

## OEA HOLDS FIRST EMPLOYER CONFERENCE

On October 27, 2009, OEA Nova Scotia held their first Employer Conference and Report-Out Meeting. Employers from across the province from small to large sized workplaces filled the meeting rooms at the Quality Inn at the Halifax Airport. It was a very successful event that featured presentations by Nancy Barteaux from Ritch Durnford Lawyers, Ian Pickard from McInnes Cooper Barristers and Solicitors, Louanne Labelle of WCAT and Al MacNeil of WCB.

In recognition of our speaker's time, a donation was made to the Canadian Breast Cancer Foundation, Atlantic Region. Funds raised go to support events and people who live in our communities. October was Breast Cancer Awareness Month.

Following the education portion, a 'report-out' on the progress, financials, issues and stats was given by the OEA Council to Employers.

The council is moving towards registration as a society and there is tremendous support by employers for a permanent OEA in Nova Scotia.



Ian Pickard, McInnes Cooper Barristers and Solicitors

## ACHRA AWARD NOMINATION

The Office of the Employer Advisor, Nova Scotia was recently nominated for a 2009 ACHRA Award in the area of Strategic Partnerships. ACHRA Award nominees were celebrated at a gala evening at the World Trade and Convention Center on September 24/09 as part of this year's Atlantic Canada Human Resources conference.

The Strategic Partnership award recognizes a group or individual that has applied a successful link between organizational strategy and human resources. Initiatives must be aligned with a strategic plan and communicated throughout to create strong and effective leadership. The Strategy must be clearly integral to business practice.

Congratulations to all the nominees for this year's awards and to the Nova Scotia business community. This is a collective success OEA shares with all the system partners! OEA also presented a session at this year's conference and also participated in the trade show.

## TWO NEW SAFETY GROUPS

Two of Nova Scotia's biggest sectors now have safety representation.

### Fisheries Safety Association of Nova Scotia

The issue around improving safety is a shared responsibility. All companies, individuals, etc in the fishing sector share the cost of accidents/injuries. Working together to improve this will benefit all sectors of the fishing industry. This will be achieved by having a safety association. The Fisheries Safety Association of Nova Scotia has been established for this purpose and will commence operations Jan 1, 2010. The area of focus will be around prevention, education and training, and an increased awareness around safety and the continued development of a safety culture.

### AWARE-NS Nova Scotia Health and Community Care Safety Association

This new Association made up of community and health care professionals was founded in the spring of 2009. Their focus is to promote a culture of workplace safety and well-being that will begin to reverse the trend of injuries and illness within the sector.

Although the challenges are many and complex, there is a broad consensus that more must be done to support and develop our current workforce.

With a mission to work with stakeholders and partners to promote and improve safety and health in Healthcare and Community Services workplaces they recognize that nothing short of transformational change is required to reach their vision: safe and healthy people; safe and healthy workplaces. Ultimately, the sustainability of the health and community care system, which affects all Nova Scotians, depends on a strong and consistent supply of healthy workers. AWARE-NS will work to engage everyone around this shared agenda for change.

## BEST PRACTICES FOR HOLIDAY EVENTS

With the holiday season around the corner, many businesses will celebrate by having a party for their employees. Here are some tips to keep your organization and your employees safe during holiday parties.

- Don't make attendance mandatory
- Promote moderation and self-responsibility
- Don't allow self-serve bars or open bars. Have a cash bar or provide drink tickets
- Have alcohol-free alternatives and food available
- Don't allow drinking to be the focus of the event
- Don't encourage drinking competitions
- Provide taxi chits or arrange for other transportation

## PANDEMIC UPDATE

OEA recently participated in two meetings with government and agency leaders regarding H1N1 and the important considerations for businesses this fall. Here is some information from those meetings.

There have been sporadic cases of H1N1 in Nova Scotia, but there are no current outbreaks. An outbreak is defined as absenteeism that is more than a usual number for the particular time period. All schools and daycares in the province are required to report to the Dept. of Health any outbreaks.

For more info on H1N1 in the workplace, please visit <http://www.gov.ns.ca/lwd/pubs/docs/H1N1WorkplaceQAs.pdf>.

## REVIEW OF WCB PROGRAM POLICIES

Services from the WCB are now delivered based on the size of the workplace, and the particular needs of the people in it. To make this process happen, they have reorganized their staff into new and existing positions, and changed the names and structure of some of their departments. To reflect these changes, the WCB have begun a review of the WCB program policies to determine if any policies require minor changes. Go to [www.wcb.ns.ca](http://www.wcb.ns.ca) under News Room to view the draft policy revisions. The consultation period for these policy changes will conclude on December 4, 2009.

## RECENTLY ASKED QUESTIONS

OEA is frequently asked questions about OH&S and WC legislation. Here are two of those questions:

### **Q - How soon after a serious workplace accident does the Department of Labour charge the company?**

**Answer from Ray O'Neil, Regional Manager, Central Region, Nova Scotia Dept. of Labour and Workforce Development:**

Not all serious accident investigations automatically proceed to prosecution. Each case is reviewed based on the investigation's findings, and if the Officer feels prosecution is warranted, he/she will proceed accordingly. There is no set timeframe as to when an Officer must decide on when a serious accident investigation proceeds to prosecution. As you can appreciate, some investigations are more complex than others.

