

December 2024 MONTH IN REVIEW

# Newfoundland & Labrador

## LAWS & ANNOUNCEMENTS

### Leaves of Absence

Newfoundland passed but hasn't yet proclaimed [Bill 82](#) providing employees with 30 days of continuous employment up to 27 weeks' unpaid long-term illness, long-term injury, and organ donation leave under the *Labour Standards Act*. Employees must furnish a medical or nurse practitioner certificate of need for leave and listing its expected start and end dates.

**Action Point:** Find out how to implement a legally sound [Organ Donation Leave Compliance Game Plan](#) at your workplace.

### Pay Equity

Newfoundland released a "What We Heard" [Report](#) summarizing the feedback it received during 2023 public consultations on a proposal to implement new laws for pay equity and pay transparency. Bottom Line: Don't expect immediate action. Participation in the consultations was disappointingly low and the process of developing the laws is taking longer than expected due to the complexity of the issues involved and the need for "substantial planning and collaboration across government departments, offices, and agencies."

**Action Point:** Find out how to implement a [Pay Transparency Compliance Game Plan](#) at your workplace.

### Labour Standards

Newly published [regulations](#) clarify that the Québec Maritimes Junior Hockey Association is a "profession" subject to the "contract of service" requirements set out in Section 2(b) of the Newfoundland *Labour Standards Act*.

## **New Laws**

Newfoundland announced that it will invest \$20 million over the next 2 years to improve police services, including via the creation of a Joint Task Force Unit comprised of RNC and RCMP officers to conduct targeted weapon, drug and contraband enforcement activities initially focusing on the Avalon region.

## **New Laws**

Newfoundland signed a pair of new bilateral agreements with Ottawa that will deliver over \$47 million in federal funding for public health initiatives in the province, including a 5-year \$25 million Aging with Dignity agreement supporting wage increases for Home Support Workers who help seniors live independently at home, and a 3-year agreement providing \$22 million to improve access to drugs for rare diseases, early diagnosis, and screening.

## **New Laws**

Newfoundland announced that [new regulations](#) recognizing medical radiation technologists as a regulated profession subject to the *Health Professions Act* will officially take effect on May 1, 2025.

## **Health & Safety**

December 2<sup>nd</sup>, 2024 is when new [Radiation Health and Safety Regulations](#) officially take effect in Newfoundland. In addition to strengthening safety requirements for operating and installing radiation equipment, the Regulations authorize dental hygienists to order, prescribe and provide radiography services.

## **CASES**

### **Workplace Violence: Workers' Comp Bars Worker's Sexual Assault Lawsuit against Employer**

An NL Hydro worker who claimed she was subjected to repeated sexual assault at work by a coworker sued the company for damages. While workers generally can't sue employers for work injuries, the workers' comp statute in effect at that time made an exception for injuries that occur "outside the conduct of the operations usual in or incidental to" the employer's industry. WorkplaceNL reasoned that the exception applied in this situation. On appeal, the court held that WorkplaceNL's ruling was unreasonable and ordered the agency to reconsider the decision. Instead, the agency chose to appeal the ruling and the case reached the Newfoundland Court of Appeal. But before getting to the substantive question, the high court had to tackle a procedural issue: Does a government agency like WorkplaceNL have "standing," that is, legal status to appeal a court ruling finding its own decision unreasonable? The court said no citing factors used by courts in other cases in making this determination. Bottom Line: The worker would have to pursue her

remedies against Hydro NL via workers comp claims and not a lawsuit [[Newfoundland and Labrador Hydro-Electric Corporation v Newfoundland and Labrador \(Workplace Health, Safety and Compensation Commission\)](#)], 2024 NLCA 37 (CanLII), November 13, 2024].

**Action Point:** Find out about the 10 things you must do to [prevent workplace violence.](#)