

MARCH 2023 MONTH IN REVIEW

New Brunswick

LAWS & ANNOUNCEMENTS

Minimum Wage

Jan 30: New Brunswick is implementing another \$1.00 increase to its general minimum wage on April 1, the third such increase in 12 months, taking the minimum wage to an Atlantic Canada high of \$14.75 per hour. However, that distinction won't last because NL, NS and PEI are moving to a \$15 minimum wage.

New Laws

Feb 24: New Brunswick announced that it will pay wages and benefits to individuals who participate in education programs to become registered nurses (RNs) and licensed practical nurses (LPNs). The program provides for 2 streams: personal support workers seeking to become LPNs and LPNs seeking to become RNs.

Workplace Harassment

Feb 8: New Brunswick launched a new Workplace Sexual Harassment Lawyer Referral Program providing workers who believe they've suffered workplace harassment a free 2-hour consultation with an experienced lawyer to discuss their case.

Action Point: Use the resources on the [Harassment Compliance Centre](#) to prevent harassment and bullying at your workplace

CASES

Termination: \$200K in Wallace Damages for Humiliating Termination Announcement

A week into his 5-year contract, a medical director received a written contract purporting to codify the terms of his oral agreement. But the clause giving the employer the right to terminate the director with just 12 months' during the first year of the agreement was never discussed, let alone accepted. Sure enough, the employer relied on the clause to terminate the director less than 4 months into the agreement. The director claimed the clause was unenforceable and the New Brunswick arbitrator agreed, noting that the clause wasn't part of the original deal. Nor was it a binding amendment since the director never received any consideration, or value, for accepting the term. Moreover, the bad faith it showed in announcing the director's termination at a public news conference in a way suggesting that he was responsible for an unfortunate fatal medical accident at a hospital caused the director mental stress. **Result:** The arbitrator awarded him \$200,000 in *Wallace* damages [[*Dornan v New Brunswick \(Health\)*](#), 2023 CanLII 10433 (NB LA), February 15, 2023].

Action Point: Find out about the [5 ways you can get socked with punitive damages](#) for bad faith termination