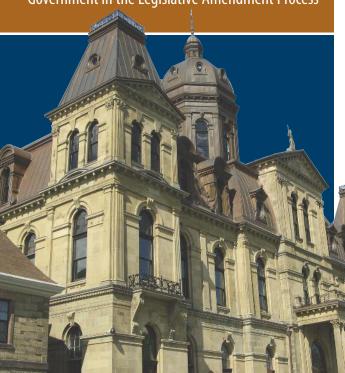




SHAPING LEGISLATION:

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



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.

WORKSAFENB 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

Proposal originated

by Board and

referred to staff for

further analysis as

Reviews initial

proposals not

originated by Board.

Cabinet reviews MEC and

decides whether to

propose amendment.

Consult relevent stakeholders for advice and

feedback on proposed legislative amendment.

A technical committee may be established to explore

issue in greater detail and recommend changes.

required.

WorkSafe NB Staff

Reviews staff

analysis and decides

whether to proceed

with legislative

amendment.

Analyzes

legislative

amendment

proposal.

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.

WorkSafeNB Legislative Amendment Process (Once Proposal is Initiated)

Proceed with

Technical committee consults with relative

stakeholders on findings and recommendations.

Board directs staff to

consult stakeholders

(technical committee)

online consultation).

Statutory change — drafted and placed on

legislative assembly Order Paper.

Regulatory change – drafted and ultimately

approved by lieutenant-governor in council.

Reviews recommendations

and determines whether to

proceed with amendment

Provides summary of

issues and submits

recommendations to

Board.

Recommends legislative

amendment to staff and Board.

Amendment gets up

to three readings and

may or may not be

adopted by

legislative assembly.

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.

Abandon

amendment

process.

Proceed with

WorkSafeNB works

with minister's office to

finalize Memorandum

to Executive Council

If adopted.

proclamation date

is set and

amendment is

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.

BFCOMING I AW

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 lieutenantgovernor 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.

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.asb.

For more information contact:

WorkSafeNB Attn: Executive Assistant – President and **CEO** and Chairperson 1 Portland Street, P.O. Box 160 Saint John, NB E2L 3X9 1 800 222-9775 ext. 2385

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

www.worksafenb.ca

December 2011

