

# **OCCUPATIONAL HEALTH & SAFETY ACT and REGULATIONS**

- **OCCUPATIONAL HEALTH AND SAFETY ACT**
- **OCCUPATIONAL SAFETY GENERAL REGULATIONS**
- **WHMIS REGULATIONS**
- **WORKPLACE HEALTH AND SAFETY REGULATIONS**
- **HUMAN RIGHTS ACT**
- **VIOLENCE IN THE WORKPLACE REGULATION**
- **OCCUPATIONAL HEALTH AND SAFETY POSTING REQUIREMENTS**

# **An Act Respecting Occupational Health and Safety**

CHAPTER 7 OF THE ACTS OF 1996

*as amended by*

2000, c. 28, ss. 86, 87; 2004, c. 6, s. 24; 2007, c. 14, s. 7;  
2009, c. 24; 2010, c. 37, ss. 117-126; 2010, c. 66; 2011, c. 24;  
2013, c. 41; 2016, c. 14; 2024, c. 10, ss. 11-18



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 2013, c. 41; 2016, c. 14; 2024, c. 10, ss. 11-18

## An Act Respecting Occupational Health and Safety

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### Short title

**1** This Act may be cited as the *Occupational Health and Safety Act*.  
1996, c. 7, s. 1.

### Internal Responsibility System

**2** The foundation of this Act is the Internal Responsibility System which

- (a) is based on the principle that
  - (i) employers, contractors, constructors, employees and self-employed persons at a workplace, and
  - (ii) the owner of a workplace, a supplier of goods or provider of an occupational health or safety service to a workplace or an

architect or professional engineer, all of whom can affect the health and safety of persons at the workplace,

share the responsibility for the health and safety of persons at the workplace;

(b) assumes that the primary responsibility for creating and maintaining a safe and healthy workplace should be that of each of these parties, to the extent of each party's authority and ability to do so;

(c) includes a framework for participation, transfer of information and refusal of unsafe work, all of which are necessary for the parties to carry out their responsibilities pursuant to this Act and the regulations; and

(d) is supplemented by the role of the Occupational Health and Safety Division of the Department of Labour, Skills and Immigration which is not to assume responsibility for creating and maintaining safe and healthy workplaces, but to establish and clarify the responsibilities of the parties under the law, to support them in carrying out their responsibilities and to intervene appropriately when those responsibilities are not carried out. 1996, c. 7, s. 2; 2010, c. 66, s. 1; 2011, c. 24, s. 1; O.I.C. 2021-208.

### Interpretation

3 In this Act,

(a) "aggrieved person" means an employer, constructor, contractor, employee, self-employed person, owner, supplier, provider of an occupational health or safety service, architect, engineer or union at a workplace who is directly affected by an order or decision;

(b) "analyst" means a person appointed as an analyst by the Minister pursuant to this Act;

(c) "Board" means the Labour Board established under the *Labour Board Act*;

(d) "committee" means a joint occupational health and safety committee established pursuant to this Act;

(e) "compliance notice" means a response, in writing, to an order of an officer, describing the extent to which the person against whom the order was made has complied with each item identified in the order;

(f) "constructor" means a person who contracts for work on a project or who undertakes work on a project himself or herself;

(g) "contractor" means a person who contracts for work to be performed at the premises of the person contracting to have the work performed, but does not include a dependent contractor or a constructor;

(h) "contracts for work" includes contracting to perform work and contracting to have work performed;

(i) "Council" means the Occupational Health and Safety Advisory Council established pursuant to this Act;

(j) “dependent contractor” means a person, whether or not employed under a contract of employment and whether or not furnishing the person’s own tools, vehicles, equipment, machinery, material or any other thing, who performs work or services for another on such terms and conditions that the person is

- (i) in a position of economic dependence upon the other,
- (ii) under an obligation to perform duties mainly for the other, and
- (iii) in a relationship with the other more closely resembling that of an employee than an independent contractor;

(k) “Deputy Minister of Labour, Skills and Immigration” includes a person designated by the Deputy Minister of Labour, Skills and Immigration to act in the stead of the Deputy Minister;

(l) “Director” means the Executive Director of Occupational Health and Safety or any person designated by the Executive Director pursuant to this Act to act on behalf of the Executive Director;

(m) “Director of Labour Standards” means the Director of Labour Standards under the *Labour Standards Code*;

(n) “Division” means the Occupational Health and Safety Division of the Department of Labour, Skills and Immigration;

(o) “employee” means a person who is employed to do work and includes a dependent contractor;

(p) “employer” means a person who employs one or more employees or contracts for the services of one or more employees, and includes a constructor, contractor or subcontractor;

(q) “former Act” means Chapter 320 of the Revised Statutes, 1989, the *Occupational Health and Safety Act*;

(r) “health and safety” includes both physical and psychological health and safety;

(s) “Minister” means the Minister of Labour, Skills and Immigration;

(t) “occupation” means any employment, business, calling or pursuit;

(u) “officer” means an occupational health and safety officer appointed pursuant to this Act and includes the Director;

(v) “owner” includes a trustee, receiver, mortgagee in possession, tenant, lessee or occupier of lands or premises used as a workplace and a person who acts for, or on behalf of, an owner as an agent or delegate;

(w) “police officer” means

- (i) a member of the Royal Canadian Mounted Police, or

- (ii) a member or chief officer of a police force appointed pursuant to the *Police Act*;
- (x) “policy” means an occupational health and safety policy made pursuant to this Act;
- (y) “practicable” means possible, given current knowledge, technology and invention;
- (z) “program” means an occupational health and safety program required pursuant to this Act, unless the context otherwise requires;
- (aa) “project” means a construction project, and includes
  - (i) the construction, erection, excavation, renovation, repair, alteration or demolition of any structure, building, tunnel or work and the preparatory work of land clearing or earth moving, and
  - (ii) work of any nature or kind designated by the Director as a project;
- (ab) “reasonably practicable” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty;
- (ac) “regularly employed” includes seasonal employment with a predictably recurring period of employment that exceeds four weeks, unless otherwise established by regulation or ordered by an officer;
- (aca) “repeatedly” means occurring more than once within the preceding three year period;
- (ad) “representative” means a health and safety representative selected pursuant to this Act;
- (ae) “self-employed person” means a person who is engaged in an occupation on that person’s own behalf and includes a person or persons operating a sole proprietorship but does not include a dependent contractor;
- (aea) “serious injury” means an injury that endangers life or causes permanent injury;
- (af) “supplier” means a person who manufactures, supplies, sells, leases, distributes or installs any tool, equipment, machine or device or any biological, chemical or physical agent to be used at or near a workplace;
- (ag) “union” includes a trade union as defined in the *Trade Union Act* that has the status of bargaining agent under that Act in respect of any bargaining unit at a workplace, and includes an organization representing employees where the organization has exclusive bargaining rights under any other Act in respect of the employees;
- (ah) “workplace” means any place where an employee or a self-employed person is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used or likely to be used by an employee or

a self-employed person in an occupation. 1996, c. 7, s. 3; 2000, c. 28, s. 86; 2010, c. 37, s. 117; 2010, c. 66, s. 2; 2011, c. 24, s. 2; 2016, c. 14, s. 1; O.I.C. 2021-208; 2024, c. 10, s. 11.

## APPLICATION AND ADMINISTRATION

### Application of Act

**4 (1)** This Act binds His Majesty in right of the Province.

**(2)** This Act applies to

(a) every agency of the Government of the Province; and

(b) all matters within the legislative jurisdiction of the Province.

**(3)** To the extent that His Majesty in right of Canada submits, this Act binds His Majesty in right of Canada, every agency of the Government of Canada and every other person whose workplace health and safety standards are ordinarily within the legislative jurisdiction of the Parliament of Canada. 1996, c. 7, s. 4.

### Conflict with other enactments

**5** Notwithstanding any general or special Act, where there is a conflict between this Act and the regulations and any other enactment, this Act and the regulations prevail. 1996, c. 7, s. 5.

### Supervision and management of Act

**6** The Minister has the general supervision and management of this Act and the regulations. 1996, c. 7, s. 6.

### Research, programs and activities

**7** The Minister may undertake research, programs and activities to promote occupational health and safety and may undertake such programs in cooperation with the Government of Canada or of any other province of Canada or with any person or organization undertaking similar programs. 1996, c. 7, s. 7.

