

FEBRUARY 2023 MONTH IN REVIEW

New Brunswick

LAWS & ANNOUNCEMENTS

Discrimination

Jan 6: The New Brunswick Human Rights Commission published [new guidelines](#) on avoiding ageism and age discrimination in the workplace. Recommendations: Don't include or hint at age limits in job ads, evaluate performance rather than work fitness and give older workers at risk of losing their jobs retraining and phased retirement options.

Action Point: Implement a [legally sound age discrimination policy](#) at your workplace

Health & Safety

Dec 16: The New Brunswick Assembly passed [Bill 11](#) amending the *OHS Act* to require workers on fishing vessels to wear life jackets and personal flotation devices. The bill also clarifies that fishing vessels are a "place of employment" where PPE must be worn—at all times when the vessel doesn't have a deck or deck structure.

Workers Comp

Feb 28: Reminder: That's the deadline for New Brunswick employers to submit their actual payroll and wage data from 2022 to WorkSafeNB.

CASES

COVID-19: Arbitrator Upholds Mandatory Vaccination for WorkSafeNB Employees

In what may be the first reported case dealing with the issue in 2023, a New Brunswick arbitrator has gone along with the mainstream in dismissing a union challenge against an policy by an employer, in this case WorkSafeNB, requiring workers to get the COVID vaccine or go on unpaid leave if they refuse. The policy was clear, justified by safety concerns and reasonable, the arbitrator concluded, noting that it provided for medical accommodations to those who couldn't get vaccinated [[*CUPE, Local 1866 v Worksafe New Brunswick*, 2023 CanLII 1 \(NB LA\)](#), January 3, 2023].

Action Point: Find out how to implement a [mandatory vaccination policy](#) at your workplace