

# Strengthening WorkSafeNB's Legislative Framework

Protecting what matters.  
**Improving how it works.**



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# A strong system, built on enduring principles

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WorkSafeNB is built on a system that has served New Brunswick well for generations. At its core are the Meredith Principles:

- no-fault compensation
- collective liability
- security of benefits
- independent administration; and
- exclusive jurisdiction

These principles have created a system that is fair to workers, predictable for employers, and stable over time. That foundation is not in question. **It is working.**

This legislative proposal is about building on that strength and ensuring the system remains clear, responsive, and effective in the years ahead.

## Why we are exploring change

**Over time, the legislation that governs the system has grown more complex.**

Today, it is spread across multiple Acts and numerous regulations. As the system evolved, many operational details were added directly to legislation. While this provided clarity at the time, it has led to duplication and overlap, a structure that is difficult to navigate, and a system that can be slower to adapt when improvements are needed to best serve workers, employers, and all New Brunswickers.

At the same time, workplaces, injuries, and expectations continue to evolve. This creates a clear opportunity: To simplify the legislation under one comprehensive and clear act and better align how the system is governed with how it needs to operate today.

# What we are exploring

## We are exploring two connected ideas.

First, bringing the legislation into a single Act. Today, the system is governed by multiple Acts. Together they can be complex and difficult to navigate.

We believe there is an opportunity to bring these together into one consolidated Act that clearly sets out the purpose and principles of the system, reduces duplication, and improves clarity and accessibility.

This would not change the system itself. It would make it easier to navigate and understand.

Second, we are exploring whether there is an opportunity to create a clearer and more effective distinction between legislation and policy.

Today, many operational and technical elements of the system are set out directly in legislation. While this has provided clarity, it can also make the system more complex and slower to adapt when improvements are needed.



Under the approach we are exploring, legislation would continue to define and protect the foundation of the system. This includes:

- **the purpose and principles of the system, including the Meredith Principles**
- **the rights and protections of workers and employers**
- **and the roles and accountabilities that ensure the system operates fairly and responsibly.**

At the same time, certain operational elements, those that are more technical in nature or that need to evolve over time, could be guided through Board policy.

For example, some detailed operational elements currently set out directly in legislation, such as certain benefit amounts and payment structures, may be better suited to Board policy. Similarly, under the proposed model, the obligation for workplaces to have joint health and safety committees or health and safety representatives would remain protected in legislation, while many of the more detailed requirements related to training, meetings, functions, and processes could be guided through Board policy.

This approach would not change the foundational rights and protections provided under the system. Any future policy changes would continue to be guided by the purpose and principles established in legislation, informed through consultation and engagement, and developed through the Board's public policy process.

This could include how programs are delivered, how the system responds to emerging needs, and how operational approaches are refined over time.

**This approach is not about changing what the system stands for. It is about organizing it in a way that provides:**

- **stability where it matters most, through legislation.**
- **and flexibility where it is needed, through policy.**

In doing so, it allows the system to remain clear and predictable, while also being better positioned to respond, improve, and evolve over time.

# How this model would work

## Government's role (THROUGH LEGISLATION)

Legislation would define and protect the foundation of the system, including the purpose, Meredith Principles, rights and protections, and system structure.

