



BILL NO. 464

Government Bill

*1st Session, 64th General Assembly
Nova Scotia
3 Charles III, 2024*

An Act Respecting Stronger Workplaces for Nova Scotia

CHAPTER 10
ACTS OF 2024

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
SEPTEMBER 20, 2024**

The Honourable Jill Balsler
Minister of Labour, Skills and Immigration

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

This page is intentionally blank.

An Act Respecting Stronger Workplaces for Nova Scotia

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Stronger Workplaces for Nova Scotia Act*.

LABOUR STANDARDS CODE

2 Section 7 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as amended by Chapter 14 of the Acts of 1991, Chapter 4 of the Acts of 2003 (Second Session), Chapters 10 and 13 of the Acts of 2006, Chapter 18 of the Acts of 2009, Chapter 37 of the Acts of 2010, Chapter 19 of the Acts of 2011, Chapter 11 of the Acts of 2013, Chapter 11 of the Acts of 2016, Chapters 13 and 36 of the Acts of 2018, Chapters 13 and 14 of the Acts of 2020 and Chapter 41 of the Acts of 2022, is further amended by adding immediately after clause (bd) the following clauses:

(bda) further define “serious illness” for the purpose of Sections 60FA to 60FC;

(bdb) specify the nature, content and timing of information an employee must provide to an employer for the purpose of clause (a) of subsection (4) of Section 60FA;

3 Subsection 58A(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

4 (1) Subsection 58B(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

(2) Subsection 58B(2) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

5 Section 58D of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

6 Subsection 58E(1) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

7 Clause 58F(1)(a) of Chapter 246, as enacted by Chapter 13 of the Acts of 2018 and amended by Chapter 36 of the Acts of 2018 and Chapter 41 of the Acts of 2022, is further amended by adding “, 60FA” immediately after “60E”.

8 Chapter 246 is further amended by adding, immediately after Section 60EA, the following heading and Sections:

SERIOUS ILLNESS LEAVE

60F In Sections 60FA to 60FC,

- (a) “serious illness” includes a serious injury;
- (b) “week” means a week as defined in Section 60E.

60FA (1) An employee is entitled to an unpaid leave of absence of up to twenty-seven weeks if the employee has been

- (a) employed by an employer for at least three months; and
- (b) diagnosed with a serious illness.

(2) An employee’s entitlement under subsection (1) begins on

- (a) the day the employee was diagnosed with the serious illness;
- or

- (b) where the employee has been absent from work due to the serious illness before its diagnosis, on the day the employee was first absent from work due to the serious illness.

(3) A leave of absence under this Section must be taken in periods of not less than one week, which may be taken consecutively or non-consecutively.

(4) An employer may require an employee who takes a leave of absence under this Section to provide, in a form approved by the Director,

- (a) such information in support of the employee’s entitlement to the leave as may be prescribed by the regulations; or
- (b) in the absence of applicable regulations, such information in support of the employee’s entitlement to the leave as is reasonable in the circumstances.

(5) An employee shall advise an employer as soon as possible of any intention to take a leave of absence under this Section.

60FB (1) An employee shall not take more than twenty-seven weeks of leave under Section 60FA within any period of fifty-two weeks, whether or not such leave is in respect of the same serious illness.

(2) Where an employee has taken twenty-seven weeks of leave under Section 60FA within any period of fifty-two weeks, whether or not such leave was in respect of the same serious illness, and that leave has been taken in four or more non-consecutive periods, the employee shall not take additional leave under Section 60FA unless

- (a) the additional leave begins at least six months after the last day of the previous leave; or
- (b) the employer has agreed that the additional leave may begin on an earlier date.

60FC(1) Notwithstanding subsection (3) of Section 60FA, where an employee wishes to return to work during a week in which leave has been taken under Section 60FA, the employee may return to work during that week if the employer has agreed to the date of return to work.

(2) Where an employee has, under subsection (1), returned to work during a week in which leave has been taken under Section 60FA, the employee is, for the purpose of calculating the number of weeks of leave taken, deemed to have taken leave for the entire week in which the employee returned to work.

9 The heading immediately before Section 60G of Chapter 246 is amended by adding “AND FAMILY RESPONSIBILITY LEAVE” immediately after “LEAVE”.

10 Section 60G of Chapter 246 is repealed and the following Section substituted:

60G (1) An employee is entitled to up to five days of unpaid leave per year if the leave is required due to the employee’s sickness or injury.

(2) An employee is entitled to up to three days of unpaid leave per year if the leave is required

(a) due to the sickness or injury of a child, parent or family member; or

(b) for medical, dental or other similar appointments during work hours.

(3) An employee shall advise an employer as soon as possible of any intention to take a leave under subsection (1) or (2).

OCCUPATIONAL HEALTH AND SAFETY ACT

11 Section 3 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, as amended by Chapter 28 of the Acts of 2000, Chapters 37 and 66 of the Acts of 2010, Chapter 24 of the Acts of 2011 and Chapter 14 of the Acts of 2016, is further amended by adding immediately after clause (q) the following clause:

(r) “health and safety” includes both physical and psychological health and safety;

12 Section 10 of Chapter 7 is amended by striking out “Part of the” and substituting “All”.

13 Section 13 of Chapter 7, as amended by Chapter 14 of the Acts of 2007 and Chapter 66 of the Acts of 2010, is further amended by adding immediately after subsection (3) the following subsection:

(4) Every employer shall, in accordance with the regulations, establish and implement a policy respecting the prevention of harassment in the workplace.

