

# New Brunswick

## LAWS & ANNOUNCEMENTS

### Accessibility

Mar 10: That's the deadline to comment on [changes](#) to the *Building Code* designed to advance barrier-free buildings in New Brunswick. The new accessibility requirements are scheduled to take effect on April 1, 2025.

**Action Point:** Find out how accessibility laws affect your OHS program.

### Fire Safety

Mar 10: That's the last day for comment on a [proposal](#) to revise the standards that fire extinguishers must meet under *Fire Prevention Act* regulations to: (a) *National Fire Code of Canada 2020*, and (b) *National Building Code of Canada 2020*, as opposed to the 10 standards listed in the current definition. Effective date: April 1, 2025.

**Action Point:** Find out how to implement an effective and legally sound [Fire Prevention Compliance Game Plan](#) at your workplace.

### New Laws

Feb 5: The federal government slashed New Brunswick's 2025 allotment in permanent resident nominations by 50% to 2,750, versus 5,500 in 2024. The reduced allocation will be split between the Provincial Nominee Program (1,500) and the Atlantic Immigration Program (1,250).

### New Laws

Jan 15: New Brunswick signed an agreement with the Government of Canada that will provide over \$32 million to enhance access to selected new drugs for rare diseases, as well as access to existing drugs, early diagnosis, and screening. In the first step, the province will get federal funding for 4 new drugs: Poteligeo, for mycosis fungoides or Sézary syndrome; Oxlumo, for hyperoxaluria type 1; Epkinly, for relapsed or refractory diffuse large B-cell lymphoma; and Welireg, for the von Hippel-Lindau (VHL) disease.

### Workers' Comp

Mar 7: May 7<sup>th</sup> is the last day to comment on WorkSafeNB's [proposal](#) to change the *Workplace Health Safety and Compensation Commission* and *Workers' Compensation Appeals Tribunal Acts* to improve program governance. Highlights: i. Create exception to 30-day implementation deadline for cases where information from a third party is required; ii. Eliminate current restriction on the agency's making mortgage investments; and iii. Give WorkSafeNB board of directors authority to independently appoint the external auditor without having to involve the Lieutenant-Governor in Council.

## Workers' Comp

Feb 28: February 28<sup>th</sup> is the deadline for New Brunswick employers to submit their annual payroll form (Form 100) to WorkSafeNB by using their Employer Code and unique Access Pin to avoid late filings that may result in interest, late fees, and penalties. Employers don't have to create a MyServices account to Fast File their Form 100.

## CASES

### C-45: Supervisor Guilty of Criminal Negligence for Worker's Confined Spaces Death

A construction supervisor was charged with C-45 criminal negligence for the confined space drowning death of an 18-year-old worker under his immediate charge. At trial, the supervisor admitted to not having read the safety manual for confined space work and proper use of the rubber plug for stopping the flow of liquid from the pipe into the space. Even so, he allowed the worker to enter what he knew was a confined space without ensuring the plug was installed. After being convicted, the supervisor appealed, noting that he had never been trained for supervising this type of work. The New Brunswick Court of Appeal was unswayed, reasoning that the dangers of the situation were "obvious and required no specialized knowledge to appreciate." In addition to finding the guilty verdict correct, the high court found the 3-year prison sentence reasonable [*King v. R.*, 2025 NBCA 12 (CanLII), January 23, 2025].

**Action Point:** The C-45 criminal negligence standard (Section 217.1 of the *Criminal Code*) requires the prosecutor to prove that a person with control over how work is failed to take reasonable steps to prevent bodily harm to persons carrying out the work and that such failure was due to "wanton or reckless disregard for safety." Find out what you can do to [manage criminal liability risks under C-45](#), including [5 steps](#) for protecting supervisors from criminal liability.

### Powered Mobile Equipment: Employer Fined \$30,000 for Industrial Lift Truck Fatality

A worker was killed after being run over by a Dolly Snappel specialized heavy-duty transport trailer designed to move extremely large, heavy, and irregularly shaped cargo. The victim's employer was fined \$30,000 after pleading to one OHS offence: failing to ensure that an industrial lift truck is not loaded beyond its capacity [*Windturbine Construction Team Inc.*, January 13, 2025].

**Action Point:** Find out how to implement a [Powered Mobile Equipment Compliance Game Plan](#) to prevent forklift incidents, injuries and fines at your workplace.