



Workplace Health and Safety

- Administrative Penalties Regulations
- Regulatory Update

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Role of the OHS Division

- ...**administer** and **enforce** OHS legislation throughout provincially-regulated industry sectors.
- Achieved through inspections and investigations.
- Enforcement tools include:
 - Compliance Orders
 - Administrative Penalties
 - Prosecution

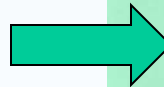
Reports, Orders & Appeals

It all starts with an inspection:


- Explosion
- Workplace death
- Accident investigation (fire or accident resulting in serious or life threatening injury)
- Discriminatory Action complaint
- Work Refusal
- Health and Safety Complaint
- Priority inspection (targeting)
- Random inspection

Reports

- Inspection Overview
- Inspection Findings
- Warnings
- Read the fine print!



Report of a Workplace Inspection

**NOVA SCOTIA**
Labour and Advanced Education
Occupational Health and Safety

1-800-952-2687 (1-800-9LABOUR)
<http://www.gov.ns.ca/lae/healthandsafety/>

File Ref #: NA

Report of a Workplace Inspection Inspection No. _____
Inspection Date: _____

Inspectee: _____

Mailing Address: _____

Inspection Findings:

This inspection report was provided to _____ by:

Officer Name: _____

Officer Signature: _____

This report was produced by _____ Occupational Health and Safety Officer, who
may be contacted at:

Occupational Health and Safety Division
Labour and Advanced Education
5151 Terminal Rd, 6th Floor
Halifax, NS B3J 2T8
Phone: _____ Fax: (902) 424- _____ Email: _____@gov.ns.ca

Section 67 and 69 of the Occupational Health and Safety Act allows orders and some decisions to be appealed. To
get information and the required forms, see our Infosheet on Appeals at
<http://www.gov.ns.ca/lae/healthandsafety/appealsOHSAct.asp> or call 902-424-5400 or 1-800-952-2687 (1-800-
9LABOUR).

Contraventions of the OHS Act and regulations can result in administrative penalties being issued. Compliance with
orders issued by OHS officers is expected and required by law; it does not prevent a penalty from being issued.

Order

- Statute or Regulation
- Action required
- Compliance date
- Read the fine print!



Compliance Orders

1-800-952-2687 (1-800-9LABOUR)
<http://www.gov.ns.ca/lae/healthandsafety>

NOVA SCOTIA
Labour and Advanced Education
Occupational Health and Safety

Compliance Orders
Issued Under the Occupational Health and Safety Act

File Ref #: NA
Inspection No. _____
Inspection Date: _____

Inspectee: _____
Mailing Address: _____

TAKE NOTICE THAT YOU ARE TO COMPLY WITH THE FOLLOWING ORDERS ISSUED UNDER THE AUTHORITY OF THE OCCUPATIONAL HEALTH AND SAFETY ACT.

Order: _____

This order must be complied with by _____

Important Notes:

1. Compliance with an order issued by an OHS officer is expected and required by law. Where an order is issued you are required to submit a Compliance Notice to the officer named below identifying the action taken to comply with the order. Failure to submit your Compliance Notice(s) can result in a Summary Offence Ticket.

Submitting a Compliance Notice does not prevent the issuance of an Administrative Penalty. Where a contravention of the OHS Act and regulations has been recorded it will be considered for an administrative penalty.
2. If you are the employer that has been issued this order(s) you are required to post a copy of the order(s) in a prominent place. You are also required to give a copy of the order(s) to the joint occupational health and safety committee or health and safety representative, if they exist in your workplace.

The Compliance Order report was provided to _____ by: _____

Officer Name: _____

Officer Signature: _____

Date: _____

These orders were produced by _____, Occupational Health and Safety Officer, who may be contacted at:

Occupational Health and Safety Division
Labour and Advanced Education
5151 Terminal Rd, 6th Floor
Halifax, NS B3J 2T8
Phone: _____ Fax: (902) _____ Email: _____

Section 67 and 69 of the Occupational Health and Safety Act allows orders and some decisions to be appealed. To get information and the required forms, see our Infosheet on Appeals at <http://www.gov.ns.ca/lae/healthandsafety/appealsOHSAct.asp> or call 902-424-5400 or 1-800-952-2687 (1-800-9LABOUR).

Summary Offence Ticket

- Failure to comply with and order
- Failure to notify of compliance



Appeals

- Orders may be appealed to the Executive Director, OHS Division within 14 days of receipt.
- Decision of Executive Director may be appealed within 21 days to the Labour Board.
 - Exception: Discriminatory Action appeals are appealed directly to the Labour Board and not to the OHS Division.

