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### CANADIAN HEALTH AND SAFETY LAW

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Release No. 2023-3, November 2023

### Publisher's Special Release Note 2023

The pages in this work were reissued in July 2023 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2023 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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*Canadian Health and Safety Law* provides detailed coverage of occupational health and safety law in every jurisdiction in Canada — provincial, federal and territorial. Reviewing health and safety law thematically and including commentary, case law and practical analysis, this title clearly sets out the statutes and regulations required for a solid understanding of your client’s obligations, and each court and tribunal decision helps you determine how to reduce or avoid liability. It includes information on must-know topics like: the internal responsibility system, the requirements for workplace joint health and safety committees and health and safety representatives, the legal defence of due diligence, the authority of government inspectors in the workplace, and alcohol and drugs in the workplace.

### **What’s New in This Release:**

This release features updates to the New Developments, Select Legal Literature, and Words and Phrases appendices.

### **Highlights**

**NEW DEVELOPMENTS** — The text’s current awareness reference resources – has been updated with digests of court, board, arbitration and tribunal decisions on occupational health and safety issues from seven Canadian jurisdictions issued between January and July 2023. The New Developments appendix provided with this release includes digests of recent decisions issued in Ontario (Court of Appeal, arbitrators, and Ontario Labour Relations Board), British Columbia (Supreme Court and arbitrations, Canada (Federal Public Service Labour Relations and Employment Board), Manitoba (arbitrations and Manitoba Labour Board), New Brunswick (arbitrations), Nova Scotia (Nova Scotia Labour Board) and Saskatchewan (Saskatchewan Labour Relations Board).

**SELECT LEGAL LITERATURE** — The text’s collection of bibliographic resources of potential relevance to occupational health and safety-related issues – including the interpretation of statutes, jurisprudence and collective agreements – has been expanded with the addition of the following subject headings: *Charter of Rights and Freedoms*, Evidence, Naloxone, and Surveillance & Monitoring.

**WORDS AND PHRASES — CONTINUING GRIEVANCE** — “[A] ‘continuing grievance’ required more than just ‘continuing effects or consequences of an earlier breach’; it required a ‘continuing, ongoing or renewed breach’ ”.” *Ottawa Catholic District School Board and OECTA (20501-OU-DD)*, Re (2023), 2023 CarswellOnt 1067 (Ont. Arb.)

**WORDS AND PHRASES — ORDINARY MEANING** — “... Ordinary meaning refers to the reader’s first impression; that is, the natural meaning that appears when the provision is simply read through: ...”: *Wang v. British Columbia (Securities Commission)*, 2023 CarswellBC 505 (B.C. C.A.)

**WORDS AND PHRASES — RETROSPECTIVE** — “In contrast, a retrospective law is one that has an effect for the future on a set of facts that occurred in the past: [citations omitted]. As an example, the amendment [at issue] clearly applies prospectively to events that cause losses in the future under new insurance policies entered into after the date of the amendment. However, for a court to find that the amendment has retrospective effect, it would apply to existing insurance policies entered into before the amendment, but for events that happen in the future.” *Lin v. Weng* 2022 CarswellOnt 6310 (Ont. C.A.)

### **ProView Developments**

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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