

Legislative Changes

New Brunswick Occupational Health & Safety Act

New Brunswick Workers' Compensation Act

Beginning June 1, 2014, several significant changes to the New Brunswick Occupational Health and Safety Act (Chapter 15) will come into effect. These amendments will result in the following changes:

- A. Employers who employ more than 20 employees throughout New Brunswick (as opposed to a single workplace) will require a written safety policy, outlining the responsibilities of the employer and its' employees. A copy of this policy must be available for inspection by an occupational health and safety officer at each place of employment.

- B. Employers who employ more than 20 employees throughout New Brunswick (as opposed to a single workplace) will require a written health and safety program. These programs must include the following elements:
 - Health and Safety training and supervision of employees.
 - Written work procedures and codes of practice.
 - The identification of the types of work for which work safety procedures should be adopted. This includes a hazard identification system which should identify potential hazards and establish protocols for the inspection of potential hazards, timely reporting of hazards by employees and prompt follow up and control. A system for the investigation of hazardous occurrences must also be established that identifies strategies to prevent recurrences.
 - The establishment of a record management system that includes reports of employee training, accident statistics, work procedures, health and safety inspections, follow up and investigations.
 - A system to monitor the implementation and effectiveness of the program.

- C. New Employees will be required to receive a relevant orientation and job specific training before commencing work. If the employee can provide documented evidence of prior training, an employer may only be required to provide orientation. Employers will be required to keep records of orientations and training records for a minimum of 3 years. Orientations must include the following elements:
 - Name and contact information of employee's supervisor.
 - Contact information of the employer's health and safety committee or rep.
 - Any rights, liabilities, and duties of an employee as stipulated in the Act, including reporting requirements and the right to refuse to perform an act.
 - Health and safety procedures and codes of practice related to the new employee's job tasks.

- First aid facility locations
 - Procedures related to reporting illness and injuries.
 - The use of personal protective equipment.
- D. Employers will no longer be required to ensure that employees comply with the NB OHS Act, but will now be required to provide the information, instruction, training and supervision necessary to ensure an employee's health and safety.
- E. Occupational health and safety officers will have the power to require an employer to submit a written report outlining the employer's steps of compliance with any order made by an officer. Reports must be signed by a member of the health and safety committee or representative.
- F. An employer must immediately notify the Commission for instances where an injury results in:
- A loss of consciousness.
 - Amputation.
 - A fracture to any body part except fingers or toes.
 - A burn that requires medical attention.
 - A loss of vision.
 - A deep laceration.
 - Admission to a hospital as an in-patient or death.
- G. Employers must inform the Commission immediately if a catastrophic event or a catastrophic equipment failure occurs that either results, or could have resulted, in an injury,

Also beginning June 1, 2014, several changes to the New Brunswick Workers Compensation Act (Chapter 14) will come into effect. These amendments will result in the following changes:

- A. An application for compensation under the NB WCB Act in the case of death will be required to be made within 6 months after the date of accident, as opposed to 6 months after the time of death.
- B. Employers will be required to develop and implement a system requiring employees to provide notice to them of any accidents which an employer must report to the Commission. Such incidents include accidents resulting in injury that may entitle the employee or their dependants to compensation/medical aid under the NB WCB Act.

Currently, WorkSafe NB is conducting Legislative Amendment Workshops throughout New Brunswick to outline the above changes to the industry. Please visit their website at www.worksafenb.ca to locate a workshop in your area.

