers at licensed bars and restaurants in Nova Scotia to receive [training](#) in how to serve alcohol safely. Mandatory training also applies to servers at concerts and festivals where alcohol is served.

**Action Point:** Find out how to create a legally sound [Drugs and Alcohol Testing Policy](#) for your workplace.

### **Workers' Comp**

Oct 9: The Nova Scotia WCB launched a new [tip-line](#) that individuals can use to report suspected workers comp fraud to the government. The agency will begin including fraud and compliance statistics in its quarterly reports, starting in 2025.

### **Return To Work**

Sep 20: Newly passed [Bill 464](#) requires Nova Scotia employers and injured workers to

cooperate in a worker's return to work and authorizes the WCB to impose penalties against those who fail to cooperate. The legislation is similar to workers' comp return to work laws in other jurisdictions, including BC and Ontario. Effective date: July 15, 2025.

**Action Point:** Find out how to implement a legally sound [Return to Work Compliance Game Plan](#) for injured workers.

### Workers' Comp

Sep 20: The Nova Scotia Assembly passed new legislation, [Bill 464](#), aka the *Stronger Workplaces for Nova Scotia Act*, requiring that the total costs of administering the *OHS Act* be paid out of the workers' comp Accident Fund, retroactive to April 1, 2024.

### Environmental

Sep 19: The Nova Scotia Assembly tabled [Private Member Bill 497](#) calling for the implementation of a provincial greenhouse gas emissions cap-and-trade program by January 1, 2025. That program would establish greenhouse gas emission reduction targets for Nova Scotia and provide a mechanism for creating and granting greenhouse gas emission allowances and credits.

## CASES

### Workplace Violence: OHS Work Violence Rules Don't Necessarily Apply to Sexualized Violence Policy

After concluding that its sexualized violence policy didn't meet OHS requirements for workplace violence, a government inspector ordered a university to take corrective actions to ensure that incidents of sexualized violence in the workplace are reported, investigated, and documented. The university appealed, contending that the officer hadn't accounted for its overall violence prevention program and wrongly applied OHS workplace violence requirements to sexualized violence. The Nova Scotia Labour Board agreed and set aside the Compliance Orders. There **is** a difference between sexualized and workplace violence covered by OHS laws, it reasoned. For one thing, some forms of sexualized violence don't meet the OHS definition of "violence" in the workplace. And those forms of sexualized violence should not be subject to mandatory reporting. Meanwhile, the university had a separate violence in the workplace policy that met the OHS requirements for workplace violence [[Dalhousie University \(Re\)](#), 2024 NSLB 91 (CanLII), September 13, 2024].

**Action Point:** Find out how to implement an effective [domestic violence prevention and response policy](#) at your workplace.