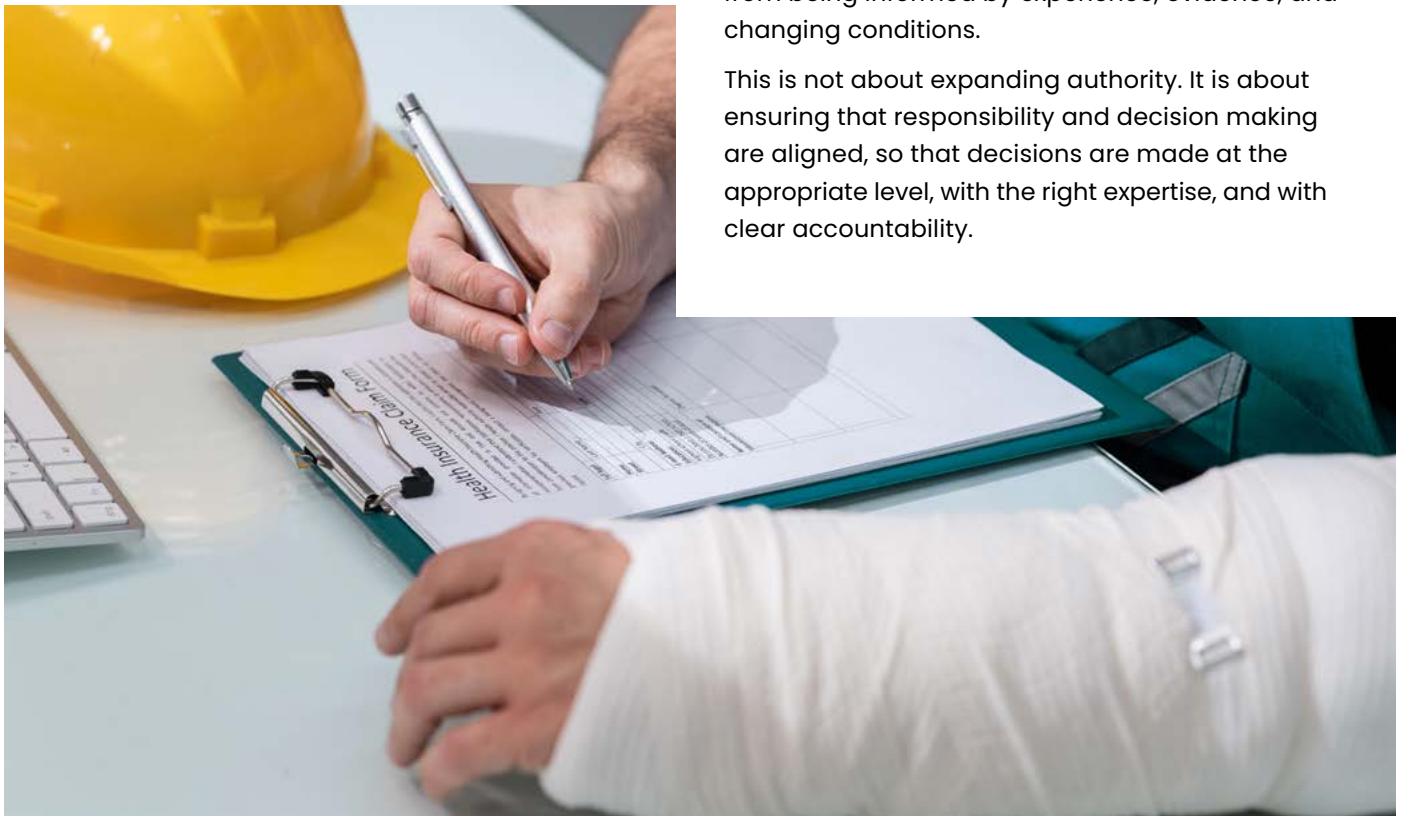
These elements must remain stable. They provide certainty, protection, and trust. Government would continue to establish the legislative framework, ensure accountability, and protect the public interest.

## Board's Role (THROUGH POLICY)

The WorkSafeNB Board oversees the system and is accountable for its long-term sustainability. Under this model, the Board would have a clearer and more defined role in setting policies that guide how the system operates, including how programs are delivered, how operational decisions are made, and how the system continues to evolve over time.

These are areas that require expertise and benefit from being informed by experience, evidence, and changing conditions.

This is not about expanding authority. It is about ensuring that responsibility and decision making are aligned, so that decisions are made at the appropriate level, with the right expertise, and with clear accountability.