### Continuation of Division

**8** The Occupational Health and Safety Division of the Department of Labour, Skills and Immigration, established by the former Act, is hereby continued. 1996, c. 7, s. 8; 2010, c. 66, s. 3; 2011, c. 24, s. 3; O.I.C. 2021-208.

### Functions of Division

**9** The Division shall

(a) be concerned with occupational health and safety and the maintenance of reasonable standards for the protection of the health and safety of employees and self-employed persons;

- (b) either alone or in conjunction with the Workers' Compensation Board, the Department of Health and Wellness or other departments and agencies, prepare and maintain statistics and information relating to employees and self-employed persons;
- (c) provide assistance to persons concerned with occupational health and safety and provide services to assist joint occupational health and safety committees, health and safety representatives, employers, employees and self-employed persons in maintaining reasonable standards for the protection of the health and safety of employees and self-employed persons;
- (d) promote or conduct studies and research projects in the field of occupational health and safety;
- (e) encourage and conduct educational programs to promote occupational health and safety;
- (f) annually, submit to the Advisory Council a report on a review of this Act; and
- (g) perform such other functions as the Minister or the Governor in Council may direct. 1996, c. 7, s. 9; O.I.C. 2011-15.

#### **Payment from Accident Fund**

**10** All costs of the Division pursuant to this Act and the regulations and costs of education and research related to occupational health and safety shall be paid out of the Accident Fund by the Workers' Compensation Board as determined by the Governor in Council. 1996, c. 7, s. 10; 2024, c. 10, s. 12.

#### **Director and other personnel**

**11 (1)** There shall be appointed in accordance with the *Civil Service Act* an [a] Director of Occupational Health and Safety and such officers and employees as are necessary for the administration and enforcement of this Act and the regulations.

**(2)** Notwithstanding subsection (1), the Minister may appoint officers, to administer and enforce this Act and the regulations, who are employees of

- (a) the Government of Canada or an agency thereof;
- (b) the government of another province of Canada or an agency thereof;
- (c) another department or an agency of the Government;
- (d) a municipality within the meaning of the *Municipal Government Act* or an agency thereof; or
- (e) an agency created by any combination of the governments of this Province, other provinces of Canada or the Government of Canada,

and who work in the field of occupational health and safety.

(3) The Director may, in writing, delegate to any person any of the Director's powers, duties or functions pursuant to this Act or the regulations and shall, when so delegating, specify the powers, duties or functions to be exercised by the person to whom the Director delegates.

(4) Notwithstanding anything contained in this Act, an officer appointed pursuant to subsection (2) shall not exercise the powers, duties and functions the officer has pursuant to this Act in relation to the agency, department or municipality, as the case may be, that employs the officer. 1996, c. 7, s. 11; 2000, c. 28, s. 87; 2010, c. 66, s. 4; 2013, c. 41, s. 1.

#### **Designation of inspectors**

12 The Minister may designate certain officers as inspectors or chief inspectors for the purpose of this Act or any other Act or part thereof that is administered by the Division. 1996, c. 7, s. 12.

### **DUTIES AND PRECAUTIONS**

#### **Employers' precautions and duties**

13 (1) Every employer shall take every precaution that is reasonable in the circumstances to

(a) ensure the health and safety of persons at or near the workplace;

(b) provide and maintain equipment, machines, materials or things that are properly equipped with safety devices;

(c) provide such information, instruction, training, supervision and facilities as are necessary to the health or safety of the employees;

(d) ensure that the employees, and particularly the supervisors and foremen, are made familiar with any health or safety hazards that may be met by them at the workplace;

(e) ensure that the employees are made familiar with the proper use of all devices, equipment and clothing required for their protection; and

(f) conduct the employer's undertaking so that employees are not exposed to health or safety hazards as a result of the undertaking.

(2) Every employer shall

(a) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;

(b) co-operate with any person performing a duty imposed or exercising a power conferred by this Act or the regulations;

(c) provide such additional training of committee members or the representative as may be prescribed by the regulations;

(d) comply with this Act and the regulations and ensure that employees at the workplace comply with this Act and the regulations; and

(e) where an occupational health and safety policy or occupational health and safety program is required pursuant to this Act or the regulations, establish the policy or program.

(3) The employer at a subsea coal mine shall provide such additional resources or information for the committee as may be prescribed by the regulations.

(4) Every employer shall, in accordance with the regulations, establish and implement a policy respecting the prevention of harassment in the workplace. 1996, c. 7, s. 13; 2007, c. 14, s. 7; 2010, c. 66, s. 5; 2024, c. 10, s. 13.

#### **Precautions to be taken by contractors**

**14** Every contractor shall take every precaution that is reasonable in the circumstances to ensure

(a) the health and safety of persons at or near a workplace;

(b) that the activities of the employers and self-employed persons at the workplace are co-ordinated;

(c) communication between the employers and self-employed persons at the workplace of information necessary to the health and safety of persons at the workplace;

(d) that the measures and procedures prescribed pursuant to this Act and the regulations are carried out at the workplace; and

(e) that every employee, self-employed person and employer performing work at the workplace complies with this Act and the regulations. 1996, c. 7, s. 14.

#### **Precautions to be taken by constructors**

**15** Every constructor shall take every precaution that is reasonable in the circumstances to ensure

(a) the health and safety of persons at or near a project;

(b) that the activities of the employers and self-employed persons at the project are co-ordinated;

(c) communication between the employers and self-employed persons at the project of information necessary to the health and safety of

persons at the project, and facilitate communication with any committee or representative required for the project pursuant to this Act or the regulations;

(d) that the measures and procedures prescribed under this Act and the regulations are carried out on the project; and

(e) that every employee, self-employed person and employer performing work in respect of the project complies with this Act and the regulations. 1996, c. 7, s. 15.

#### **Precautions to be taken by suppliers**

**16** Every supplier shall take every precaution that is reasonable in the circumstances to

(a) ensure that any device, equipment, machine, material or thing supplied by the supplier is in safe condition, and in compliance with this Act and the regulations when it is supplied;

(b) where it is the supplier's responsibility under a leasing agreement to maintain it, maintain any device, equipment, machine, material or thing in safe condition and in compliance with this Act and the regulations; and

(c) ensure that any biological, chemical or physical agent supplied by the supplier is labelled in accordance with the applicable federal and Provincial regulations. 1996, c. 7, s. 16.

#### **Employees' precautions and duties**

**17 (1)** Every employee, while at work, shall

(a) take every reasonable precaution in the circumstances to protect the employee's own health and safety and that of other persons at or near the workplace;

(b) co-operate with the employer and with the employee's fellow employees to protect the employee's own health and safety and that of other persons at or near the workplace;

(c) take every reasonable precaution in the circumstances to ensure that protective devices, equipment or clothing required by the employer, this Act or the regulations are used or worn;

(d) consult and co-operate with the joint occupational health and safety committee, where such a committee has been established at the workplace, or the health and safety representative, where one has been selected at the workplace;

(e) co-operate with any person performing a duty or exercising a power conferred by this Act or the regulations; and

(f) comply with this Act and the regulations.

(2) Where an employee believes that any condition, device, equipment, machine, material or thing or any aspect of the workplace is or may be dangerous to the employee's health or safety or that of any other person at the workplace, the employee shall

- (a) immediately report it to a supervisor;
- (b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and
- (c) where the matter is not remedied to the employee's satisfaction after the employee reports in accordance with clauses (a) and (b), report it to the Division. 1996, c. 7, s. 17.

#### **Self-employed persons' precautions and duties**

**18** Every self-employed person shall

- (a) take every reasonable precaution in the circumstances to protect the self-employed person's own health and safety and that of other persons who may be affected by the self-employed person's undertaking;
- (b) co-operate with any employer, joint occupational health and safety committee or health and safety representative that may be found at a place at which the self-employed person conducts an undertaking, to protect the self-employed person's own health and safety and that of other persons who may be affected by the undertaking;
- (c) co-operate with any person performing a duty or exercising a power conferred by this Act or the regulations; and
- (d) comply with this Act and the regulations. 1996, c. 7, s. 18.

