

## AUGUST 2023 MONTH IN REVIEW

# Nova Scotia

## LAWS & ANNOUNCEMENTS

### Absenteeism

Jul 1: Newly effective LSC regulations ban employers from asking employees for doctor's notes unless they've: i. been absent for over 5 working days; or ii. already had 2 absences of 5 or fewer working days in the past 12 months. Absent employees may also furnish sick notes from any healthcare provider, including nurses, dentists, pharmacists or physiotherapists.

**Action Point:** Go to the HRI [Attendance & Absenteeism centre](#) for help cracking down on absenteeism at your workplace

### Labour Relations

Jul 20: The province reached agreement with Doctors Nova Scotia on a new 4-year academic funding agreement under which physicians paid on a fee-for-service basis will be eligible for a grant and receive an annual payment based on their number of patients.

### Discrimination

Jul 6: Nova Scotia unveiled its new [Equity and Anti-Racism Strategy](#) setting out a long-term plan of government action designed to eliminate systematic racism and hate across the province.

**Action Point:** Beware of [employment practices](#) that inadvertently perpetuate racial discrimination

## CASES

### Workers Comp: Injury to Worker During Personal Religious Ritual Isn't Work-Related

Does workers comp cover an injury suffered by a worker while performing a private religious ritual at work? The worker in this case slipped and hurt his back while putting his socks back on after performing a religious cleansing ritual called wudū in a private washroom at the site. The Nova Scotia WCB denied the worker's claim for benefits, concluding that the accident resulted from a personal, non-work-related activity and that the injury thus didn't "arise out of [his] employment." The Court of Appeal upheld the ruling and determination that the religious ritual was an "incidental activity" undertaken at the worksite that had no relation to the worker's employment [*Tufts v. Nova Scotia (Workers' Compensation Appeals Tribunal)*, 2023 NSCA 50 (CanLII), July 11, 2023].

**Action Point:** What to do when employee religious rights create a safety hazard