# Why this approach makes sense

This approach is grounded in creating a better balance within the system. It ensures that the elements that must remain stable, such as rights, protections, and the core principles of the system, continue to be clearly defined in legislation. At the same time, it allows for greater flexibility in how the system operates day to day by enabling more responsive decision making through policy.

By consolidating the current structure into a single Act, the legislation becomes clearer, easier to navigate, and more accessible to those who rely on it. It reduces duplication, improves understanding, and creates a more coherent framework. Just as importantly, it better aligns how decisions are made with how the system actually operates today, ensuring that expertise and accountability sit in the right place.

## What **would** change

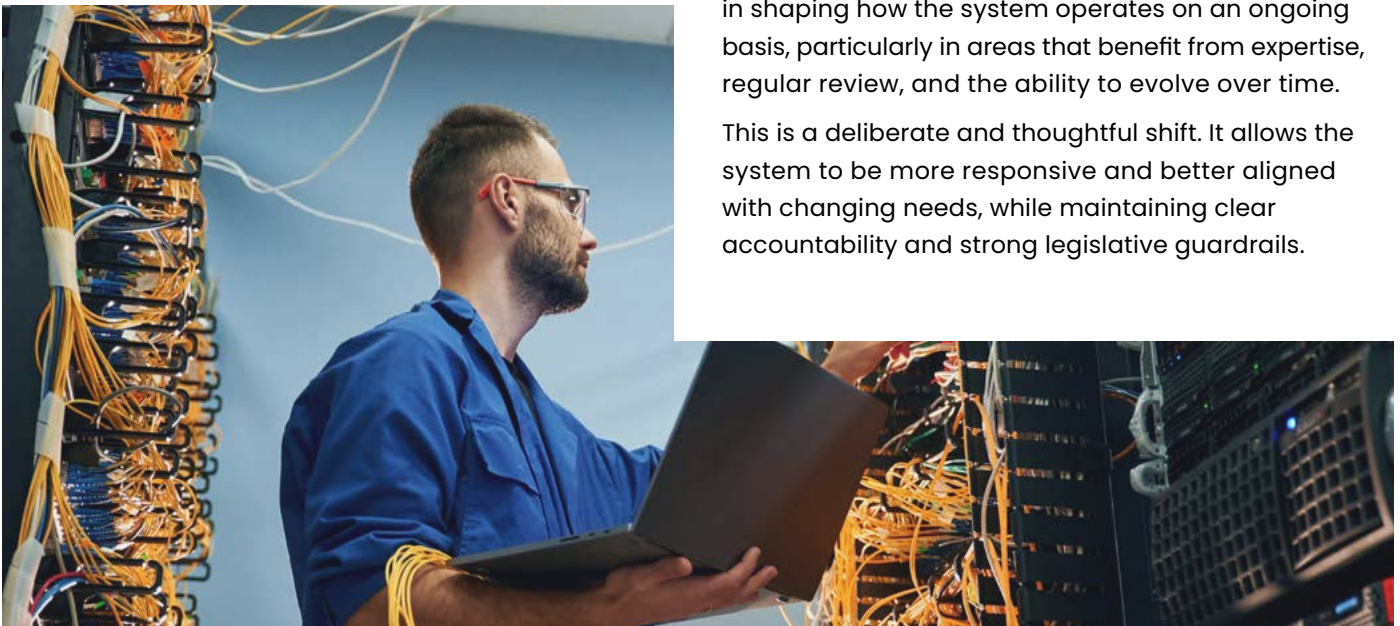
If this approach were adopted, the most visible change would be a simpler and more streamlined legislative structure. Multiple Acts would be brought together into one, creating a clearer and more accessible foundation for the system.

New Brunswickers would also see reduced duplication and more straightforward language, making it easier to understand how the system works.

Another important shift is how certain decisions are made. Today, many operational and technical elements of the system are set out directly in legislation. Under this approach, legislation would become less prescriptive in those areas, and more of those decisions would be guided through Board policy.

This means the Board would play a more direct role in shaping how the system operates on an ongoing basis, particularly in areas that benefit from expertise, regular review, and the ability to evolve over time.

