

SEPTEMBER 2023 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

Minimum Wage

Oct 1: That's the date that Nova Scotia's general minimum wage officially increases 50 cents to the magical \$15.00 per hour level. Future annual increases will be pegged to the Consumer Price Index rate of inflation.

New Laws

Aug 3: Nova Scotia announced that it will launch a new 2-years master's program for physician assistants at Dalhousie University, starting in January. This will be the first physician assistant program in Atlantic Canada and only the fourth in the entire country.

New Laws

Aug 11: The federal government announced approval for the launch of a new commercial fishery for whelk in the waters off Eastern Cape Breton next spring. The new fishery is expected to support approximately 55 jobs in Eastern Nova Scotia.

Health & Safety

Aug 23: Nova Scotia's injury rate fell to a historic low of 1.41 per 100 workers in the first quarter of 2023, as compared to 1.54 in the fourth quarter of 2022. Injury rates remained high in the healthcare sector, despite modest improvements in long-term care and home care. Days lost to injury dropped from 292 to 277 per 100, with 81% returning to work within 180 days. Year-over-year COVID-19 claims fell significantly from 233 to 17 during the first quarter.

Action Point: [How to create a vibrant safety culture](#) at your organization

CASES

Termination: Suspension Is Constructive Dismissal + Grounds for *Wallace* Damages

A seasonal worker worked for a landscaping firm between June and December for 17 years. But what had felt like family turned sour when the company suspended him due to dissatisfaction with his work. He remained on layoff for 2 months. By the time he was recalled, he had taken work with another firm. The Nova Scotia court ruled that the worker was constructively dismissed and awarded him 12 months' termination notice and \$15,000 in aggravated damages for acting in bad faith. Despite what the company told the worker, there was no shortage of work, and the layoff was performance-related and indicated the company's intention to no longer be bound by the contract. The Court of Appeal found all aspects of the ruling to be reasonable and refused to overturn it [[Elmsdale Landscaping Ltd. v. Hiltz](#), 2023 NSCA 56 (CanLII), August 3, 2023].

Action Point: Find out about the [13 constructive dismissal pitfalls](#) you should avoid