

FEBRUARY 2024 MONTH IN REVIEW

Nova Scotia

LAWS & ANNOUNCEMENTS

Minimum Wage

Jan 3: Nova Scotia announced that it's increasing its general minimum wage 4.7% to \$15.20 per hour on April 1. Future annual increases will continue to be pegged to the national consumer price index + 1% of the preceding year's minimum wage.

Mental Stress

Feb 15: Comments closed on the Nova Scotia WCB's [proposed changes](#) to its current work-related mental stress coverage rules of psychological injuries. In November, the Assembly passed legislation ([Bill 332](#)) making gradual onset of traumatic mental stress a compensable injury under workers comp.

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

Drugs & Alcohol

Jan 19: Nova Scotia launched a new Lung Screening Program providing free CT scans to smokers and other residents ages 50 to 74 who may be at high risk of developing lung cancer.

New Laws

Jan 10: The federal government will provide Nova Scotia \$355 million over the next 3 years to fund projects designed to increase access to primary, mental health and addictions care and support healthcare workers across the province.

Immigration

Jan 4: Nova Scotia is providing increased funding for the Work-based Trades Practical Assessment program. As a result, 175 immigrants with experience in the construction trades will get the support they need to complete their apprenticeship and ply their trade in the province.

CASES

Payroll: Employer Can't Deduct Wages to Cover Employee's Theft

All agreed that an employer had just cause to terminate an employee for stealing over \$150,000 from the company. Where the company went wrong was in failing to pay the employee wages for the final 2 weeks she worked. Termination for cause doesn't affect an employee's entitlement to wages for work they actually perform, the Nova Scotia arbitrator explained, and the *Labour Standards Code* doesn't allow employers to deduct wages for theft [[KVS Electrical Inc. v Stewart](#), 2024 NSLB 4 (CanLII), January 17, 2024].

Action Point: Find out which [source deductions are permitted](#) in your province

Health & Safety: Supervisor Accused of Criminal Negligence Is Found Not Guilty

Just 4 years into the new year, a Nova Scotia court issued a significant ruling finding a supervisor not guilty of criminal negligence resulting in a worker's death. Still commonly called Bill C-45, the law says that a person who directs work and fails to take reasonable steps to prevent bodily harm to those performing the work are criminally negligent to the extent they show "wanton or reckless disregard" for the lives or safety of others. This case began when a young worker installing blueskin tape on a tower fell 18 feet to his death. The foreman of the victim's crew was charged with criminal negligence. After hearing from over a dozen witnesses, the court concluded that the Crown didn't meet its burden of proving beyond a reasonable doubt that the foreman broke any safety laws; and even if he did, there was no proof that he did so with wanton or reckless disregard of the victim's safety.

Result: A verdict of not guilty [[R. v. Gooch](#), 2024 NSSC 4 (CanLII), January 4, 2024].

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