This is a deliberate and thoughtful shift. It allows the system to be more responsive and better aligned with changing needs, while maintaining clear accountability and strong legislative guardrails.



## What **would not** change

*Equally important is what would remain unchanged.*

The Meredith Principles would continue to guide the system and remain firmly embedded in legislation. The right to compensation would remain protected, and the system would continue to operate on a no-fault basis.

Employers would continue to benefit from a predictable, collectively funded system, and the independence of the Appeals Tribunal would remain intact. Government would continue to establish the legislative framework and ensure accountability. In short, the foundation of the system would remain exactly as it is today.

Decision making would continue to be guided by clear principles and strong oversight. Board policies would be publicly available, ensuring transparency and accessibility. All decisions would be required to align with the purpose and principles set out in legislation, maintaining consistency across the system.

Fairness would remain central, with decisions applied in a consistent and equitable way. Importantly, any future changes would not result in retroactive reductions to benefits, reinforcing stability and trust.

Our commitment to engagement would also remain unchanged. Whether decisions are made through legislation or through Board policy, meaningful engagement with our partners will continue to be a core part of how those decisions are developed and implemented.

For example, the right to compensation for a workplace injury, illness, or death would remain protected. The Meredith Principles, the no-fault system, limitation periods, appeal rights, and the right to refuse unsafe work would also remain in legislation.

## Costing

**There would be no costs associated with this proposed legislative change.**

The proposed change is focused on consolidating and modernizing the legislative framework, not expanding or restricting benefits, changing entitlement levels, or introducing new programs.

Because the proposal is structural in nature, **it is not expected to create additional costs** for employers or affect assessment rates.





## Why your input matters

This system exists to serve workers and employers, and it must reflect their needs and experiences. Your perspective will help ensure that any future direction strengthens the system in a way that is practical, fair, and responsive.

*Protecting what matters. Improving how it works.*

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As you review this proposal, we would value your feedback on two questions:

1. *Does the proposed approach strike the right balance between protecting foundational rights and principles in legislation, while allowing more operational or technical matters to be addressed through Board policy?*
  2. *Are there specific areas identified in the table where you believe additional clarity, safeguards, or consultation would be important before moving forward?*
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The table below provides a high-level overview of the proposed changes. It is intended to show which elements of the current legislative framework would remain in legislation, and which elements may be moved to Board policy or otherwise modernized under a new consolidated Act.

In general, the proposal keeps the foundational rights, obligations, protections, and accountability structures in legislation. More operational, technical, or process-based requirements may be better suited to Board policy, where they can remain transparent and legally binding while also being reviewed and updated more effectively over time.

*Table broadly stating **what will stay the same and what will change.*** →

**Workplace Health Safety and Compensation Commission & Workers' Compensation Appeals Tribunal Act**

**Governance:**

The mandate for WorkSafeNB and principles of the system will remain the same. The provisions on Board of Directors (Board) will remain the same, including the appointment of members, the requirement to report to the Lieutenant-Governor in Council (LGIC) through the Minister on matters, to have its accounts audited annually and to submit an annual report.

Also, the authority of the Board to invest the Accident Fund and the Firefighters' Disability Fund and enter into agreements will remain in the legislation.

**Governance:**

- A new provision would clarify that Board policies made under the legislation are binding and must be applied consistently and by all parties. This strengthens the existing policy-making legislation.
- Responsibility for hiring and appointing the Chief Executive Officer, making by-laws, and appointing the external auditor would move from the Lieutenant-Governor in Council to the Board.
- The Board would have authority to determine its own meeting procedures.
- Responsibility for managing WorkSafeNB's real property would be streamlined operationally by removing the requirement for Lieutenant-Governor in Council approval.
- "Workplace Health, Safety and Compensation Commission" will be changed to "WorkSafeNB" in the legislation.
- The restriction on WorkSafeNB investing in mortgages will be removed.
- The timing of Auditor General's (AG) performance reviews would become more flexible, allowing reviews to occur when determined appropriate by the Auditor General rather than at a prescribed five-year interval.
- Broaden the LGIC ability to make health and safety rules and responsibilities for New Brunswick when it is determined to be appropriate as opposed to being limited to specific topics.
- The mandatory legislative review period would change from every 5 years to every 10 years.

