

DECEMBER 2023 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

Mental Stress

Nov 9: Nova Scotia officially adopted [Bill 332](#) providing workers comp benefits to workers who suffer gradual onset of traumatic mental stress due to work-related stressors, effective Sept. 1, 2024. Current rules limit coverage to acute mental stress caused by a discrete traumatic event that happens at work, like witnessing a co-worker's death.

Action Point: Find out about [workers comp coverage of mental stress claims](#) in Canada

Mental Stress

Nov 23: The Nova Scotia WCB began public review of [proposed changes](#) to its current work-related mental stress coverage rules of psychological injuries in response to the passage of [Bill 332](#) making gradual onset of traumatic mental stress a compensable injury. Deadline to comment: Feb. 15.

New Laws

Oct 24: Newly tabled [Private Member Bill 372](#), which probably won't make it to the finish line, would establish a new Office of Wage Theft Prevention responsible for investigating complaints of wage theft. It would also place the burden of proof on employers to show that wages have been fully and appropriately paid.

New Laws

Nov 9: The newly launched Nova Scotia Firefighter and Ground Search and Rescue Volunteer Assistance Program will provide volunteer first responders and their families access to a wide range of health and wellness services, including personal and family counseling, stress management and nutrition support similar to those provided for career first responders.

New Laws

Nov 20: The government opened a new hot line that residents can use to make confidential reports of fraud, financial impropriety or suspicious financial activity involving organizations that receive funding from the skills and learning branch of the Department of Labour Skills and Immigration.

Drugs & Alcohol

Nov 9: [Bill 322](#) amending the *Opioid Damages and Health-care Costs Recovery Act* to allow the government to recover costs from “consultants” of opioid drug manufacturers and wholesalers has received Royal Assent and taken effect.

Action Point: Find out how to [effectively control substance abuse](#) at your workplace

Workplace Harassment

Nov 30: Nova Scotia ended online and in-person [public consultations](#) on how to improve the workers comp system and prevent harassment in the workplace.

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

CASES

Labour Relations: Teachers' Union Loses Bid to Strike Down Unconstitutional Bargaining Law

In 2017, with union negotiations at an impasse, Nova Scotia passed Bill 75 unilaterally imposing a new 4-year collective agreement on teachers. The union claimed that the legislation violated teachers' constitutional rights. The court agreed, declaring the law unconstitutional but also not taking any actions to prevent the province from enforcing it. The union appealed the lack of remedy and the case reached the province's highest court, which upheld the lower court's ruling. The Charter allows

but doesn't require courts to grant remedial action after finding that a law violates constitutional rights, the Court of Appeal explained. In this case, the lower court's decision not to grant a remedy after finding Bill 75 unconstitutional was appropriate based on the evidence [[*Nova Scotia Teachers Union v. Nova Scotia \(Attorney General\)*](#), 2023 NSCA 82 (CanLII), November 9, 2023].