#### **Owners' precautions and duties**

**19** Every owner shall

- (a) take every precaution that is reasonable in the circumstances to provide and maintain the owner's land or premises being or to be used as a workplace
  - (i) in a manner that ensures the health and safety of persons at or near the workplace, and
  - (ii) in compliance with this Act and the regulations; and
- (b) give to the employer at the workplace the information that is
  - (i) known to the owner or that the owner could reasonably be expected to know, and
  - (ii) necessary to identify and eliminate or control hazards to the health or safety of persons at the workplace. 1996, c. 7, s. 19.

**Precautions to be taken by providers of service**

**20** Every person or body who, for gain, is a provider of an occupational health or safety service shall take every precaution that is reasonable in the circumstances to

- (a) ensure that no person at a workplace is endangered as a result of the provider's activity; and
- (b) ensure, where the service involves providing information, that the information provided, at the time that it is provided, is accurate and sufficiently complete to enable the recipient to make a competent judgement on the basis of the information. 1996, c. 7, s. 20.

**Precautions to be taken by architects and engineers**

**21 (1)** An architect, as defined in the *Architects Act*, who gives advice or affixes the architect's seal to documents or a professional engineer, as defined in the *Engineering Profession Act*, who gives advice or stamps documents shall take every precaution that is reasonable in the circumstances to ensure that a person who is likely to rely on the advice, seal or stamp will not be in contravention of this Act or the regulations as a result of such reliance.

**(2)** Where

- (a) an architect, as defined in the *Architects Act*, gives advice or affixes the architect's seal to documents; or
- (b) a professional engineer, as defined in the *Engineering Profession Act*, gives advice or stamps documents,

negligently or incompetently and a person at a workplace is endangered thereby, the architect or professional engineer contravenes this Act. 1996, c. 7, s. 21.

**Required instruction in principles**

**22** The curricula of

- (a) an occupational-training program within the meaning of the *Private Career Colleges Regulation Act*;
- (b) a program of study within the meaning of the *Community Colleges Act*; and
- (c) any other educational institution or class of educational institution designated pursuant to the regulations,

shall include instruction in the principles of occupational health and safety contained in this Act. 1996, c. 7, s. 22; 2010, c. 66, s. 6.

**Nature and extent of duties and requirements**

**23 (1)** A specific duty or requirement imposed by this Act or the regulations does not limit the generality of any other duty or requirement imposed by this Act or the regulations.

(2) Where a provision of this Act or the regulations imposes a duty or requirement on more than one person, the duty or requirement is meant to be imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.

(3) Notwithstanding subsection (2), but subject to subsection (5), where the person with the greatest degree of control fails to comply with a duty or requirement referred to in subsection (2), the other person or persons on whom the duty or requirement lies shall, where possible, comply with the provision.

(4) Where the person with the greatest degree of control complies with a provision described in subsection (2), the other persons are relieved of the obligation to comply with the provision only

(a) for the time during which the person with the greatest degree of control is in compliance with the provision;

(b) where simultaneous compliance by more than one person would result in unnecessary duplication of effort and expense; and

(c) where the health and safety of persons at the workplace is not put at risk by compliance by only one person.

(5) Where the person with the greatest degree of control fails to comply with a provision described in subsection (2) but one of the other persons on whom the duty or requirement is imposed complies with the provision, the other persons, if any, to whom the provision applies are relieved of the obligation to comply with the provision in the circumstances set out in clauses 4(a) to (c) with the necessary modifications. 1996, c. 7, s. 23.

#### OCCUPATIONAL HEALTH AND SAFETY ADVISORY COUNCIL

##### **Continuation of Council**

24 (1) The Occupational Health and Safety Advisory Council, established by the former Act, is hereby continued.

(2) The Minister shall appoint to the Council persons who have a particular knowledge and experience relating to the protection and promotion of occupational health and safety generally. 1996, c. 7, s. 24.

##### **Membership of Council and subcommittees**

25 (1) The membership of the Council shall include equal representation from employers and employees.

(2) In addition, the Director and the Chair of the Workers' Compensation Board, or a person designated to represent the Chair, and a representative of any group or groups selected by the Minister are members of the Council.

(3) and (4) *repealed 2010, c. 66, s. 7.*

(5) A member of the Council holds office during the term prescribed in that person's appointment and may be re-appointed.

(5A) A member of the Council whose term of office expires may, with the approval of the Minister, remain on the Council until a successor is appointed.

(6) The Council may, with the approval of the Minister, appoint one or more subcommittees of the Council and a subcommittee shall perform any of the functions described in Section 26, as determined by the Council.

(7) For greater certainty, a person who is not a member of the Council may be a member of a subcommittee of the Council.

(8) The Minister may designate one employer representative and one employee representative as co-chairs of the Council.

(9) Persons appointed to the Council or a subcommittee of the Council shall be paid the reasonable expenses incurred by them in the course of carrying out their duties for the Council or subcommittee of the Council, plus such remuneration as is determined by the Minister. 1996, c. 7, s. 25; 2004, c. 6, s. 24; 2010, c. 66, s. 7.

#### **Functions of Council**

**26** The Council may advise the Minister on

- (a) the administration of this Act and the regulations;
  - (b) occupational health and safety including, but not limited to, providing recommendations, giving advice and monitoring and reporting on occupational health and safety throughout the Province;
  - (c) the exclusion of any profession, employee, employer, workplace, project, owner, occupation, industry, self-employed person or dependent contractor from all or part of the application of this Act or the regulations;
  - (d) any other matter relating to occupational health and safety.
- 1996, c. 7, s. 26.

### OCCUPATIONAL HEALTH AND SAFETY POLICY

#### **Requirement for policy**

**27 (1)** Where

- (a) five or more employees are regularly employed by an employer other than a constructor or contractor;
- (b) five or more employees are regularly employed directly by a constructor or contractor, not including employees for whose services the constructor or contractor has contracted;

- (c) the regulations require an occupational health and safety policy; or
- (d) an officer so orders,

the employer shall prepare and review, at least annually, a written occupational health and safety policy, in consultation with the committee or representative, if any.

(2) Where this Act or the regulations do not require there to be a committee at a workplace, consultation on the development of the policy shall be carried out by the employer and shall include discussion of the proposed policy at one or more workplace health and safety meetings involving the employees.

(3) The policy shall express the employer's commitment to occupational health and safety and shall include

- (a) the reasons for the employer's commitment to health and safety;
- (b) the commitment of the employer to co-operate with the employees in pursuing occupational health and safety; and
- (c) the responsibilities of the employer, supervisors and other employees in fulfilling the commitment required pursuant to clause (b). 1996, c. 7, s. 27.

#### OCCUPATIONAL HEALTH AND SAFETY PROGRAM

##### Requirement for program

28 (1) Where

- (a) twenty or more employees are regularly employed by an employer other than a constructor or contractor;
- (b) twenty or more employees are regularly employed directly by a constructor or contractor, not including employees for whose services the constructor or contractor has contracted; or
- (c) the regulations require an occupational health and safety program,

the employer shall establish and maintain a written occupational health and safety program, in consultation with the committee or representative, if any, that is adapted to the circumstances of the organization for the purpose of implementing the employer's policy, this Act and the regulations.

- (2) The program shall include
  - (a) provision for the training and supervision of employees in matters necessary to their health and safety and the health and safety of other persons at the workplace;
  - (b) provision for the preparation of written work procedures required to implement safe and healthy work practices, includ-

ing those required pursuant to this Act, the regulations or by order of an officer, and identification of the types of work for which the procedures are required at the employer's workplace;

(c) provision for the establishment and continued operation of a committee required pursuant to this Act, including maintenance of records of membership, rules of procedure, access to a level of management with authority to resolve health and safety matters and any information required under this Act or the regulations to be maintained in relation to a committee;

(d) provision for the selection and functions of a representative where required pursuant to this Act, including provision for access by the representative to a level of management with authority to resolve health and safety matters;

(e) a hazard identification system that includes

(i) evaluation of the workplace to identify potential hazards,

(ii) procedures and schedules for regular inspections,

(iii) procedures for ensuring the reporting of hazards and the accountability of persons responsible for the correction of hazards, and

(iv) identification of the circumstances where hazards must be reported by the employer to the committee or representative, if any, and the procedures for doing so;

(f) a system for workplace occupational health and safety monitoring, prompt follow-up and control of identified hazards;

(g) a system for the prompt investigation of hazardous occurrences to determine their causes and the actions needed to prevent recurrences;

(h) maintenance of records and statistics, including reports of occupational health and safety inspections and occupational health and safety investigations, with provision for making them available to persons entitled to receive them pursuant to this Act; and

(i) provision for monitoring the implementation and effectiveness of the program.