Administrative Penalties Regulations

- On January 15, 2010 the Administrative Penalties Regulations came into effect.
- Intended as another tool to promote OHS compliance in all industry sectors.

Administrative Penalties

- All workplace parties are subject to a penalty in consideration of responsibility through IRS.
- Penalty levels are associated with the role in the workplace - Employers are subject to higher penalties than employees and supervisors
- OHS Officers DO NOT issue Administrative Penalties (fines). An Administrator will issue the penalty based on the determination of a contravention and calculation of the penalty amount.

Appeals – Orders v. Admin Penalties

- Appropriateness of the order can be appealed
- Process is the same as noted in the Act
 - The order subject matter is appealed (**within 14 days**) to the Director, then (**within 21 days**) to the Labour Board
- Admin Penalty (fine) can be appealed directly to the Labour Board (within 21 days)
 - The Board will not consider the order, only the appropriateness of the penalty itself.

If I comply with an Order, will I still receive a penalty?

- A penalty is issued for a contravention.
- Compliance with an Order is expected, and required by law. It will not prevent the issuance of a penalty.



Penalties

Party	Base Penalty	Potential Penalty Range
Employee	\$100	\$0 - \$1000
Supervisor, owner or self-employed person	\$250	\$0 - \$2000
Employer, contractor, constructor, supplier, provider of occupational health or safety service, architect or professional engineer	\$500	\$0 - \$4000

“Supervisor” means a person who has charge of a workplace or authority over a worker.

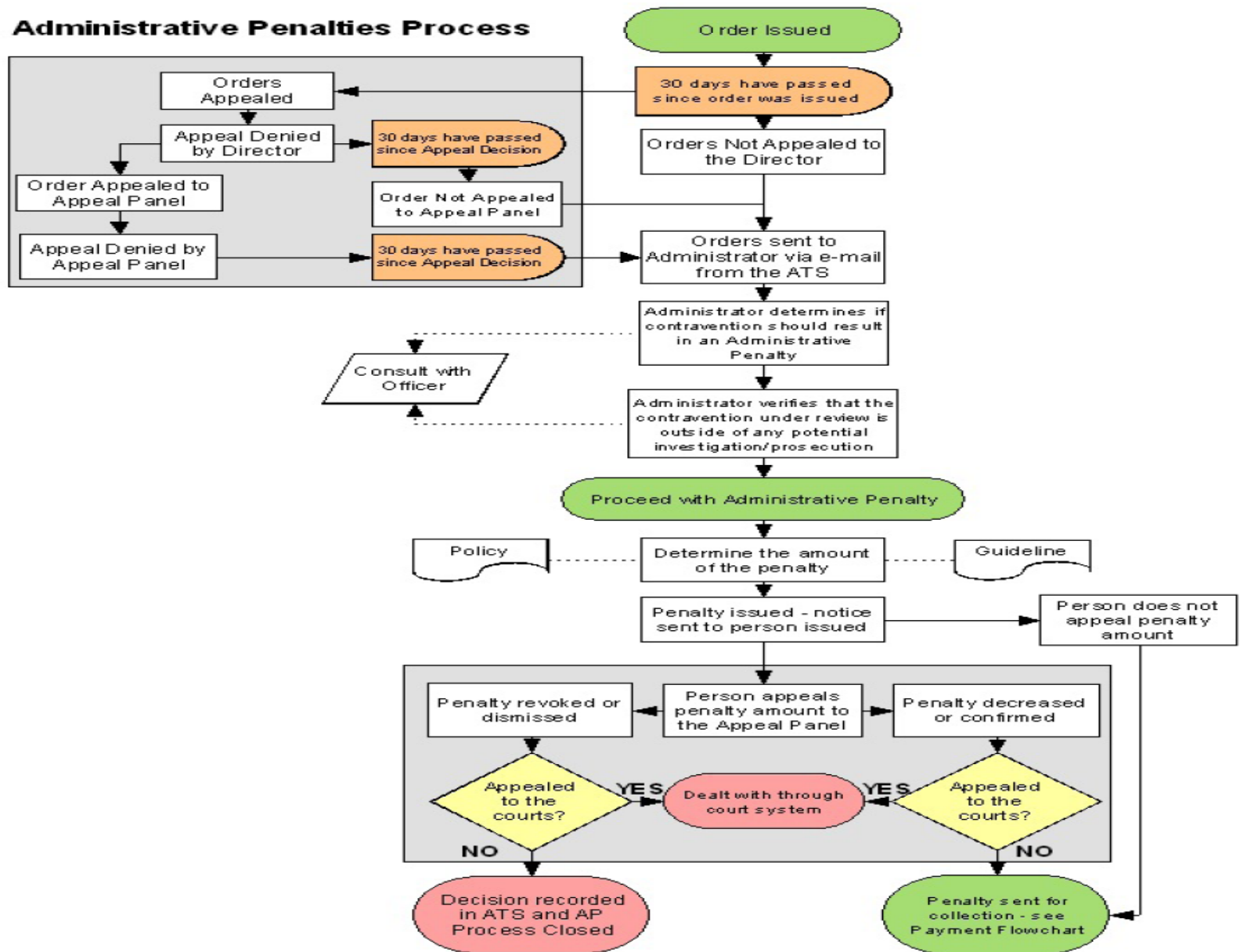
Penalty Doubled for Previous Contravention

