

The Legislative Amendment Process

WorkSafeNB regularly reviews and analyzes its stakeholders' concerns to best serve the health and safety needs of New Brunswickers. Sometimes the solution to these concerns requires a change in legislation, achieved through the legislative amendment process outlined below.

WORKSAFE NB PROCESS

Issues are commonly identified by WorkSafeNB's Board members, staff, stakeholders, or through the provincial government. The Board of Directors reviews the identified issues during its annual strategic planning and risk assessment process in March and April, where it determines its priorities and focus for the year.

All priority issues are reviewed within 12-24 months, and following preliminary research, the Board determines whether the issue requires a legislative amendment, policy change, or other solution. This process may include changes to existing legislation or regulations, or the development of new ones.

Once a potential amendment is identified, WorkSafeNB conducts more in-depth research and analysis of the issue. Depending on the nature of the proposal, and its impact on New Brunswickers, all stakeholders may be consulted.

If the amendment impacts a specific group of stakeholders, a technical committee (TC) may be established for further exploration. The TC is a group of stakeholders with specific expertise, appointed by the Board of Directors to examine legislation and regulations, and propose changes for the Board to consider in its recommendations to government.

Along with external stakeholders, WorkSafeNB staff are an integral part of the TCs, as they chair the committees and act as

advisers. The TC meets to discuss, evaluate and review proposed amendments.

At some point, or at several points, the TC may consult with other stakeholders for additional feedback. Depending on the issue, and the stakeholder consultation requirements of the committee, the TC component of a legislative amendment may be a lengthy process, sometimes taking several years to complete.

When TC recommendations are complete, WorkSafeNB staff will, once again, bring the matter to the Board for

review. For the second time, the Board of Directors decides whether to proceed with the amendment or not, or seek further input.

If the Board decides to proceed, a *Memorandum to Executive Council* (MEC) is prepared. The MEC is a detailed document outlining the proposed changes. It also includes financial considerations, a summary of stakeholder feedback, and a communications plan. WorkSafeNB presents the MEC to the Minister of Post-Secondary Education, Training and Labour.

PROVINCIAL GOVERNMENT PROCESS

If the minister agrees the proposal should proceed, they will sign and date the memorandum in the spaces provided.

The signed memorandum is sent to the Executive Council Office where it is logged and forwarded to the policy and priorities committee for analysis. This committee assesses the proposal against a series of criteria such as consistency with the corporate agenda, budgetary implications and impact to stakeholders. Once this review is complete, the proposal is submitted to Executive Council, also known as the cabinet.

The cabinet reviews the proposal and decides whether to approve, approve with conditions, refer to an additional committee, reject, or they may send the proposal back to WorkSafeNB with further instructions.

BECOMING LAW

Once the proposal is accepted by the Executive Council, the new regulation or legislation must be drafted. If the proposal requires a regulatory change, the regulation is drafted and ultimately approved by the lieutenant-governor in council. If a legislative change is required, a bill is drafted. This draft is prepared by the Department of Justice in consultation with WorkSafeNB.

The draft bill is then presented by the minister to their colleagues in cabinet and caucus, and requires the colleagues' approval before proceeding. This is an extensive process, and may take considerable time, and require multiple revisions.

Once approved, the drafted bill is placed on the legislative assembly *Order Paper*. The bill may be read up to three times in the legislative assembly.

When a bill is read the first time, a brief explanation of the bill is stated. No debate by members of the legislature is allowed at this stage.

The second reading is considered the most important stage. At this reading, the principle and objective of the bill are debated and either accepted or rejected. If accepted at the second reading, the bill proceeds to a third reading.

After the third reading the bill stands on the *Order and Notice Paper* for royal assent. The lieutenant-governor attends a session of the legislative assembly and gives the bill royal assent. It is at this stage the bill becomes law, and a proclamation date is set.

Following the approval of the new legislation, WorkSafeNB will review and update affected policies and will work with stakeholders and workplaces to communicate and implement the changes.

For more information on how a bill becomes law, please visit: <http://www.gnb.ca/legis/publications/billbecomeslaw/billbecomeslaw-e.asp>.

For more information contact:

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You may also email your legislative amendment proposal to consultation@ws-ts.nb.ca.



SHAPING LEGISLATION:

The Role of WorkSafeNB's Stakeholders, Board of Directors and Staff, and New Brunswick's Government in the Legislative Amendment Process

