



Point

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This newsletter is to inform you of recent changes & trends regarding health and safety.

The Turning Point is a monthly newsletter covering topics from various industries and sectors. The Turning Point will respond to your inquiries and inform you of current services and updates regarding

Raising the Standard Consulting Inc.



MAKE 2026 THE YEAR YOU TRULY PROTECT YOUR COMPANY AND EMPLOYEES

2026 can be the year you truly protect your company by making safety a proactive priority. By ensuring every employee is properly trained, knowledgeable, and supported by strong safety measures, you create a culture where prevention comes first. Full compliance, clear procedures, and consistent training reduce risk before incidents occur—because safety doesn't start after an accident happens, it starts with the practices you put in place today to prevent one.

Raising the Standard Consulting helps you achieve safety and compliance by providing expert training, hands-on consulting, and tailored solutions that fit your operations. We partner with your team to strengthen knowledge, improve processes, and ensure all requirements are met—so safety is built into everyday work, not treated as an afterthought.



JAN. 1: PROVINCE'S NEW RULES FOR WORKERS' COMP TAKE EFFECT

After a comprehensive review completed in 2024 and new legislation introduced in the fall, Nova Scotia will roll out changes to its workers' compensation system with the start of the new year.

According to the Workers' Compensation Board of Nova Scotia (WCB Nova Scotia), most of the legislative amendments to the Workers' Compensation Act will come into force on Jan. 1, 2026, with key benefit improvements — including full cost-of-living indexing — following in 2027.

The Department of Labour, Skills and Immigration says the intent is to make it easier for people who are hurt on the job to access the support they need, recover, return to work and care for their families, while employers gain more certainty and better information to help injured workers.

The changes build on the Stronger Workplaces for Nova Scotia Act passed in September 2024 and stem from the first full review of the workers' compensation system in more than two decades, which drew input from over 1,000 Nova Scotians.

Major boost to benefits and cost-of-living protection

The government says the overhaul of cost-of-living protections is one of the most significant gains for injured workers. The amendments will increase the cost-of-living adjustment on benefits from 50 per cent to 100 per cent of the consumer price index, up to three per cent each year, starting in 2027.

WCB Nova Scotia says this means that workers' benefits will better keep pace as prices rise, enabled by the organization's strong financial position without raising average employer premiums.

The reforms also broaden survivor benefits, according to WCB Nova Scotia. In cases where a worker dies because of a workplace injury, survivor benefits will now extend not just to dependent children but to other dependants, and benefits may be paid to the worker's estate if there are no dependants at all.

In September, the government of Nova Scotia announced that WCB Nova Scotia plans to reduce the average employer rate in 2027 — the first rate cut in more than 30 years.

Expanded eligibility for WCB in Nova Scotia

The changes also broaden who is recognized and covered under the Act. On family status, the government of Nova Scotia says the law will “modernize the definition of ‘spouse’ from ‘husband and wife,’” while WCB Nova Scotia notes that the Act now explicitly includes common-law partners and same-sex spouses.

Firefighters will also see a notable improvement in coverage, according to both sources. The government of Nova Scotia confirms that presumptive cancer coverage — which treats certain cancers as work-related without requiring workers to prove causation — will be expanded to wildland firefighters and fire investigators, aligning them with municipal firefighters.

The reforms aim to accelerate decision-making when new medical information surfaces. WCB Nova Scotia explains that if new evidence comes forward during an appeal, it will be sent back to the original decision-maker to be reassessed, rather than having workers wait through additional layers of appeal. The board says this change is designed to produce faster, more accurate outcomes and reduce unnecessary delays for injured workers and their families.

Faster appeals and improved access to WCB system

The appeal process itself is being significantly adjusted to give workers more breathing room. The government of Nova Scotia notes that the deadline to appeal a claim decision will be extended from 30 to 90 days, making it easier for people to gather medical records, seek advice and fully consider their options.

WCB Nova Scotia also points to a host of technical and administrative amendments aimed at making the Act clearer and easier to navigate. These include:

- clarifying how Canada Pension Plan and Quebec Pension Plan disability benefits interact with WCB benefits
- removing outdated language around chronic pain while confirming chronic pain remains a compensable injury
- converting annuity payments to lump sums at age 65 to reflect current practice
- simplifying fatality reporting by removing duplicate requirements for hospitals
- lifting restrictions on funding for workplace safety research and prevention programs.

New Obligations and Tools for Employers

Employers will see both new responsibilities and some important advantages. Under the amended Act, employers will be required to report workplace injuries within two days instead of five, with the goal of improving timely access to benefits and speeding up return-to-work planning.

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OHS LEGAL LIABILITIES TO WATCH IN 2026

Canadian employers can expect a tougher, more complex occupational health and safety (OHS) environment in 2026, as regulators deploy new administrative monetary penalties, police get involved in workplace fatalities, and mental health and psychological safety issues continue to drive claims and complaints.

Traditional physical hazards and catastrophic incidents remain central to OHS enforcement, but lawyers say the legal risk is broadening toward inspectors using administrative tools instead of courts, toward greater personal exposure for supervisors and other individuals, and toward a wider conception of what constitutes a health and safety issue.

Administrative Monetary Penalties Reshape Ontario's Enforcement Toolbox

Ontario's introduction of Administrative Monetary Penalties (AMPs) under Bill 30, the Working for Workers Seven Act, 2025, is widely seen as a pivotal change. AMPs will allow Ministry of Labour, Immigration,

Training and Skills Development inspectors to impose financial penalties directly for alleged contraventions of the Occupational Health and Safety Act (OHSA) and its regulations, as an alternative to prosecution.