Section 7:

*“The administrative penalty in Sections 5 and 6 is doubled for a contravention if **either** of the following has occurred during the 3 years immediately before the contravention:*

- (a) The person on whom the administrative penalty is to be imposed has had an **administrative penalty** imposed on them for a previous contravention of the Act or regulations;*
- (b) The person on whom the administrative penalty is to be imposed has been **convicted of an offence under Section 74 of the Act.**”*

Administrative Penalties Process



How is the penalty amount determined?

Guidelines for the Administrator in calculating the Administrative Penalty

<http://www.gov.ns.ca/lae/healthandsafety/documents/02-22-2011APGuidelines.pdf>

Failure to Pay an Administrative Penalty

- Unpaid penalties become a debt to the province
- SNSMR will initiate collection procedures. Options include:
 - garnish wages
 - inability to register a motor vehicle, or renew a driver's license, or renew a business license, etc.
 - income tax refund withheld

Where do we spend our time?

Distribution of Divisional Activities by Industry (%)

2011/2012 – YTD (as of 2012-01-30)

Industry	SIC Range	2011/ 2012 YTD	2010/ 2011	2009/ 2010	2008/ 2009	2007/ 2008
Accommodation, Food, and Beverage	9000-9599	5.9	4.0	4.2	5.7	2.8
Agricultural and Related Services	0000-0299	1.1	1.6	0.2	0.3	1.2
Business Services	7700-7999	1.1	0.9	0.8	1.5	1.4
Communications	4800-4999	1.3	2.1	2.0	1.8	2.8
Construction	4000-4499	35.7	35.9	35.9	34.2	33.3
Education Services	8500-8599	0.6	0.2	0.4	0.0	0.4
Finance and Insurance	7000-7499	0.0	0.1	0.0	0.0	0.1
Fishing and Trapping	0300-0399	1.3	0.9	0.3	0.2	0.3
Government Services	8000-8499	3.4	2.9	3.2	4.8	3.2
Health and Social Services	8600-8999	5.8	5.9	11.4	6.6	4.8
Logging and Forestry	0400-0599	0.7	0.5	0.6	0.4	0.8
Manufacturing	1000-3999	11.8	15.2	14.8	17.0	13.0
Mining, Quarrying, and Oil	0600-0999	3.1	1.6	3.7	4.8	4.4
Other Services	9600-9999	2.9	3.0	3.1	3.1	3.9
Real Estate / Insurance	7500-7699	1	1.2	1.2	1.3	1.4
Retail Trade	6000-6999	16.6	14.6	10.8	12.1	19.0
Transportation and Storage Industries	4500-4799	1.9	1.7	1.6	1.1	1.9
Wholesale Trade	5000-5999	5.8	7.5	5.6	5.1	5.3

Construction sector received the **highest percentage** of inspection activities initiated by the OHS Division

Distribution of Complaint Inspections by Industry Type (%) 2011/2012 – YTD (as of 2012-01-30)