**(3)** The employer shall make available a copy of the program

(a) to the committee or representative, if any; and

(b) on request, to an employee at the workplace. 1996, c. 7,

s. 28.

JOINT OCCUPATIONAL HEALTH  
AND SAFETY COMMITTEES**Requirement for committees**

**29 (1)** At every workplace where twenty or more persons are regularly employed, the employer shall establish and maintain one joint occupational health and safety committee or, at the discretion of the employer, more than one such committee and, where twenty or more persons are regularly employed by one or more constructors at a project, a constructor shall establish and maintain a joint occupational health and safety committee for the project.

**(2)** At a workplace where fewer than twenty persons are regularly employed, the Director may

(a) consult with the employer and employees at the workplace regarding whether a committee should be formed at the workplace; and

(b) order that a committee be established.

**(3)** Where an order respecting establishment of a committee is given pursuant to subsection (2), the employer shall ensure that the committee is chosen and functioning in accordance with this Act within fifteen days of receipt of the order. 1996, c. 7, s. 29.

**Committee where subsea coal mine**

**29A** Notwithstanding Section 29, at a subsea coal mine where fewer than twenty persons are regularly employed, the employer shall establish and maintain a joint occupational health and safety committee where so prescribed by the regulations. 2007, c. 14, s. 7.

**Composition and procedure of committee**

**30 (1)** A committee shall consist of such number of persons as may be agreed to by the employer and the employees or their union or unions.

**(2)** At least half of the members of a committee shall be employees at the workplace who are not connected with the management of the workplace and the employer may choose up to one half of the members of the committee if the employer wishes to do so.

**(3)** The employees on the committee are to be determined by the employees they represent, or designated by the union that represents the employees.

**(4)** A committee shall meet at least once each month unless

(a) a different frequency is prescribed by the regulations;

or

(b) the committee alters the required frequency of meetings in its rules of procedure.

(5) Where a committee alters the required frequency of meetings by its rules of procedure and the Director is not satisfied that the frequency of meetings is sufficient to enable the committee to effectively perform its functions, the frequency of meetings shall be as determined by the Director.

(6) An employee who is a member of a committee is entitled to such time off from work as is necessary to attend meetings of the committee, to take any training prescribed by the regulations and to carry out the employee's functions as a member of the committee, and such time off is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

(7) A committee shall establish its own rules of procedure and shall adhere to the applicable regulations.

(8) Unless a committee determines another arrangement for chairing the committee in its rules of procedure, two of the members of the committee shall co-chair the committee, one of whom shall be selected by the members who represent employees and the other of whom shall be selected by the other members.

(9) The rules of procedure established pursuant to subsection (7) shall include an annual determination of the method of selecting the person or persons who shall

- (a) chair the committee; and
- (b) hold the position of chair for the coming year.

(10) Where agreement is not reached on

- (a) the size of the committee;
- (b) the designation of employees to be members; or
- (c) rules of procedure,

the Director shall determine the matter. 1996, c. 7, s. 30.

#### **Functions of committees**

**31** It is the function of the committee to involve employers and employees together in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes

- (a) the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;
- (b) the co-operative auditing of compliance with health and safety requirements in the workplace;
- (c) receipt, investigation and prompt disposition of matters and complaints with respect to workplace health and safety;

(d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in Section 50;

(e) advising on individual protective devices, equipment and clothing that, complying with this Act and the regulations, are best adapted to the needs of the employees;

(f) advising the employer regarding a policy or program required pursuant to this Act or the regulations and making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace;

(g) maintaining records and minutes of committee meetings in a form and manner approved by the Director and providing an officer with a copy of these records or minutes on request; and

(h) performing any other duties assigned to it

(i) by the Director,

(ii) by agreement between the employer and the employees or the union, or

(iii) as are established by the regulations. 1996, c. 7, s. 31; 2010, c. 66, s. 8.

#### **Deemed establishment of committee**

**32** Where a committee was established prior to January 1, 1986, and has been maintained, pursuant to a collective agreement or other arrangement in a workplace, and the Director is satisfied that such committee or arrangement provides benefits for the health and safety of employees equal to or greater than the benefits to be derived under a committee established pursuant to this Act, the committee or arrangement is deemed to have been established in compliance with this Act. 1996, c. 7, s. 32.

### HEALTH AND SAFETY REPRESENTATIVES

#### **Requirement for and functions of representatives**

**33 (1)** At a workplace where no committee is required pursuant to Section 29 and where the number of persons employed is five or more, the employer shall cause the employees to select at least one health and safety representative from among the employees at the workplace who are not connected with the management of the workplace.

**(2)** At a project where no committee is required pursuant to Section 29 and where the number of persons employed is five or more, a constructor shall cause the employees to select at least one health and safety representative for the purposes of the project from among the employees at the project who are not connected with the management at the project.

(3) At a workplace where fewer than five persons are employed, the Director may

(a) consult with the employer and employees at the workplace regarding whether a representative should be selected at the workplace; and

(b) order that a representative be selected by the employees from among the employees at the workplace who are not connected with the management of the workplace.

(4) Where an order respecting the selection of a representative is given pursuant to subsection (3), the employer shall ensure that the representative is selected and functioning in accordance with this Act within fifteen days of receipt of the order.

(5) An employee who is a representative is entitled to such reasonable time off from work as is necessary to carry out the employee's functions as a representative, and such time off is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

(6) It is the function of the representative to be involved, on behalf of the employees together with the employer, in occupational health and safety in the workplace and, without restricting the generality of the foregoing, includes

(a) the co-operative identification of hazards to health and safety and effective systems to respond to the hazards;

(b) the co-operative auditing of compliance with health and safety requirements in the workplace;

(c) receipt of and co-operation with the employer in the investigation and prompt disposition of matters and complaints with respect to workplace health and safety;

(d) participation in inspections, inquiries and investigations concerning the occupational health and safety of the employees and, in particular, participation in an inspection referred to in Section 50;

(e) advising on individual protective devices, equipment and clothing which, complying with this Act and the regulations, are best adapted to the needs of the employees;

(f) advising the employer regarding a policy or program required by this Act or the regulations and making recommendations to the employer, the employees and any person for the improvement of the health and safety of persons at the workplace; and

(g) performing any other duties assigned to the representative

(i) by the Director,

- (ii) by agreement between the employer and the employees or the union, or
- (iii) as are established by the regulations. 1996, c. 7, s. 33.

#### COMMUNICATION OF INFORMATION

##### **Response to written recommendations**

**34 (1)** An employer who receives written recommendations from a committee or representative and a request in writing to respond to the recommendations, shall respond in writing to the committee or representative within twenty-one days, and the response shall

- (a) indicate acceptance of the recommendations; or
- (b) give reasons for the disagreement with any recommendations that the employer does not accept,

or, where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee or representative when the response will be forthcoming, and provide the response as soon as it is available.

**(2)** Where the committee or representative makes a request pursuant to subsection (1) and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, the chair or co-chairs of the committee, or representative, as the case may be, shall promptly report this fact to an officer. 1996, c. 7, s. 34.

##### **Duty of employer to provide certain information**

**35 (1)** An employer shall notify the committee or representative, if any, of the existence of reports of

- (a) workplace occupational health or safety inspections; and
- (b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, an officer or the employer and, on request, the employer shall make the reports available to the committee or the representative.

**(2)** An employer shall make available to an employee at a workplace, on request, reports of

- (a) workplace occupational health or safety inspections; and
- (b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, an officer or the employer.

(3) Within twenty-one days of receiving a request in writing from the committee, representative or, where there is no committee or representative, an employee at a workplace for any information of a health or safety nature other than that specified in subsection (1), the employer shall respond in writing and the response shall

- (a) provide the requested information; or
- (b) give reasons for not providing the information, in whole or in part,

and where it is not reasonably possible to provide a response before the expiry of the twenty-one day period, provide within that time a reasonable explanation for the delay, indicate to the committee, representative or employee when the response will be forthcoming and provide the response as soon as it is available.