Overall, these changes are intended to better align operational decision-making with Board accountability and expertise, while maintaining clear legislative oversight and protection of the public interest.

**Review and appeals:** The existing review and appeal structure would remain unchanged, including the independence of the Workers' Compensation Appeals Tribunal and the current appeal processes. WorkSafeNB's internal review processes would also remain unchanged. Workers and employers would continue to have access to independent review and appeal mechanisms.

No changes.

**Workers' Compensation Act**

**Entitlement:** The legislation on application and entitlement to compensation for a workplace injury, illness or death will remain unchanged. As well all presumptive legislation – the general presumption, the PTSD emergency response workers presumption and the firefighter’s presumption – will remain unchanged.

**Authority to determine the occupations to which the PTSD presumption applies** would move to the Board through policy.  
This would allow occupational coverage to evolve more responsively over time as workplace risks, evidence, and operational realities change.

**Benefits:**  
**The foundational compensation benefits available to injured workers and survivors would remain in legislation, including:**

- Loss of earnings benefits;
- Amounts set-aside for annuities;
- Return to work services and supports;
- Medical aid, health services, rehabilitation, and other supports related to the compensable injury;
- Survivor and death-related benefits;
- The lump sum amount to compensate for loss of opportunity due to impairment.

Medical aid provided to firefighters would also remain unchanged and continue to be paid by Medicare.

**Benefits:**  
Certain operational and administrative aspects of benefits that may require adjustment over time would move from legislation to Board policy.  
The term “*Permanent Physical Impairment*” would be updated to “*Permanent Impairment*” to better align with evolving medical practice and understanding. The following detailed benefit administration provisions would move to Board policy:

- Benefit levels (e.g., 90% net) and manner of payment for injured workers and survivors along with at what age and under what circumstances these benefits will end;
- Amount workers will have set aside to purchase an annuity; and
- Death benefits amounts.

**The following changes are also being contemplated:**

- The dependent children benefit making 15% of the NBIAE as opposed to the current tiered amounts and extending the age to 25;
- Discretion for the Board to determine any allowances needed to support workers or survivors rather than limiting to repair and replacement of clothing damaged by a prosthetic or orthotic; and
- The definition of spouse changing the eligibility from 3 years to 1 year when cohabiting.

These proposed changes would not alter the foundational right to compensation established in legislation. Any future policy changes would continue to be guided by the purpose and principles of the Act and informed through consultation and engagement.

**Rehabilitation:** Employer’s responsibilities related to rehabilitation, including the duty to re-employ injured workers, would remain protected in legislation.

No changes.

**Employer classification and assessment:** The foundational principles of employer classification and assessment would remain in legislation, including the collectively funded nature of the system. The separate assessment system for firefighters would also remain unchanged in legislation.

**Employer classification and assessment:** Certain operational and administrative assessment provisions would move to Board policy. The following will be moved to Board policy:

- The details of classification for the purposes of rate setting;
- Provisions for reporting wage information; and
- Provisions for setting and collecting assessments.

The foundational principles governing employer assessment and system funding would continue to remain established in legislation.

**Safety Associations:** The Safety Association program will move from legislation to Board policy. This would allow the program structure and related requirements to evolve more responsively over time while continuing to support industry-based health and safety collaboration.

**Administrative penalties:** The authority of WorkSafeNB to impose administrative penalties in cases of employer offenses will remain.

**Administrative penalties:** Defining the conditions of the administrative penalties will be moved to Board policy.

**Limitation Periods:** Remain in legislation.

No changes.

