

# OVERVIEW OF IMPORTANT LEGISLATION UPDATES

MAY 2024

Dunk & Associates continues to monitor legislation updates and implement changes to program content and training modules to ensure you are always kept up to date. To see a recap of the recent changes, please [click here](#).

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OVERVIEW OF MAJOR CHANGES	WHAT DOES THIS MEAN FOR EMPLOYERS?
<b>BRITISH COLUMBIA</b>	
<p><b>Minimum Wage Increase</b></p> <p>BC is increasing the minimum wage by 65 cents to \$17.40 per hour (3.9%) to keep pace with inflation, effective June 1, 2024.</p> <p>Meanwhile, the Assembly tabled and will likely pass legislation, Bill 2, pegging all future annual increases to the previous year's inflation rate, with increases taking effect on June 1 of each year.</p>	<p>You will need to account for this in your annual budget and adjust for any employees currently making minimum wage.</p>

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<b>NEW BRUNSWICK</b>	
<p><b>WCB Decision Review Application is Now Online</b></p> <p>In order to have a WCB decision reviewed, you must now submit this application online. WCB decision review is the first step in submitting an appeal to a WCB claim.</p> <p>The online form provides:</p> <ul style="list-style-type: none"><li>• Pop-up definitions and tips</li><li>• Prompts to ensure complete and accurate information</li><li>• Ability to upload documents</li><li>• Quick filing – directly submitted to the Decision Review Office (DRO) in seconds</li></ul> <p>About decision reviews: A decision review is the required first step in the appeals process. It takes a second look at your claims-related decision to ensure that it is compliant with legislation, policy, and individual merits of your claim. You need to request a decision review before making an appeal to the Workers' Compensation Appeals Tribunal.</p>	<p>If you have any of the old forms, please delete or recycle them.</p> <p>As this application format is new, WCB would appreciate any feedback you may have to improve the flow and ease. You can also provide feedback by email at <a href="mailto:decisions@ws-ts.nb.ca">decisions@ws-ts.nb.ca</a>.</p> <p>If you have any questions, the WCB has prepared some FAQs or you can contact them at 1-800-999-9775.</p>

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<b>NOVA SCOTIA</b>	
<p><b>Gradual Onset Psychological Injury</b></p> <p>Effective September 1st, 2024, gradual onset psychological injury becomes compensable in Nova Scotia.</p> <p>A gradual onset psychological injury is a work-related psychological injury that happens over time, and which is wholly or predominately caused by significant workplace stressors, such as bullying and harassment.</p> <p>A diagnosis from a mental health professional is required.</p> <p>Under the legislation, injuries resulting from gradual onset or traumatic psychological injury are eligible for compensation when they:</p> <ul style="list-style-type: none"><li>• arise out of and in the course of employment</li><li>• are wholly or predominantly caused by one or more (or a cumulative series) of significant work-related stressors</li><li>• the event(s) that cause the mental stress must be identifiable</li></ul>	<p>WCB is working on a policy/procedure to assist employers in understanding how to submit claims for gradual onset psychological injuries.</p> <p style="text-align: right;"> <b>NS continued on next page</b></p>

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<p><b>Medical Certificates for Employee Absence Act</b></p> <p>The Patient Access to Care Act includes measures to reduce administrative burdens on healthcare providers, giving them more time to see patients.</p> <p>Schedule B of the Act, the Medical Certificates for Employee Absence Act is administered by the Labour Standards Division. This Act limits the circumstances in which employers can require employees to provide medical notes and broadens the scope of healthcare professionals who can provide them.</p> <p>Employers cannot require employees to provide a medical note unless:</p> <ul style="list-style-type: none"><li>• the employee has missed more than five consecutive working days due to sickness or injury, or</li><li>• the employee has already had at least two non-consecutive absences of five or fewer days due to sickness or injury in the preceding 12-month period</li></ul>	<p>Ensure that you do not ask for a doctor's note unless the employee is absent for 5 consecutive days or more, or the employee has had at least 2 non-consecutive absences previously.</p> <p>Employers must accept medical certificates from various qualified health professionals, not just physicians.</p> <p>An employee can file a complaint with Labour Standards if they believe their employer has contravened the Act.</p> <p>Labour Standards is provided with the same powers to enforce the Act as those it has to enforce the Labour Standards Code.</p> <p>Labour Standards decisions in relation to the Medical Certificates for Employee Absence Act can be appealed to the Labour Board.</p>
<p><b>Minimum Wage Increase</b></p> <p>Nova Scotia is increasing its general minimum wage 4.7% to \$15.20 per hour on April 1, 2024.</p> <p>Future annual increases will continue to be pegged to the national consumer price index + 1% of the preceding year's minimum wage.</p>	<p>You will need to account for this in your annual budget and adjust for any employees currently making minimum wage.</p>

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<p><b>ONTARIO</b></p> <p><b>Minimum Wage</b></p> <p>The Ontario government is increasing the minimum wage from \$16.55 per hour to \$17.20, effective October 1, 2024.</p> <p>This 3.9 per cent annualized wage increase is based on the Ontario Consumer Price Index (CPI) and brings Ontario's minimum wage to the second highest in Canada.</p>	<p>You will need to account for this in your annual budget and adjust for any employees currently making minimum wage.</p>
<p><b>Working for Workers Four Act 2024 - New obligations and prohibitions on employers related to hiring</b></p> <p>The changes establish a new section of the Employment Standards Act, 2000 (ESA) setting out the following new requirements and prohibitions related to publicly advertised job postings:</p> <ul style="list-style-type: none"><li>• Each job posting is required to include the expected range of wages or salary for the position.</li><li>• Where the employer uses artificial intelligence to screen, assess, or select applicants for a position, the employer is now required to include in the job posting a statement disclosing the use of artificial intelligence.</li><li>• Employers are prohibited from requiring Canadian experience in a publicly advertised job posting or an associated application form.</li><li>• Employers are required to retain copies of all publicly advertised job postings for three years after access to the postings by the general public have been removed.</li></ul>	<p>Make sure you are following the new requirements when putting up external job postings. This new law does not apply to posting that are internal only.</p> <p>These changes with respect to obligations and prohibitions on employers related to hiring are not currently in force and will take effect on a day to be proclaimed by the Lieutenant Governor.</p>