(4) Where the committee, representative or employee makes a request pursuant to subsection (3) and is not satisfied that the explanation provided for a delay in responding is reasonable in the circumstances, the chair or co-chairs of the committee, the representative or the employee, as the case may be, shall promptly report this fact to an officer. 1996, c. 7, s. 35.

#### **Duty of officer to provide certain information**

**36** An officer shall provide to the employer at a workplace reports of

- (a) workplace occupational health or safety inspections; and
- (b) workplace occupational health or safety monitoring or tests,

undertaken at the workplace by, or at the request of, an officer, and the employer shall comply with subsections 35(1) and (2). 1996, c. 7, s. 36.

#### **Duty of employer to post certain information**

**37** The employer shall

- (a) post and maintain the current names of the committee members or the representative, if any, and the means of contacting them; and
- (b) post promptly, where there is a committee, the minutes of the most recent committee meeting and ensure they remain posted until superseded by minutes of the next committee meeting. 1996, c. 7, s. 37.

#### **Availability of information at workplace**

**38 (1)** Every employer shall

- (a) make available for examination at the workplace
  - (i) a copy of the regulations that relate to the workplace, and
  - (ii) information and reports that an officer considers advisable to enable employees to become acquainted with

their rights and responsibilities pursuant to this Act and the regulations;

and

(b) post in a prominent place or places in the workplace capable of being easily accessed by the employees

(i) a current copy of this Act,

(ii) a code of practice required pursuant to this Act or the regulations,

(iii) a current telephone number for reporting occupational health or safety concerns to the Division, and

(iv) where the employer is required pursuant to this Act or the regulations to have an occupational health and safety policy, the policy,

and ensure they remain posted.

(2) Where anything other than the information listed in subsection (1) is required to be posted pursuant to this Act or the regulations, the person who has the duty to post shall

(a) post a legible copy of it in a prominent place or places in the workplace capable of being easily accessed by the employees; and

(b) ensure that it remains posted for at least seven days, or longer if additional time is necessary to enable employees at the workplace to inform themselves of the content, unless this Act or the regulations otherwise specify,

or in lieu of complying with clauses (a) and (b), shall provide the information to each employee, in writing. 1996, c. 7, s. 38.

#### **Duty of employer to provide certain information**

**39 (1)** Where

(a) an officer makes an order pursuant to this Act or the regulations against an employer;

(b) a compliance notice is required of an employer pursuant to subsection 56(1); or

(c) an appeal is initiated or disposed of pursuant to Section 69,

the employer shall, subject to subsections (2) and (3), immediately

(d) post the order, compliance notice, notice of appeal or decision; and

(e) deliver a copy of the order, compliance notice, notice of appeal or decision to the committee or representative, if any.

(2) An officer may authorize in writing an officer's order to be edited to protect a trade secret, secret manufacturing process or confidential personal information, the disclosure of which is limited pursuant to this Act.

(3) Where an order is edited pursuant to subsection (2), the authorization of the officer shall be affixed to the order and it shall be posted in accordance with this Act in substitution for the unedited order. 1996, c. 7, s. 39; 2013, c. 41, s. 2.

#### Service of documents

40 (1) For the purpose of this Act and the regulations and any proceedings thereunder, an order, notice or other document sent by regular mail is deemed to have been received ten days after the day on which it was mailed, unless the person to whom it was sent establishes that, acting in good faith, the person did not receive the order, notice or other document until a later date, through absence, incident, illness or other cause beyond the person's control.

(2) For the purpose of this Act and the regulations and any proceedings thereunder, an order, notice or other document that is to be served on a person must be served by

- (a) personal service;
- (b) a form of delivery that provides proof of delivery, sent to the last known address of the person being served; or
- (c) electronic transmission, including facsimile or electronic mail.

(3) An order, notice or other document that is served on a person under clause (2)(b) is deemed to have been received five days after the date of the first attempted delivery, unless the person being served establishes that, acting in good faith, the person did not receive the order, notice or other document until a later date, through absence, incident, illness or other cause beyond the person's control.

(4) An order, notice or other document that is served on a person under clause (2)(c) is deemed to have been received the day after it was sent or, where that day is a Saturday or a holiday, on the next day that is not a Saturday or a holiday, unless the person being served establishes that, acting in good faith, the person did not receive the order, notice or other document until a later date, through absence, incident, illness or other cause beyond the person's control. 2013, c. 41, s. 3.

#### Right to annual summary of data

41 Where the *Workers' Compensation Act* applies to a workplace,

- (a) a committee;

- (b) a representative;
- (c) an employee; or
- (d) an employer,

at the workplace who so requests in writing shall receive an annual summary of data relating to the employer. 1996, c. 7, s. 41.

#### WORKPLACE MONITORING, MEASUREMENTS AND TESTS

##### **Right of employee to observe and be paid**

**42 (1)** Every employer shall permit an employee selected pursuant to subsection (2) to observe workplace occupational health or safety monitoring and the taking of samples, tests or measurements where a significant part of the rationale is based on either health or safety of employees at the workplace, unless the monitoring or taking of samples, tests or measurements takes place

(a) continuously or on a regular and frequent basis, except to observe the initial setup of the workplace occupational health or safety monitoring process and to be informed and observe the monitoring where there has been a malfunction of the monitor or alteration in the process;

(aa) in a situation that would violate an employee's personal privacy;

(b) in a location that is remote and is part of the regular task of a person employed at the location; or

(c) during an emergency situation,

and time spent by the employee in such activities is deemed to be work time for which the employee shall be paid by the employer at the applicable rate.

**(2)** Where there is

(a) a committee or representative at a workplace, the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the committee or representative, as the case may be; or

(b) no committee or representative at a workplace, the employee who observes workplace occupational health or safety monitoring and the taking of samples or measurements shall be selected by the employees.

**(3)** Every employer shall provide

(a) reasonable notice to an observer of the commencement of the occupational health or safety monitoring and of the taking of samples or measurements undertaken pursuant to subsection (1); and

(b) access to a workplace for the purpose of the observation.

(4) Where an observer requests, the procedure for occupational health or safety monitoring and the taking of samples or measurements shall be identified and explained to the observer.

(5) Where an owner, constructor or contractor performs occupational health or safety monitoring or takes samples or measurements that relate to the health or safety of employees at the workplace,

(a) the owner, constructor or contractor shall provide reasonable notice to all employers at the workplace of the commencement of the occupational health or safety monitoring and of the taking of samples or measurements; and

(b) the requirements of subsections (1) to (4) apply.

(6) Where the monitoring, samples or measurements referred to in subsection (1) are conducted by, or at the request of, an officer, the officer may undertake the monitoring, samples or measurements whether or not notice has been given pursuant to subsection (3) or (5). 1996, c. 7, s. 42; 2010, c. 66, s. 10.

#### RIGHT TO REFUSE WORK

##### **Right to refuse work and consequences of refusal**

**43 (1)** Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until

(a) the employer has taken remedial action to the satisfaction of the employee;

(b) the committee, if any, has investigated the matter and unanimously advised the employee to return to work; or

(c) an officer has investigated the matter and has advised the employee to return to work.

(2) Where an employee exercises the employee's right to refuse to work pursuant to subsection (1), the employee shall

(a) immediately report it to a supervisor;

(b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and

(c) where the matter is not remedied to the employee's satisfaction after the employee has reported pursuant to clauses (a) and (b), report it to the Division.

(3) At the option of the employee, the employee who refuses to do any act pursuant to subsection (1) may accompany an officer or the committee or representative, if any, on a physical inspection of the workplace, or part thereof, being carried out for the purpose of ensuring others understand the reasons for the refusal.

(4) Notwithstanding subsection 50(8), an employee who accompanies an officer, the committee or a representative, as provided in subsection (3), shall be compensated in accordance with subsection (7), but the compensation shall not exceed that which would otherwise have been payable for the employee's regular or scheduled working hours.

(5) Subject to any applicable collective agreement, and subsection (3), where an employee refuses to do work pursuant to subsection (1), the employer may reassign the employee to other work and the employee shall accept the reassignment until the employee is able to return to work pursuant to subsection (1).

(6) Where an employee is reassigned to other work pursuant to subsection (5), the employer shall pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued in the employee's normal work.

(7) Where an employee has refused to work pursuant to subsection (1) and has not been reassigned to other work pursuant to subsection (5), the employer shall, until clause (1)(a), (b) or (c) is met, pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued to work.

