

MAY 2023 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

Labour Relations

Apr 12: Nova Scotia officially adopted [Bill 269](#) extending the *Construction Projects Labour Relations Act* requirement that construction contractors and unions enter into collective agreements to prevent work stoppages to large-scale green hydrogen production facilities.

Payroll

Apr 5: Nova Scotia began accepting [applications](#) from workers under age 30 seeking More Opportunity for Skilled Trades (MOST) provincial income tax refunds paid on the first \$50,000 of income earned in eligible skilled trades and film and video occupations.

Leaves of Absence

Apr 6: Newly tabled [Private Member Bill 306](#) would give employees up to 26 weeks of unpaid leave for serious illnesses, which could be taken all at once or in smaller weekly increments. Because it's not a Government bill, the legislation isn't likely to pass.

Termination

Mar 30: Newly tabled [Private Member Bill 290](#), *An Act to Protect Whistleblowing by Healthcare Workers*, would make it illegal to fire, discipline, demote, discriminate or take other adverse action against a healthcare worker in retaliation for reporting harassment, privacy violations, unprofessional conduct, criminal activity or other

workplace violations or misconduct to authorities.

Action Point: Find out how to discipline employees [without committing reprisals or retaliation](#)

Workers Comp

Apr 6: Newly tabled [Private Member Bill 308](#) would add mine rescue workers to the list of occupations for which post-traumatic stress disorder is presumed to be a work-related injury for purposes of workers comp coverage.

CASES

Labour Relations: High Court Reaffirms Denial of Union Certification

The Labour Board denied certification to a construction workers union after determining that some cleaners weren't part of the bargaining unit because they didn't perform construction labourers work. The appeals court reversed and the case reached the Nova Scotia Court of Appeal, which restored the Board's ruling, saying it was reasonable and supported by the evidence and law [[Labourers International Union of North America, Local 615 v. Grafton Developments Inc.](#), 2023 NSCA 25 (CanLII), April 5, 2023].

Termination: OK to Fire Grocery Store Employee for Committing Theft

Why would I risk my 12 years of employment by doing such a thing? That question was pretty much the defence of a stock shelving worker who got fired under the grocery store's zero tolerance theft policy for allegedly stealing an envelope containing \$80 in cash from a co-worker. It's a fair question, the Nova Scotia arbitrator acknowledged. "But everyone is capable of being tempted," especially when they perceive the risk to be minimal. And the employer produced enough evidence to meet its burden of proving, "on the balance of probability," that the worker committed the theft of which he was accused [[Sobeys Capital Incorporated/Sobeys Capital Incorporée v Hudson](#), 2023 CanLII 24839 (NS LB), March 31, 2023].

Action Point: Implement a [legally sound anti-theft policy](#) at your workplace