

Nova Scotia

LAWS & ANNOUNCEMENTS

Emergency Response

Oct 25: A government advisory board issued [new recommendations](#) to make employment and workplaces more accessible to and safer for persons with disabilities, including adopting new laws requiring employers to implement evacuation and shelter-in-place plans to ensure employees with disabilities are safe during an emergency.

Action Point: [Ensure your workplace emergency response policy](#) accounts for the disabled.

Drugs & Alcohol

Dec 1: New regulations take effect in Nova Scotia requiring servers at licensed bars and restaurants in Nova Scotia to complete [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.

Return To Work

Oct 23: The Nova Scotia WCB says it plans to “ramp up” its efforts to improve return to work outcomes for employers and workers with work injuries. Objective: Return over 250,000 workdays that are currently lost to injury by 2030.

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

CASES

Fall Protection: Court Orders Constructor to Pay \$100,000 for Fatal Scaffolding Violation

A self-employed electrician was killed when the scaffolding he was working on collapsed. After hearing all of the evidence, the trial court concluded that the scaffolding safety pins weren't present at the accident scene and that the pins built into the scaffolding weren't engaged, as required by CSA Z797. As a result, it found the constructor guilty of failing to ensure that scaffolding was erected, installed, assembled, or maintained in accordance with CSA Z797, an offence carrying a

maximum fine of \$500,000 when it results in a worker's death. The constructor argued that the maximum fine should be \$25,000 because the violation didn't actually cause the victim's death. The court disagreed, finding that the improper construction and assembly was a significant factor in causing the fatal fall. But there were also mitigating factors: this was the company's first offence; it accepted responsibility and expressed remorse for the violation; and it took corrective measures to ensure it would never recur. As a result, the court decided on total penalties of \$100,000 and the requirement that the company prepare 3 safety presentations, including one covering the role of the constructor [[*R. v. Blaine F. MacLane Excavation Limited*](#), 2024 NSPC 48 (CanLII), October 11, 2015].

Action Point: Find out how to implement a legally sound [Scaffold & Elevated Platform Compliance Policy](#) at your workplace.