(8) A reassignment of work pursuant to subsection (5) is not a reprisal pursuant to Section 45.

(9) An employee may not, pursuant to this Section, refuse to use or operate a machine or thing or to work in a place where

(a) the refusal puts the life, health or safety of another person directly in danger; or

(b) the danger referred to in subsection (1) is inherent in the work of the employee. 1996, c. 7, s. 43; 2024, c. 10, s. 14.

#### **Restriction on assignment of work where refusal**

44 Where an employee exercises the employee's right to refuse to work pursuant to subsection 43(1), no employee shall be assigned to do that work until the matter has been dealt with under that subsection, unless the employee to be so assigned has been advised of

(a) the refusal by another employee;

- (b) the reason for the refusal; and
- (c) the employee's rights pursuant to Section 43. 1996, c. 7, s. 44.

## REPRISALS

### Prohibition of "reprisal"

**45 (1)** In this Section and in Section 46, "reprisal" means an action that adversely affects an employee with respect to terms or conditions of employment or any opportunity for employment or promotion and includes dismissal, lay-off, suspension, demotion, transfer of job or location, change in hours of work, coercion, intimidation, imposition of any discipline, reprimand or other penalty including reduction in wages, salary or other benefits, or the discontinuation or elimination of the job of the employee.

**(2)** No employer or union shall take, or threaten to take, a reprisal against an employee because the employee has acted in compliance with this Act or the regulations or an order or direction made thereunder or has sought the enforcement of this Act or the regulations or, without limiting the generality of the foregoing, because

- (a) of the participation of the employee in, or association with, a committee or the employee has sought the establishment of a committee or performed functions as a committee member;
- (b) of the association of the employee with a representative or the employee has sought the selection of a representative or performed functions as a representative;
- (c) the employee has refused to work pursuant to subsection 43(1);
- (d) the employee has sought access to information to which the employee is entitled by this Act or the regulations, or has been assigned the role of observer pursuant to Section 42;
- (e) the employee has testified or is about to testify in any proceeding or inquiry pursuant to this Act or the regulations; or
- (f) the employee has given information to the committee, a representative, an officer or other person concerned with the administration of this Act or the regulations with respect to the health and safety of employees at the workplace,

unless the employer or union, as the case may be, establishes that such action is solely motivated by legitimate business reasons.

**(3)** On an inquiry into a complaint pursuant to Section 46 alleging that there has been a failure by an employer or a union to comply with subsection (2), the burden of proving that there has been no such failure is upon the employer or the union, as the case may be. 1996, c. 7, s. 45; 2024, c. 10, s. 16.

**Right to make complaint or file grievance**

**46 (1)** An employee who complains that

(a) an employer has failed to pay wages, salary, pay or a benefit entitlement required pursuant to

(i) subsection 30(6), 33(5), 42(1), 43(4), 43(6), 43(7) or 50(8), or

(ii) the regulations; or

(b) an employer or a union has taken, or threatened to take, a reprisal contrary to subsection 45(2),

may

(c) where the employee is not subject to a collective agreement under which the employee is entitled to file a grievance, within thirty days, make a complaint in writing to an officer; or

(d) where the employee is subject to a collective agreement under which the employee is entitled to file a grievance,

(i) have the complaint dealt with by final and binding arbitration under the collective agreement, or

(ii) within thirty days, make a complaint in writing to an officer, if an arbitrator has not seized jurisdiction over the matter under the collective agreement, in which case the matter shall be dealt with by the arbitrator under the collective agreement.

**(2)** Where an officer receives a complaint pursuant to subsection (1), the officer shall investigate the complaint and

(a) issue an order specifying the provision of this Act or the regulations that has been contravened; or

(b) determine that there are no grounds upon which to issue an order, and so notify the complainant.

**(3)** Where the officer determines that an employer has failed to pay wages, salary, pay or a benefit entitlement required by a provision referred to in clause (1)(a), the officer's order issued pursuant to clause (2)(a) shall require, by a specified date,

(a) the employer to pay the wages, salary, pay or other benefits required by the provision referred to in clause (1)(a); or

(b) the employer or the union to do the things that, in the opinion of the officer, are necessary to secure compliance with this Act and the regulations.

(4) Where the officer determines that a reprisal has been taken or threatened against an employee contrary to subsection 45(2), the officer's order issued pursuant to clause (2)(a) shall require, by a specified date,

(a) the employer to reinstate the employee pursuant to the same terms and conditions under which the employee was formerly employed;

(b) the employer to pay any wages, salary, pay or other benefits that the employee would have earned but for the reprisal;

(c) that any reprimand or other references to the matter in the employer's records on the employee be removed;

(d) the reinstatement of the employee to the union and the payment by the union to the employee of any wages, salary, pay or other benefits that the employee would have earned but for the reprisal; or

(e) the employer or the union to do the things that, in the opinion of the officer, are necessary to secure compliance with this Act and the regulations.

(5) Where an order or decision of an officer made pursuant to clause (2)(a) is not appealed, the decision of the officer is final and binding. 1996, c. 7, s. 46; 2009, c. 24, s. 1; 2024, c. 10, s. 17.

## OFFICERS, INSPECTIONS AND ORDERS

### Powers of officers

47 For the purpose of ensuring compliance with this Act and the regulations and any order made thereunder, an officer may

(a) at a reasonable hour of the day or night enter and inspect a workplace, conduct tests and make such examinations as the officer considers necessary or advisable;

(b) require the production of records, drawings, specifications, books, plans or other documents in the possession of the employer that relate to the workplace or the health and safety of employees or other persons at the workplace and remove them temporarily for the purpose of making copies;

(c) require the production of documents or records that may be relevant to the investigation of a complaint pursuant to subsection 46(1), and remove them temporarily for the purpose of making copies;

(d) take photographs or recordings of the workplace and any activity taking place in the workplace;

(e) make any examination, investigation or inquiry as the officer considers necessary to ascertain whether there is compliance with this Act and the regulations and any order made under them;

(f) inspect, take samples and conduct tests of samples, including tests in which a sample is destroyed, of any material, product, tool, equipment, machine or device being produced, used or found at the workplace for which the officer shall be responsible, except for a sample that has been destroyed, until the material, product, tool, equipment, machine or device is returned to the person being inspected;

(g) examine a person with respect to matters pursuant to this Act or the regulations;

(h) for the purposes of an investigation, inquiry or examination made by the officer pursuant to this Act or the regulations, summons to give evidence and administer an oath or affirmation to a person;

(i) in an inspection, examination, inquiry or test be accompanied and assisted by or take with the officer a person having special, expert or professional knowledge of any matter;

(j) exercise such other powers as may be necessary or incidental to the carrying out of the officer's functions pursuant to this Act or the regulations. 1996, c. 7, s. 47.

#### **Powers of peace officer under Summary Proceedings Act**

**48** While acting under the authority of this Act, an officer has and may exercise, in any part of the Province, all the powers, authorities and immunities of a peace officer under the *Summary Proceedings Act*. 2010, c. 66, s. 11.

#### **Powers of a peace officer under Criminal Code**

**49** While acting under the authority of this Act, an officer has and may exercise, in any part of the Province, all the powers, authorities and immunities of a peace officer under the *Criminal Code* (Canada). 1996, c. 7, s. 49.

#### **Accompaniment during inspections**

**50 (1)** For the purpose of this Section, "inspection" means a physical inspection of a workplace, or any part or parts of a workplace, pursuant to the powers conferred upon an officer pursuant to Section 47.

**(2)** Where an officer conducts an inspection,

(a) the employer shall give the representative or an employee member of the committee, if any; and

(b) a representative of the employer shall have,

the opportunity to accompany the officer during the officer's inspection.

**(3)** Where there is no committee member representing employees or representative available, the officer may select one or more employees who shall accompany the officer during the officer's inspection.

(4) Where a representative or employee member of the committee is unavailable to accompany the officer during the officer's inspection, the officer shall endeavour to consult with a reasonable number of employees during the inspection.

(5) For greater certainty, where

(a) a person referred to in clause (2)(a) or (b) is unavailable to accompany an officer during the officer's inspection; and

(b) in the officer's opinion it is necessary to proceed with the inspection without accompaniment,

the officer may conduct the inspection without accompaniment.