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<p><b>Working for Workers Four Act 2024 - Enhanced wage protections for restaurant and service workers</b></p> <p>The changes provide enhanced wage protections for restaurant and service workers by:</p> <ul style="list-style-type: none"><li>• Banning unpaid trial shifts, which are common in the restaurant and service industries, by amending the definition of “employee” under the ESA to explicitly define “training” as including work performed during a trial period.</li><li>• Requiring employers to pay employee tips or gratuities only by cash, cheque payable only to the employee, or by direct deposit.</li><li>• Mandating certain policy posting and retention requirements in workplaces where the employer has a policy in place with respect to the employer sharing in the pooling of tips or gratuities.</li><li>• Prohibiting employers from withholding or deducting from an employee’s wages where a customer of a restaurant, gas station, or other establishment has left without paying (i.e. a “dine and dash” or a “gas and dash”).</li></ul>	<p>If you are a restaurant or food service employer, take note of these changes and ensure your practices are updated if needed to comply with these new rules.</p>
<p><b>Working for Workers Four Act 2024 - Enhanced support for injured workers</b></p> <p>The Act has also implemented amendments to the Workplace Safety and Insurance Act, 1997 (WSIA), which include:</p> <ul style="list-style-type: none"><li>• Enabling “super indexing” increases to Workplace Safety and Insurance Board (WSIB) benefits above the annual rate of inflation to increase pay for injured workers; and</li><li>• Enhancing cancer coverage for firefighters by establishing presumptions in respect of certain cancers for firefighters and fire investigators.</li></ul>	<p>This is just an FYI to employers about the increase in coverage for WSIB claims that an employee may be entitled to.</p> <p>These changes with respect to enhanced support for injured workers are not currently in force and will take effect on a day to be proclaimed by the Lieutenant Governor.</p>

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<b>QUEBEC</b>	
<p><b>Québec passed Bill 42 adding new workplace harassment and violence protections to the Labour Code and OHS Act.</b></p> <p>Highlights:</p> <ul style="list-style-type: none"><li>• Mandatory sexual violence training for psychological harassment claims arbitrators</li><li>• Extended deadline for sexual violence claims</li><li>• Ban on reprisals for reporting psychological harassment</li><li>• Higher fines and punitive damages for psychological harassment</li></ul>	<p>Make sure that you are properly addressing all sexual violence and psychological harassment complaints. An investigation must be conducted for all reports of these nature.</p>

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<b>PRINCE EDWARD ISLAND</b>	
<p><b>Employment Standards – Paid Sick Leave</b></p> <p>Currently, after three months of continuous service with an employer, an employee is entitled to unpaid leaves of absence of up to three days for sick leave during a twelve-month period. If the employee takes three consecutive days, the employer may ask for a medical certificate.</p> <p>Effective 1 October 2010, employees who have more than five years of continuous service with the same employer are entitled to one day of paid sick leave and up to three days of unpaid sick leave each calendar year.</p> <p>As of October 1, 2024, in addition to the unpaid leave available to employees, employees will also be entitled to paid sick leave based on the following:</p> <ul style="list-style-type: none"><li>• One day of paid sick leave after 12 months of continuous employment</li><li>• Two days of paid sick leave after 24 months of continuous employment</li><li>• Three days of paid sick leave after 36 months of continuous employment</li></ul>	<p>After October 1, 2024 ensure that you are paying employees for sick days as required. Once an employee is entitled to paid leave, it shall be given before unpaid leave. If the employee takes three consecutive days, the employer may ask for a medical certificate.</p> <p>If you are a Full-Service Human Resources Client with Dunk &amp; Associates, your Sick Leave Policy will be updated to reflect this change.</p>

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<b>NEWFOUNDLAND &amp; LABRADOR</b>	
<p><b>Health &amp; Safety Committee Updates</b></p> <p>New requirements for occupational health and safety programs and committees will come into effect today following amendments to the Occupational Health and Safety Act passed in the House of Assembly last spring.</p> <p>These new requirements raise the worker threshold for occupational health and safety programs and committees from 10 or more to 20 or more workers at a worksite. Employers with fewer than 20 workers at a worksite require an occupational health and safety policy and representative.</p> <p>Where there are fewer than six workers at a worksite, the employer is to appoint a workplace health and safety designate.</p> <p>These changes will make it easier for smaller workplaces to comply with the Occupational Health and Safety Act, without compromising the health and safety of their workers. These amendments will also harmonize the requirements for occupational health and safety committees with most other jurisdictions throughout the country and with the Government of Canada.</p>	<p>Active occupational health and safety committees in workplaces with between 10 and 19 workers do not need to disband. The Occupational Health and Safety Act sets a minimum standard. The optimal situation is to have a committee with management and labour working together to address safety.</p> <p>The amended Occupational Health and Safety Act is available online.</p> <p>If you are a Full-Service Health &amp; Safety client with Dunk &amp; Associates, your policies are being updated to reflect this change.</p>