Under Section 79 of the Act, there is a limitation period of two years for the commencement of a prosecution. Two years from "the date on which the offence was committed; or the date on which the evidence of the offence first came to the attention of the officer".

Reference Guideline: Section 63 'Bodily injury' is deemed to include unconsciousness; loss of a substantial amount of blood; fracture of a leg or arm; amputation of a leg, arm, hand or foot; burns to a major part of the body, loss of sight in an eye and any injury that places life in jeopardy. May 15, 1997.

Those looking for further clarification on this subject should visit the Department of Labour and Workforce Development's website - <http://www.gov.ns.ca/lwd>.

### **Q - How do fatalities in the workplace affect your WCB rates?**

**Answer from Brian Field, Manager of Assessment Services, WCB:**

A fatality affects your Experience Rating for a 3-year period. For example, a 2008 fatality affects rates in 2010, 2011 and 2012.

How much the fatality affects your rate will depend on your size. A small to medium-sized employer will likely find themselves paying the maximum rate for an employer of their size - your Experience Rating statement shows you what that is. A large employer, while they may not find themselves at the maximum, will still see a significant impact to their rate.

For the largest employers in the province, a single fatal claim could end up costing the employer over \$100,000 in direct premium costs to the WCB.

## NFLD COURT OF APPEALS CASE

The Supreme Court of Newfoundland, Trial Division has ruled that the statutory bar prohibiting employees and their families from suing employers for injuries suffered or death occurring in the course of employment is operative in the context of navigation and shipping.

In Ryan Estate vs. Universal Marine, the court overruled the Newfoundland WHSCC and held that the families of two deceased fishermen were entitled to sue the designer, builder, and inspector for the negligent design, construction and inspection of the vessel 'Ryan's Commander' which capsized.

This decision has significant implications for businesses

involved in shipping, offshore, oil, gas and could have potential repercussions in other industries in the federal domain.

OEA and other agencies will be monitoring this case closely to see if it is appealed and if so, what involvement we might have.

## ADMINISTRATIVE PENALTY REGULATION

On January 15, 2010, Nova Scotia will implement an Administrative Penalty Regulation in an effort to increase compliance with occupational health and safety laws and decrease workplace incidents. All workplace parties identified in the OH&S Act could be subject to the new penalty regulation. Penalties imposed on employers and supervisors will be larger than those imposed on employees, and any penalty can be appealed.

## PERMANENCY OF OEA PROGRAM

Thank you to all of the many employers who have asked what they can do to ensure the OEA is made a permanent program in Nova Scotia. Currently we are a pilot program. Other provinces that have permanent OEA's are: New Brunswick, P.E.I., Newfoundland, Quebec, Ontario and British Columbia. The BC program is celebrating its 35th year in 2009.

## OEA EMPLOYER'S COUNCIL

The OEA is managed by an Employer's Council, comprised of eight business association representatives.

### **Bernadine MacAulay**

Legal Counsel, Scotia Investments Ltd.  
Chair of the Employer's Council  
[BMacAulay@scotiainvestments.ca](mailto:BMacAulay@scotiainvestments.ca)

### **Leanne Hachey**

Vice-President, Atlantic Canadian Federation of Independent Business  
Vice-Chair of Employer's Council  
[Leanne.Hachey@cfib.ca](mailto:Leanne.Hachey@cfib.ca)

### **Chris Ipe**

WCB Specialist, Canada Post  
Member of the OEA Finance Committee  
[christopher.ipe@canadapost.postescanada.ca](mailto:christopher.ipe@canadapost.postescanada.ca)

### **Carol MacCulloch**

President, Construction Association of NS (CANS)  
Representing CANS on the Employer's Council  
[CMacCulloch@cans.ns.ca](mailto:CMacCulloch@cans.ns.ca)

### **Luc Erjavec**

Vice President, Atlantic Canada Canadian Restaurant and Foodservices Association  
Member of the OEA Finance Committee  
[lerjavec@crfa.ca](mailto:lerjavec@crfa.ca)

### **Kathleen Miles**

HR/LR Manager Loblaw Atlantic  
Representing the Canadian Council of Grocery Distributors on the Employer's Council  
[kathleen.miles@loblaw.ca](mailto:kathleen.miles@loblaw.ca)

### **Janet Simm**

Director of Policy Planning and Decision Support  
Representing NSAHO on the Employer's Council  
[janet.simm@nsaho.ns.ca](mailto:janet.simm@nsaho.ns.ca)

### **Al Angrignon**

Manager, Forestry Safety Association of Nova Scotia  
Representing the Forestry Safety Association of Nova Scotia on the Employer's Council  
[al@fss.ns.ca](mailto:al@fss.ns.ca)

### **Janet Trider**

Executive Assistant, Seafood Producers of Nova Scotia  
Representing the Nova Scotia Fisheries Association on the Employer's Council  
[janet.trider@ns.aliantzinc.ca](mailto:janet.trider@ns.aliantzinc.ca)

## CHRISTMAS OFFICE CLOSURE

Please note that OEA will be closed from December 24 to January 3. We wish everyone a wonderful holiday season and thank you for your tremendous support in 2009.