In their analysis, Jeremy Warning and Cheryl A. Edwards, partners at Mathews Dinsdale & Clark, caution that "AMPs are now coming to the Ontario OHSA, and subject to determining specific important details, the changes could be sweeping." They note that key questions – including which violations will be subject to AMPs, how penalty amounts will be calculated, and who will hear appeals – will be left to regulation, not statute.

Even if AMPs do not become "the principal means of OHSA enforcement," Warning and Edwards say they will still matter because they are likely to be treated as a record of non-compliance that can aggravate sentencing in any

subsequent prosecution. They also highlight reputational risk, pointing out that Bill 30 authorizes the Minister of Labour to publish information about imposed AMPs.

Labour and employment lawyer Ryan Conlin, partner at Stringer LLP, underscores how AMPs could operate day to day. He describes them as “a powerful new tool to penalize employers and individuals for safety violations without the need for a full prosecution,” adding they will likely be reserved for violations “not severe enough to justify the resources required for a prosecution.”

Conlin notes the appeal process for AMPs “remains uncertain at this stage,” but stresses that an AMP on a company’s or individual’s record could later be “used to support higher fines in the event of a subsequent OHS conviction.”

Warning, Edwards and Conlin all emphasize documentation and due diligence. With inspectors gaining another enforcement option, employers, constructors and other workplace parties are being urged to review safety programs, tighten record-keeping and ensure they can demonstrate the steps taken to comply.

Rising Individual Exposure: Criminal Prosecutions and Police Involvement

Alongside new administrative tools, practitioners are watching a gradual shift toward greater criminal exposure for individuals.

Conlin says there has been “an observable increase in criminal prosecutions against individuals,” and, anecdotally, these

prosecutions “are becoming more common.” At the same time, he points to a “significant debate” in the courts over the level of negligence the Crown must prove to secure a criminal conviction in an OHS context.

“Supervisors of employees who are injured or hurt need to understand the real risk of personal criminal liability,” he says, warning that “the distinction between regulatory and criminal prosecutions is not always crystal clear.”

Graeme Hooper is a Vancouver-based lawyer and principal at Hooper Law. He reports a related trend in workplace fatality cases in BC. For many years, he notes, fatalities “were investigated solely by WorkSafeBC and the Coroners.” More recently, “especially in RCMP jurisdictions, we are seeing police open criminal negligence investigation files.”

While Hooper says there has not yet been “a material increase in charges,” he cautions that with more criminal investigations, “that may just be a matter of time.”

Psychological Safety, Mental Health and Retaliation Complaints

Lawyers also expect OHS disputes to increasingly centre on psychological safety, mental health and retaliation allegations.

Hooper identifies “the rise of prohibited action complaints” as one of BC’s major trends. These are cases where workers allege their employer took a negative

employment action – such as termination – because they raised a health and safety concern. He notes that such complaints increased by 62% over a two-year period, and links that growth partly to “the shift towards psychological safety,” which has created “a far broader net for what it means to raise a health and safety issue,” as well as to backlogs at other tribunals.

In Ontario, employment lawyer Matthew Badrov of Littler LLP says employers should expect more mental-health-related accommodation requests and claims through workers’ compensation systems. He observes “an uptick in the increase in mental health-related either accommodation requests or claims,” and expects that trend to continue.

Badrov argues OHS can no longer be viewed solely through the lens of physical hazards. “Occupational health and safety extends beyond the physical workplace and deals with mental health issues,” he says, pointing to cases involving alleged harassment or bullying over Microsoft Teams or email.

He also ties mental health claims to ongoing return-to-office friction. As more employers push for in-person work, Badrov is seeing a rise in disability claims citing “stress or anxiety in the workplace” or an inability to work face-to-face with particular colleagues.

Preparing for 2026

Across these developments, the through-line is that enforcement tools and expectations are multiplying. AMPs will add

an administrative layer to Ontario’s regime, potentially leaving employers with published penalties that can be used to justify higher fines later. At the same time, criminal prosecutions and police investigations are keeping serious incidents squarely in the realm of personal and corporate liability, while psychological safety and mental health issues fuel more complaints and claims.

For 2026, Canadian employers are not only facing new statutory tools and higher financial stakes, but also a broader conception of what “health and safety” covers – from criminal negligence investigations and administrative penalties to mental health, remote harassment and retaliation for speaking up. The legal risk landscape is expanding on multiple fronts, and regulators now have more options than ever to respond.

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RTS CRSP Prep Course

During this 3 day course, we will act as your personal tutor and ensure that your efforts are effective and timely by providing guidance, action plans, training programs and system evaluations. The studying, research and learning can only be done by the participant. However, if you are committed, we can ensure that you will receive your designation.

RTS Due Diligence Training

Due Diligence means taking every reasonable precaution to protect the Health and Safety of workers. Demystify the process of establishing and maintaining a successful Health & Safety System and ensure your organization's compliance with the Due Diligence Legislative Obligations. We have assisted numerous companies in Workwell audits in the last few years. We have a 100% pass rate. You will be in good hands under our direction.

For more information please contact Hailey Mesner at hmesner@rtsconsulting.com

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With Aloha,

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Consultant, President & CEO