**Worker’s and employer’s advocates:** The provisions for worker’s and employer’s advocates will remain the same.

No changes.

**PROPOSAL FOR WHAT WILL STAY THE SAME**

**PROPOSAL FOR WHAT WILL CHANGE**

**Occupational Health and Safety Act**

<p><b>Administration:</b> The existing legislative provisions for the administration of the Act would remain in legislation, including the authority of the Chief Compliance Officer (CCO) to issue deviations from regulations, and the related appeal process.</p>	<p><b>Administration:</b> Authority to make health and safety rules and responsibilities for New Brunswickers would move to board policy and be binding as they have the same weight as law.</p>
<p><b>Duties:</b> Legislation would continue to establish the general duties of employers to take every reasonable precaution to protect the health and safety of employees. The general duties of supervisors, contractors and subcontractors, contracting employer, owner, employee, suppliers. would also remain in legislation, along with protections against retaliatory action.</p>	<p><b>Duties:</b> <b>The following requirements for employers will be moved to Board policy:</b></p> <ul style="list-style-type: none"> <li>■ To establish a safety policy;</li> <li>■ To establish a Health and Safety Program;</li> <li>■ To establish orientation and training of employees;</li> <li>■ To establish a Joint Health and Safety Committee or a Health representative;</li> <li>■ To manage toxic substances in their places of employment;</li> <li>■ To adopt a code of practice and to post copies of the Act; and</li> <li>■ To provide an occupational health service.</li> </ul> <p><b>Board policy will also be established:</b></p> <ul style="list-style-type: none"> <li>■ A process required in cases of complaints of retaliatory actions;</li> <li>■ The guidelines around notifying WorkSafeNB of an injury or incident;</li> <li>■ Provisions around medical examination in cases of occupational diseases; and</li> <li>■ The guidelines on when officers must be accompanied by an employer representative when carrying out inspections.</li> </ul> <p>The fundamental obligation to maintain safe workplaces and protect worker health and safety would remain established in legislation.</p>
<p><b>Right to refuse:</b> An employee’s right to refuse unsafe work would remain protected in legislation.</p>	<p><b>Right to refuse:</b> Detailed process respecting the investigation and resolution of unsafe work refusals would move to Board policy.</p>
<p><b>Powers and duties of officers:</b> The legislation will continue to outline the powers of officers and all the conditions pertaining to compliance orders issued by officers.</p>	<p>No changes.</p>
<p><b>Administrative penalties:</b> The legislation will continue to give authority to WorkSafeNB to impose an administrative penalty when writing an order.</p>	<p><b>Administrative penalties:</b> Determining the amount of administrative penalties payable, the requirements for the notice of an administrative penalty, and the payment of administrative penalties will be moved to Board policy from the legislation.</p>
<p><b>Joint Health and Safety Committees /Health and Safety Representatives:</b> the obligation for a workplace to have either a committee or representative, depending on the number of employees, will remain in legislation.</p>	<p><b>Joint Health and Safety Committees /Health and Safety Representatives:</b> All other JHSC / H+S Representative requirements and processes (training, project sites, functions, meetings, etc.) will be moved to Board policy.</p>
<p><b>Discriminatory Action:</b> The process currently referred to as “discriminatory action” would be renamed to “retaliatory action. Employees would continue to have the right to file complaints, and WorkSafeNB would continue to be required to appoint an independent arbitrator.</p>	<p><b>Discriminatory Action:</b> The process for addressing complaints of retaliatory action will be moved to Board policy.</p>
<p><b>Offences and Penalties:</b> the authority for WorkSafeNB to lay charges under the OHS Act will remain in legislation, as will the option for a judge to impose either a traditional fine or an alternative sentence. The maximum fine level will also remain in legislation.</p>	<p>No changes.</p>
<p><b>Limitation Periods:</b> Remain in legislation.</p>	<p>No changes.</p>



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New Brunswick  
**THE SAFEST**  
**PLACE**  
TO **WORK**