14 Subsection 43(8) of Chapter 7 is amended by striking out “discriminatory action” and substituting “a reprisal”.

15 The heading immediately before Section 45 of Chapter 7 is struck out and “REPRISALS” substituted.

16 (1) Subsection 45(1) of Chapter 7 is amended by striking out “discriminatory action” and substituting “reprisal”.

(2) Subsection 45(2) of Chapter 7 is amended by striking out “discriminatory action” and substituting “a reprisal”.

17 (1) Clause 46(1)(b) of Chapter 7 is amended by striking out “discriminatory action” and substituting “a reprisal”.

(2) Subsection 46(4) of Chapter 7 is amended by

(a) striking out “discriminatory action” the first time it appears and substituting “a reprisal”; and

(b) striking out “discriminatory action” in clauses (b) and (d) and substituting in each case “reprisal”.

18 Subsection 82(1) of Chapter 7, as amended by Chapter 66 of the Acts of 2010 and Chapter 41 of the Acts of 2013, is further amended by adding immediately after clause (j) the following clause:

(ja) respecting workplace harassment;

WORKERS' COMPENSATION ACT

19 Chapter 10 of the Acts of 1994-95, the *Workers' Compensation Act*, is amended by adding immediately after Section 1 the following Section:

1A The purpose of this Act is to, in a financially responsible and accountable manner,

(a) promote health and safety in workplaces;

(b) facilitate the rehabilitation of and the safe and timely return to suitable work of workers who sustain personal injury or who suffer from an occupational disease arising out of and in the course of employment;

(c) provide compensation and other benefits to workers and to the survivors of deceased workers; and

(d) require workers, employers and organizations supporting the workers' compensation system to work collaboratively with each other for the benefit of workers and employers.

20 Subsection 89(3) of Chapter 10 is amended by striking out “90” and substituting “89A”.

21 Chapter 10 is further amended by adding immediately after Section 89 the following Section:

89A (1) The employer of an injured worker shall co-operate in the early and safe return to work of the worker by

(a) contacting the worker as soon as practicable after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;

(b) attempting to provide suitable work that is available and, where possible, restores the worker's pre-injury earnings;

(c) giving the Board such information as the Board may request concerning the worker's return to work; and

(d) doing such other things as may be prescribed by the regulations.

(2) An injured worker shall co-operate in the worker's early and safe return to work by

(a) contacting the employer as soon as practicable after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment;

(b) assisting the employer, as may be required or requested, to identify suitable work that is available and, where possible, restores the worker's pre-injury earnings;

(c) giving the Board such information as the Board may request concerning the worker's return to work; and

(d) doing such other things as may be prescribed by the regulations.

(3) Where, in the opinion of the Board, an employer fails or refuses to comply with subsection (1), the Board may impose a penalty on the employer not exceeding the total of

(a) the full amount or capitalized value, as determined by the Board, of any compensation payable to a worker of the employer in respect of injuries that occurred to the employer's workers during the period of non-compliance; and

(b) any other expenditures made by the Board in respect of injuries that occurred to the employer's workers during the period of non-compliance.

(4) Where, in the opinion of the Board, a worker fails or refuses to comply with subsection (2), the Board may suspend, reduce, terminate or withhold the worker's compensation during the period of non-compliance.

22 Subsection 115(7) of Chapter 10 is repealed and the following subsection substituted:

(7) Notwithstanding anything contained in this Section, the amount paid out of the Accident Fund each year with respect to the costs of administering the *Occupational Health and Safety Act* must be the total costs of administering that Act and payment must be made in accordance with Section 10 of the *Occupational Health and Safety Act*.

23 Section 161 of Chapter 10 is repealed and the following Sections substituted:

161 (1) The Minister shall, on or before July 1, 2029, and subsequently as required by subsection (2), establish a Review Committee to review, report and make recommendations to the Minister on all matters concerning this Act, the regulations, the administration of this Act and the regulations and any other matters that the Minister may refer to the Review Committee.

(2) Following the appointment of the first Review Committee, the Minister shall subsequently appoint a Review Committee no later than five years after the date on which the previous Review Committee submitted its report and recommendations to the Minister.

(3) The Minister shall prescribe the date by which a Review Committee is required to submit its report and recommendations to the Minister.

(4) A Review Committee must consist of at least three members appointed by the Minister.

(5) The Minister shall fix the remuneration of the members of a Review Committee.

(6) The Board shall, out of the Accident Fund,

(a) pay for any remuneration fixed pursuant to subsection (5);
and

(b) reimburse members of a Review Committee for the reasonable expenses incurred by them in connection with the work of the Review Committee.

(7) The Minister shall designate one member of a Review Committee to be the Chair of the Committee.

(8) Quorum for Review Committee meetings is as determined by the Minister.

161A (1) The Minister shall provide any technical, clerical or other administrative help necessary for the operation of a Review Committee established under Section 161.

(2) The Minister shall fix the remuneration of any person employed for the purpose of subsection (1).

(3) The Board shall, out of the Accident Fund, pay any remuneration fixed pursuant to subsection (2).

EFFECTIVE DATES

- 24** (1) Sections 2 to 10 have effect on and after January 1, 2025.
- (2) Section 11 has effect on and after September 1, 2025.
- (3) Section 12 has effect on and after April 1, 2024.
- (4) Sections 13 and 18 have effect on and after September 1, 2025.
- (5) Sections 20 and 21 have effect on and after July 15, 2025.
- (6) Section 22 has effect on and after April 1, 2024.
-