(6) Notwithstanding subsections (2) and (3) and subject to subsection (7), an officer may question any person who is or was in a workplace either separate and apart from another person or in the presence of any other person regarding anything that is or may be relevant to the officer's inspection, examination, investigation, inquiry or test.

(7) The individual who is questioned pursuant to subsection (6) may request to be accompanied and may be accompanied by another person during the questioning.

(8) Subject to subsection 43(4), time spent by a committee member, representative or employee in accompanying or consulting with an officer during an inspection is deemed to be work time for which the committee member, representative or employee shall be paid by the employer at the applicable rate. 1996, c. 7, s. 50.

#### **Power to issue stop orders**

51 Where an officer determines that any device, equipment, machine, material or thing to be used by an employee or self-employed person

(a) is unsafe; or

(b) does not comply with the standards prescribed by this Act or the regulations,

the officer may order the supplier or any other person to stop selling, renting, leasing or otherwise supplying the device, equipment, machine, material or thing to any employer, employee or self-employed person. 1996, c. 7, s. 51.

#### **Power to require reports, assessments and tests**

52 Where

(a) an officer determines that there may be a risk to health or safety; and

(b) an employer, owner, contractor or constructor fails to establish that it would not be reasonably practicable to carry out the order,

the officer may order, at the expense of the employer, owner, contractor or constructor that the employer, owner, contractor or constructor, as the case may be,

(c) obtain a report or assessment from a person who possesses such special expert or professional knowledge or qualifications as are specified by the officer for the purpose of determining whether any biological, chemical or physical agent, material, equipment, machine, device, article, thing or procedure, in or about a workplace, conforms with this Act or the regulations or good professional practice; and

(d) cause any tests necessary to the production of the report or assessment to be conducted or taken. 1996, c. 7, s. 52.

#### **Power to require workplace details**

**52A (1)** Notwithstanding any other provision of this Act, where

(a) a person has repeatedly contravened this Act or the regulations or failed to comply with an order made pursuant to this Act or the regulations;

(b) the contravention or failure posed a risk of serious injury or death to a person; and

(c) the Director has reasonable grounds for believing that the person may in the future further contravene the Act or the regulations or fail to comply with an order made pursuant to this Act or the regulations, in the same or in a similar manner, at the same or at another workplace,

the Director may make an order, in writing, directing the person to provide

(d) details regarding the nature of the work to be conducted or expected to be conducted by that person or an employee of that person; and

(e) the address or location of the workplace at which the work is to be conducted.

**(2)** An order made pursuant to subsection (1) expires three months from the date it is made unless, before its expiry, it is renewed for a further three-month period by the Director.

**(3)** There is no limit on the number of times an order made pursuant to subsection (1) may be renewed, provided it is renewed each time before its expiry.

**(4)** During the time an order issued pursuant to subsection (1) is in effect, the Director may request further updated information from the person against whom the order was made. 2016, c. 14, s. 2.

**Prohibition against disclosure of certain information**

**53** Except in accordance with this Act and the regulations, a person who, at the request of an officer, makes an examination, inquiry or a test pursuant to clause 47(i) shall not publish, disclose or communicate to a person any information, material, statement, report or result of any examination, test or inquiry acquired, furnished, obtained, made or received under the powers conferred pursuant to this Act or the regulations, and, for greater certainty, subsection 61(3) applies. 1996, c. 7, s. 53.

**Service of notice of decision and right to appeal**

**54** Where

(a) an officer conducts an investigation of a work refusal by an employee pursuant to subsection 43(1) and the employee or employer is not satisfied with the advice provided by the officer or the failure to provide advice; or

(b) a complaint of an alleged contravention of this Act or the regulations is investigated by an officer and the officer does not issue an order that, in the opinion of the complainant, is necessary for the health or safety of persons at the workplace,

and the employee, employer or complainant so requests, the officer shall serve the employee, employer or complainant, as the case may be, in writing, with notice of the officer's decision and, where the employee, employer or complainant is an aggrieved person, the employee, employer or complainant may appeal the decision pursuant to Section 69. 1996, c. 7, s. 54; 2013, c. 41, s. 4.

**Orders and consequences of orders**

**55** (1) An officer may give an order orally or in writing to a person for the carrying out of any matter or thing regulated, controlled or required by this Act or the regulations, and may require that the order be carried out within such time as the officer specifies.

(2) Where an officer makes an oral order pursuant to this Section, the officer shall confirm the oral order in writing.

(3) For greater certainty, an oral order is effective pursuant to this Act before it is confirmed in writing.

(4) Where an officer makes an order pursuant to subsection (1) and finds that the matter or thing referred to therein is a source of danger or a hazard to the health or safety of a person at the workplace, the officer may order that

(a) any place, device, equipment, machine, material or thing not be used until the order is complied with;

(b) work at the workplace or any part of the workplace stop until the order to stop work is withdrawn or cancelled by an officer;

(c) the workplace or any part of the workplace be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access thereto until the danger or hazard is removed.

**(4A)** Subject to the approval of the Director, where an order is made against an employer pursuant to clause (4)(b) or (c), and where

(a) that employer has repeatedly contravened this Act or the regulations or failed to comply with an order made pursuant to this Act or the regulations; and

(b) the contravention or failure posed a risk of serious injury or death to a person,

an officer may, where the officer has reasonable grounds for believing that the same or similar source of danger or hazard to the health or safety of a person exists or will exist at another of the employer's workplaces or at any part of that workplace, make an order

(c) requiring that work at another of the employer's workplaces or at any part of that workplace stop until the order to stop work is withdrawn or cancelled by an officer;

(d) requiring that another of the employer's workplaces or any part of that workplace be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access thereto until the danger or hazard is removed; or

(e) prohibiting the employer from starting work at another workplace or any part of that workplace.

**(4B)** When making an order pursuant to subsection (4A), the officer is not required to specify the address of the workplace or any part of the workplace that is the subject of the order.

**(5)** Where an order is made pursuant to clause (4)(c) or (4A)(d), no employer or supervisor shall require or permit an employee to enter the workplace or part of the workplace that is the subject of the order except for the purpose of doing work that is necessary or required to remove the danger or the hazard and only where the employee is protected from the danger or the hazard.

**(6)** Where an officer issues an order pursuant to this Section, the officer may affix to the workplace or to any device, equipment, machine, material or thing a copy or notice of the order and no person except an officer shall remove the copy or notice unless authorized to do so by an officer. 1996, c. 7, s. 55; 2016, c. 14, s. 3.

### **Compliance notices and determination of compliance**

**56 (1)** Where an officer makes an order pursuant to this Act or the regulations, unless the officer records in the order that compliance with the order was achieved before the officer left the workplace, the person against whom an

order is made shall submit to the officer a compliance notice within the time specified in the order.

(2) Where a compliance notice is required pursuant to subsection (1), the officer shall specify in the order the time within which the person against whom the order is made shall submit the compliance notice to the officer.

(3) Notwithstanding the submission of a compliance notice, a person against whom an order is made achieves compliance with an order made pursuant to this Act or the regulations when an officer determines that compliance is achieved. 1996, c. 7, s. 56.

#### **Prohibition against interference with officer**

57 (1) No person shall hinder, obstruct, molest or interfere with an officer in the exercise of a power or the performance of a duty pursuant to this Act or the regulations.

(2) No person shall knowingly furnish an officer with false information or neglect or refuse to furnish information required by an officer in the exercise of the officer's powers or performance of the officer's duties pursuant to this Act or the regulations.

(3) A person who

(a) wilfully delays an officer in the exercise of the officer's powers or the performance of the officer's duties pursuant to this Act or the regulations; or

(b) fails to comply with a direction or summons of an officer given pursuant to this Act or the regulations or to produce any certificate or document that the person is required by this Act or the regulations to produce,

is guilty of obstructing the officer in the exercise of the officer's powers or the performance of the officer's duties pursuant to this Act.

(4) A person shall furnish all necessary means in that person's power to facilitate any entry, inspection, examination, testing or inquiry by an officer in the exercise of the officer's powers or performance of the officer's duties pursuant to this Act or the regulations. 1996, c. 7, s. 57.