Industry	SIC Range	2011/ 2012 YTD	2010/ 2011	2009/ 2010	2008/ 2009	2007/ 2008
Accommodation, Food, and Beverage	9000-9599	7.3	3.9	4.9	8.6	0.0
Agricultural and Related Services	0000-0299	0.4	1.1	0.0	0.4	0.7
Business Services	7700-7999	2.2	1.4	2.0	2.5	3.2
Communications	4800-4999	2.2	2.5	2.5	2.5	3.2
Construction	4000-4499	42.5	41.9	38.7	36.7	39.6
Education Services	8500-8599	0.2	0.0	0.5	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.2	0.0	0.0	0.2
Fishing and Trapping	0300-0399	1.5	0.9	0.0	1.6	0.7
Government Services	8000-8499	5	3.1	3.4	3.3	7.2
Health and Social Services	8600-8999	3.5	5.0	8.8	2.9	4.7
Logging and Forestry	0400-0599	0.3	0.6	1.5	0.8	1.1
Manufacturing	1000-3999	11.8	13.5	12.3	18.4	18.9
Mining, Quarrying, and Oil	0600-0999	0.7	0.5	0.5	2.5	1.8
Other Services	9600-9999	5	3.9	4.4	4.5	0.0
Real Estate / Insurance	7500-7699	1.5	1.6	2.9	0.8	1.6
Retail Trade	6000-6999	8.4	11.9	8.8	8.6	8.1
Transportation and Storage Industries	4500-4799	1.9	2.2	3.4	1.6	2.0
Wholesale Trade	5000-5999	5.6	6.0	5.4	4.5	7.0

Construction sector, historically, receives the most **COMPLAINTS**.

Distribution of Orders By Industry (%)

2011/2012 – YTD (as of 2012-01-30)

Industry	SIC Range	2011/ 2012 YTD	2010/ 2011	2009/ 2010	2008/ 2009	2007/ 2008
Accommodation, Food, and Beverage	9000-9599	11.5	6.2	6.9	10.6	4.6
Agricultural and Related Services	0000-0299	1.7	1.4	0.7	1.3	0.5
Business Services	7700-7999	0.5	1.1	0.5	1.7	0.6
Communications	4800-4999	1	1.7	1.6	2.0	3.7
Construction	4000-4499	25.8	24.6	22.9	27.1	31.4
Education Services	8500-8599	0.1	0.1	0.1	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.0	0.0	0.0	0.0
Fishing and Trapping	0300-0399	1.8	1.5	0.1	0.3	0.0
Government Services	8000-8499	1.9	3.2	2.1	2.9	3.2
Health and Social Services	8600-8999	2.8	2.8	5.9	1.2	2.9
Logging and Forestry	0400-0599	0.2	0.4	0.0	1.2	0.5
Manufacturing	1000-3999	12	17.2	15.6	17.8	12.3
Mining, Quarrying, and Oil	0600-0999	2.9	4.2	4.5	5.9	1.0
Other Services	9600-9999	2.1	3.1	4.0	3.6	4.8
Real Estate / Insurance	7500-7699	0.8	0.4	0.9	0.5	1.1
Retail Trade	6000-6999	25.9	20.6	26.3	13.6	24.1
Transportation and Storage Industries	4500-4799	1.6	1.7	1.1	0.2	1.3
Wholesale Trade	5000-5999	7.4	9.9	6.8	10.2	8.1

Construction sector has received the **most Orders** of all industry sectors. The high number of Orders tend to validate the complaints being investigated.

Distribution of Penalties By Industry (%)

2011/2012 – YTD (as of 2012-01-30)

Industry	SIC Range	2011/ 2012 YTD	2010/ 2011	2009/ 2010
Accommodation, Food, and Beverage	9000-9599	8	6	4
Agricultural and Related Services	0000-0299	2	2	6
Business Services	7700-7999	0.5	1	0
Communications	4800-4999	0.5	0	0
Construction	4000-4499	34	33	43
Education Services	8500-8599	1	1	0
Finance and Insurance	7000-7499	0	0	0
Fishing and Trapping	0300-0399	1.5	2	0
Government Services	8000-8499	1.5	2	1
Health and Social Services	8600-8999	3	3	8
Logging and Forestry	0400-0599	0	1	0
Manufacturing	1000-3999	7	9	6
Mining, Quarrying, and Oil	0600-0999	5	5	7
Other Services	9600-9999	13	12	0
Real Estate / Insurance	7500-7699	0.5	0	0
Retail Trade	6000-6999	19	19	21
Transportation and Storage Industries	4500-4799	0.5	1	4
Wholesale Trade	5000-5999	3	3	0

Construction sector has received the **greatest percentage** of APs since the regulation came into effect in January 2010.

Compliance Remains a Problem

Failure to comply with Fall Protection & Scaffolding Regs.

- Lack of (adequate) Fall Protection
- Lack of Fall Arrest
- Fall Arrest not properly worn
- Fall Arrest not secured
- Improperly erected scaffolding
- Fail to tie-in scaffold
- Bridging of scaffold sections
- Lack of training
- Lack of adequate supervision



Kijiji Ad – “HAVE YOUR ROOF DONE RIGHT!”



