

SEPTEMBER 2023 MONTH IN REVIEW

New Brunswick

LAWS & ANNOUNCEMENTS

Mental Stress

Aug 8: WorkSafeNB began [public consultations](#) on whether to seek changes to the *Workers Compensation Act* that would make post-traumatic stress disorder presumptively work-related when diagnosed in a correctional officer after a work-related incident. The same presumption already applies to police officers, firefighters and paramedics.

Action Point: Create a [legally sound policy](#) for accommodating employees with mental disabilities

Workplace Violence

Aug 25: The provincial and federal government will provide over \$700,000 in new funding to expand the services provided by gender-based violence crisis hotlines across New Brunswick through March 31, 2026.

Action Point: Find out [how to protect your employees](#) from the risk of workplace domestic violence

CASES

Workplace Harassment: Does Workers Comp Bar Employees' Sexual Abuse Class Action?

Employees filed a class action lawsuit against the City of St. John for the workplace sexual abuse they allegedly suffered at the hands of a now retired police officer. The court ruled that the City was vicariously liable for the sexual abuse that the officer committed while he was employed at the Works Dept. but not during his tenure in the police department since he wasn't a City employee at that time. The City appealed, claiming that the suits violated the workers comp bar against employees' suing for employment injuries. The New Brunswick Court of Appeal found that the City had a valid point and sent the case back to the lower court to determine if the workers comp bar applied in this situation [[Hayes v. The City of Saint John](#), 2023 NBCA 66 (CanLII), August 4, 2024].

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