

Q If I don't agree with an order what can I do?

Any order issued can be appealed to the Director of the Occupational Health and Safety Division at the Department of Labour and Workforce Development. Additional information can be found at www.gov.ns.ca/lwd/healthandsafety/forms.asp

Q How much will the penalties be?

Penalties imposed on individuals who have control over a workplace such as employers will be larger than those imposed on employees. Penalties initially range from \$100 to \$500, and can vary. Penalties will increase if there is an injury involved or potential for injury. Penalties can be decreased if efforts were taken to ensure that violation of the laws would not occur. The maximum penalty for an employee is \$500; a supervisor is \$1000; and an employer is \$2000. If a previous offence has occurred within three years, the fines will double. (The 3 year factor relates to orders issued after Jan. 15, 2010).

Q What if an employer or person can not afford to pay the penalty?

Generally, the person receiving a penalty will be given a reasonable time to comply with the penalty. After that the usual government debt collection procedures would commence.

Q What if an employer or person doesn't agree with the penalty amount?

If a person assigned a penalty does not agree with it, they can file a notice of appeal with the Occupational Health and Safety Appeal Panel office of the Department of Labour and Workforce Development no later than 21 days after the person is served with a notice of an administrative penalty. The penalty will be suspended until the appeal process has been completed. Additional information can be found at www.gov.ns.ca/lwd/ohsapo/

for more information visit
www.gov.ns.ca/lwd/healthandsafety
or call 1-800-952-2687 (1-800-9LABOUR)

Workplace health and safety
-it's a *shared* responsibility



What you need to know about Nova Scotia's new occupational health & safety administrative penalties

NOVA SCOTIA
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Currently, regulations allow the Nova Scotia Department of Labour and Workforce Development's Occupational Health and Safety Division to issue penalties when violations of health and safety laws are found in workplaces.

Q What is the OHS Act and what rights do I have under the Act?

The Nova Scotia Occupational Health and Safety (OHS) Act is designed to improve workplace health and safety in the province. It provides for the promotion, coordination, administration and enforcement of occupational health and safety in Nova Scotia. The Act is based on a principle of internal responsibility.

Q What is the Internal Responsibility System (IRS)?

IRS is the foundation of the OHS Act. Under the IRS, since all "workplace parties" influence what a workplace is like, they must all share responsibility for making the workplace safer and healthier. The Act sets out the responsibilities and duties of all workplace parties.

Q What is meant by "workplace parties"?

Workplace parties include employers, contractors, constructors, employees and the self-employed, as well as owners, suppliers, architects, engineers and occupational health and safety consultants at a workplace. All of these groups must comply with the regulations under the OHS Act or an order may be issued. If a workplace party contravenes OHS law, it could result in a penalty.

Q Why are these penalties being introduced?

Workplace health and safety is a shared responsibility among organizations, the people who work for them and the government, which regulates occupational health and safety. The purpose of these penalties is to make workplaces in Nova Scotia safer and to increase compliance with health and safety laws.

Q Why now?

Nova Scotia continues to have an unacceptable number of serious accidents and fatalities in the workplace, many of which could have been prevented by compliance with existing laws. We need to take initiatives to reduce the number of accidents and their personal and financial impacts.

Q Who will assign the penalties?

An Administrator within the Occupational Health and Safety Division will assign penalties.

Q Will employees be penalized?

Any workplace party identified in the OHS Act can be issued an order. If people are following and in compliance with the occupational health and safety laws, there will be no penalties.

Q What types of offences are subject to the monetary fine?

Any violations of the Occupational Health and Safety Act and its regulations could result in a penalty. For your information, the regulations are available at www.gov.ns.ca/lwd/healthandsafety/pubs.asp#legis/

Q If I receive an order from an officer and I comply with that order, will I still receive a penalty?

A penalty is issued for a violation. Compliance with the order is expected and does not prevent the issuance of a penalty.

