

Law Amendments Committee

September 9, 2024

NSGEU President, Sandra Mullen

Good afternoon.

My name is Sandra Mullen and I am the President of the Nova Scotia Government and General Employee's Union.

I represent over 37,000 public and private sector workers, who deliver programs and services that Nova Scotians depend on every day.

I, along with other members of the labour movement, am here today to speak to Bill 464, the "Stronger Workplace for Nova Scotians Act."

I won't repeat all the amendments that have been presented by the Federation of Labour, but I do want it noted for the record that the NSGEU agrees with all the proposed amendments outlined here previously.

The union would like to recognize that this government legislation is a positive step forward in worker rights and workplace health and safety.

However, there are opportunities to make the bill even better and help build a stronger, healthier and more worker friendly province.

I will quickly highlight some of the key changes that should be made to the bill.

These include:

- Giving all workers at least ten paid sick days per year.

Unpaid sick leave is a disincentive for people to stay home while ill and creates more financial stress and disadvantage during a time when many families are already living through an affordability crisis.

- The entitlement of 27 weeks is an improvement, however the unpaid nature of these leaves, is concerning for the same reasons as previously mentioned.

- The need for clear regulations related to proof of personal illness. This is private health information so determining what is reasonable for the employer and employee must be clear.

There is currently no definition of what is considered "reasonable." This must be addressed.

The NSGEU is here today to strongly advocates for some specific changes:

Under Occupational Health and Safety Act, Section 13, subsection 4 is currently reads:

(4) Every employer shall, in accordance with the regulations, establish and implement a policy respecting the prevention of harassment in the workplace.

The union would advocate to include "harassment and bullying".

Also, in line 18, starting Subsection 82(1) of Chapter 7, Clause (ja) reads:

(ja) respecting workplace harassment

The union would advocate to again include "harassment and bullying".

This is an important distinction that requires amendment.

Bullying means behaviour that targets someone for personal attributes. Bullying in the workplace is more common than harassment and the act needs to have it included.

Many other provinces have bullying included in their legislation.

For example,

In British Columbia employers are legally required to establish a clear anti-bullying policy and conduct regular training.

Workplace bullying in Alberta is considered a severe infraction under the Occupational Health and Safety Act. The Alberta Human Rights Act also prohibits harassment and bullying at work based on protected grounds.

In Ontario, the Occupational Health and Safety Act sets out specific obligations for provincially regulated employers to prevent, investigate, and address workplace bullying and harassment.

In PEI, harassment as defined in clause 1(b) includes both:

(a) repeated inappropriate conduct, comments, displays, actions or gestures or incidents

of bullying that have a harmful effect on the worker's psychological or physical health or safety; and

(b) a single occurrence of inappropriate conduct, comment, display, action, or gesture or bullying that has a harmful effect on the worker's psychological or physical health or safety.

Continuing on, in Bill 464, under the heading Workers' Compensation Act, line 21 Chapter 10.

Section 89A(1), subsection b, currently reads:

(b) attempting to provide suitable work that is available and, where possible, restores the workers' pre-injury earnings.

The union advocates to add the words, suitable and meaningful.

The same addition is required in section 3 subsection b which currently reads:

(b) assisting the employer, as may be required or requested, to identify suitable work that is available and, where possible, restores the worker's pre-injury earnings.

The union would advocate for the words suitable and meaningful.

Adding the 'meaningful' is essential. The WCB Review Committee, during their public consultations, heard that some employees did have early return to work but that the work they returned to was not meaningful. In some instances, it was referred to as 'demeaning'. The committee recommended that work should be suitable and meaningful.

And finally, turning your attention to line 23, Section 161 of the Chapter 10 is repealed, and the following Sections substituted:

161, subsection 4. reads:

(4) A Review Committee must consist of at least three members appointed by the Minister.

The union recommends amending the number of members to five and include the following.

"Appointed members shall consist of at least one injured worker, at least one worker representative, and at least one representative from a labour union."

It is the position of our union that having only three members for the review committee is too small. The WCB is very complex, and the knowledge and experience provided from injured workers, workers and labour is important to ensure a fair result.

In conclusion, the NSGEU commends the government for bringing this legislation forward. It is a positive first step, and with some minor changes this bill can go from good to great for working people and their families.

The NSGEU and its over 37,000 members stands in solidarity with all the amendments provided by the Federation of Labour, including the ones I highlighted this afternoon.

Thank you for your time and I am available to answer any questions you may have.