The Ad says...

“WE ARE A SMALL ROOFING COMPANY LOOKING TO EXPAND A LITTLE BIT, WE HAVE LOTS OF EXPERIENCE IN THE ROOFING INDUSTRY. **WE GET THE JOB DONE FAST.**”

Due Diligence can prevent Orders and Administrative Penalties.

- Hazard assessment
- Safe work procedures
- Proper training
- Proper equipment
- Effective supervision (IRS)
- Prepares and communicates adequate policies, procedures and safe work practices
- Responds to OH&S hazards and concerns in an appropriate and timely manner

Safety – Is it “Common Sense”?



Regulatory Update

- Consolidation of Regulations
- Reference to Standards
- Changes to OSGR
- Fall Protection and Scaffolding
- Rope Access
- Occupational Health
- Temporary Workplace on Highways

Consolidation of Regulations

- Currently 3 Acts/13 Regulations
- Structure used in other jurisdictions
 - Ontario/NB vs Manitoba/PEI (Alberta)
- Consider interactive nature of regulations
- Cognizant of volume/extent of regulations
- Electronic media vs paper
- Ease of access/compliance

Workplace Health and Safety Regulations

- New title to reflect the inclusion of OH Regs
- Establish a new document to allow a logical and progressive migration of OSGR and stand alone regulations into one place
- Revised numbering scheme to allow easier modification in the future
- Place holders for new and revised regs to be added over the next 5 years.

Reference to Standards

- Take advantage of body of expert knowledge
- Employer/Employee/Regulator/Manufacturer
- Standardize regulations
 - Equipment procurement/certification
 - Cross border commerce
- Regular review and update (5 year)
- Public review process
- Deviation for unique situations

Standards - Ambulatory

- What is “ambulatory”?
 - allow subsequent changes to be updated automatically
- What about equipment?
 - meet standard in force at time of manufacture
- What will it affect?
 - New equipment
 - Procedures
- Status
 - allowed for in the latest change to the OHS Act
 - some concern wrt application
 - will continue to consider on case by case basis as legislation is amended

OSGR Housekeeping

- “To do” list
 - address items that have arisen since last review
- Update references to new/revised standards or relevant legislation, e.g. Fire Safety Act, CSA Z797, etc
- Knock-on effects from review of other regulations, e.g. Fall Protection
- Clarification of language
- No new items

Fall Protection/Scaffolding/Rope Access

- Review began in 2007 – Stakeholders Meeting
- Drafting instructions prepared by Stakeholders and approved by Reg SC
- LWD WG established to re-draft
- Genesis of reg consolidation – 3 parts:
 - Fall Protection
 - Scaffolding and Work Platforms
 - Rope Access (NEW)
- Draft reviewed (Internal/Stakeholders)
- Public Review/Approval – 6 month implementation

Fall Protection

- Complete review/revision
- Removed
 - roof pitch
 - risk of drowning
- Added
 - Fall Protection Plan (>7.5 m)/Safe Work Procedure (3 – 7.5m)
 - Training Requirements (3 yr refresher)
 - Travel Restraint
- New and updated CSA Standards

Scaffolding and Other Platforms

- Complete Review/revision
- CSA Z 797 – “Code of Practice for Access Scaffold”
- Update CSA references for other platforms
- Add:
 - Inspection and Tagging
 - Training
 - Prohibited equipment (e.g. ladderjack)

Rope Access

- Consulted with industry reps
- Drafted new section, similar format to Fall Protection



Occupational Health

- Migrate from Health Act to OHS Act
- Administrative change
 - no change to spirit of requirements
- Clarification of application of TLV booklet
 - Chemical
 - Physical (acoustic, electromagnetic, ergonomic, mechanical, thermal)
 - Biological Exposure Limits

Temporary Workplace on Highways

- Temporary Workplace Traffic Control
 - Construction, Maintenance or Utility
 - TIR Manual or Code of Practice
- Other Work on Highways
 - Highway public and private designed and accessible to public for motor vehicle traffic
 - Safe Work Practice
 - Employees on foot
- Exemptions - Police & emergency svcs

E-mail:

administrator-ohs@gov.ns.ca

Toll-free:

1 (800) 952-2867

General Inquiries (HRM area):

424-5400

Website:

www.gov.ns.ca/lae/healthandsafety

OHS Knowledge Base:

www.gov.ns.ca/lae/kb

OHS News:

www.gov.ns.ca/lae/healthandsafety/ohsnews.asp

Questions??