### CHEMICAL SAFETY

#### **Restriction on use of chemicals**

58 Where a biological, chemical or physical agent or a combination of such agents is used or intended to be used in the workplace and its presence in the workplace or the manner of its use is, in the opinion of the Director, likely to endanger the health or safety of an employee, the Director may, by notice in writing to the employer, constructor, contractor or self-employed person, order that

- (a) labelling be utilized to identify at least the presence and composition, including common or generic names, of the biological, chemical or physical agent, the risks associated with its use and the measures to be taken in case of emergency;
- (b) the use, intended use, presence or manner of use be
  - (i) prohibited,
  - (ii) limited or restricted in such manner as the Director specifies,
  - (iii) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as the Director specifies; or
- (c) labelling be in accordance with applicable federal and Provincial regulations. 1996, c. 7, s. 58.

#### **Duty of employer to prepare list of chemicals**

**59 (1)** Subject to Section 61, unless the employer has received from the Director specific written direction to the contrary and the direction has not been revoked by the Director, the employer shall prepare a list of all chemical substances regularly used, handled, produced or otherwise present at the workplace that may be a hazard to the health or safety of the employees or that are suspected by the employees of being such a hazard, and the list shall identify all chemical substances by their common or generic names where they are known to the employer.

**(2)** The list referred to in subsection (1) shall include the trade name and the address of the supplier and manufacturer of any chemical substance, the chemical composition or common or generic name of which is unknown to the employer.

**(3)** The employer shall advise the committee at the workplace or the representative, if any, of the list referred to in this Section and any amendments to the list and, where there is no committee or representative, the employer shall advise the employees, the union, if any, a self-employed person and an officer upon request by any of them. 1996, c. 7, s. 59.

#### **Duties of suppliers and manufacturers**

**60 (1)** A supplier or manufacturer of a chemical substance shall, at the request of the Director, provide the following information with respect to a chemical substance referred to in subsection 59(1):

- (a) the ingredients and their common or generic name or names;
- (b) the composition and properties;
- (c) the toxicological effect of the chemical substance;

- (d) the effect of exposure to the chemical substance, whether by contact, inhalation or ingestion;
- (e) the protective measures used or to be used regarding the chemical substance; and
- (f) the emergency measures used or to be used to deal with exposure to the chemical substance.

(2) Where a supplier or manufacturer fails to provide the information referred to in subsection (1) within such time as is specified by the Director, the chemical substance for which the information has been requested is deemed to be an unsafe material and an order may be made pursuant to Section 51. 1996, c. 7, s. 60.

## TRADE SECRETS

### Extent of right to withhold trade secrets

61 (1) Notwithstanding anything contained in this Act or the regulations, an employer, a supplier or a chemical manufacturer may withhold trade secrets or information that might disclose a trade secret and the identity of a specific chemical, including the chemical name and other specific identification of a hazardous chemical, provided that the specific chemical identity is made available to health professionals in accordance with the procedures established by regulations made pursuant to this Act.

- (2) Where a treating physician or nurse determines that
- (a) a medical emergency exists; and
  - (b) the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment,

an employer, a supplier or a chemical manufacturer shall immediately disclose the specific chemical identity of a trade secret chemical to the treating physician or nurse regardless of the existence of a written statement of need or a confidentiality agreement, but the employer, supplier or chemical manufacturer may require a written statement of need and confidentiality agreement in accordance with regulations made pursuant to this Act as soon as circumstances permit.

(3) Notwithstanding Section 35, no person shall publish, disclose or communicate to a person a secret manufacturing process or trade secret acquired, furnished, obtained or received pursuant to this Act or the regulations. 1996, c. 7, s. 61.

## MEDICAL INFORMATION

### Disclosure of medical information

62 (1) Notwithstanding Section 35, no person shall disclose information obtained in a medical examination, test, X-ray or hospital record of an employee made, taken or provided pursuant to this Act except in a form calculated to prevent the information from being identified with a particular person or case or with the permission of the employee.

(2) No person to whom information is communicated in confidence pursuant to this Act or the regulations

(a) shall divulge the information, except in accordance with this Act and the regulations;

(b) is competent or compellable to divulge the information before a court or other tribunal or in any other proceeding. 1996, c. 7, s. 62.

## ACCIDENTS

### Notice of accident at the workplace

**63 (1)** The employer shall notify the Director

(a) as soon as possible, but in no case later than twenty-four hours, after a fire, flood or accident at the workplace that causes

(i) unconsciousness,

(ii) a fracture of the skull, spine, pelvis, arm, leg, ankle, wrist or a major part of the hand or foot,

(iii) loss or amputation of a leg, arm, hand, foot, finger or toe,

(iv) a third degree burn to any part of the body,

(v) loss of sight in one or both eyes,

(vi) asphyxiation or poisoning,

(vii) any injury that requires the admission to hospital, or

(viii) any injury that endangers the life,

of an employee, unless the injury can be treated by immediate first aid or medical treatment and the person can return to work the following day;

(b) as soon as possible, but in no case later than twenty-four hours, after

(i) an accidental explosion,

(ii) a major structural failure or collapse of a building or other structure,

(iii) a major release of a hazardous substance, or

(iv) a fall from a work area in circumstances where fall protection is required by the regulations,

at the workplace, whether any person is injured or not; and

(c) immediately when a person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, at the workplace.

(2) A true copy of the notice of accident required to be given by an employer to the Workers' Compensation Board, pursuant to the *Workers' Compensation Act*, may be delivered to the Director as sufficient notice pursuant to this Section if it is delivered within the time required in subsection (1).

(3) Where notice is required to be sent to the Director pursuant to this Section, the employer shall notify the committee or representative at the workplace, if any. 1996, c. 7, s. 63; 2010, c. 66, s. 12; 2016, c. 14, s. 4.

#### **Disturbance of accident scene**

64 Except as otherwise directed by an officer, no person shall disturb the scene of an accident to which subsection 63(1) applies except as is necessary to

- (a) attend to persons injured or killed;
- (b) prevent further injuries; or
- (c) protect property that is endangered as a result of the accident.

1996, c. 7, s. 64; 2016, c. 14, s. 5.

#### **Duty to disclose accident information**

65 Every person present at an accident when it occurred or who has any information relating to the accident shall, upon the request of an officer, provide to the officer such information respecting the accident as the officer requests. 1996, c. 7, s. 65.

### CODE OF PRACTICE

#### **Power to require code of practice**

66 (1) The Director may, in writing, require an employer to establish a code of practice or adopt a code of practice specified by the Director.

(2) A code of practice established or adopted pursuant to subsection (1) may be revised or required to be revised from time to time by the Director. 1996, c. 7, s. 66.

### APPEALS

#### **Review of order or decision**

67 (1) For the purpose of this Section and subsection 69(2), "alter" means vary, revoke or suspend the order or decision of an officer or make any order or decision that an officer may make under this Act or the regulations.

- (2) Subject to the regulations, the Director may
- (a) on the Director's own motion, review an order or decision of an officer; and
  - (b) by order, alter an order or decision of an officer after first consulting with the officer.

(3) When reviewing an order or decision of an officer, the Director may consider new information that was not available to the officer when the officer made the order or decision.

(4) The Director is not disqualified from reviewing an order or decision by reason only that the Director, in the course of performing the Director's powers, duties or functions pursuant to this Act, receives information regarding or communicates with a person concerning the matter to which the order or decision relates.

(5) An order of the Director made pursuant to clause (2)(b) that is not appealed pursuant to subsection 69(1) is final and binding.

(6) Subject to the regulations, where the Director alters an order or decision of an officer after reviewing it, the Director shall provide a copy of the Director's order to

- (a) the employer;
- (b) the person to whom the officer's order or decision was issued;
- (c) the Board, if the Director's order is issued after the filing of a notice of appeal under subsection 69(2); and
- (d) an aggrieved person, other than a person referred to in clauses (a) and (b), who has filed a notice of appeal, if the Director's order is issued after the filing of a notice of appeal under subsection 69(2),

and the employer shall communicate the order in accordance with subsection 39(1). 2013, c. 41, s. 5.

**67A** *repealed 2013, c. 41, s. 5.*

### **Labour Board**

**68** (1) The Board shall hear all appeals filed under this Act and the regulations.

(2) *repealed 2013, c. 41, s. 6.*

(3) Persons appointed to a panel of the Board constituted in accordance with subsection (1) must have knowledge and experience in matters of occupational health and safety.

(4) to (8) *repealed 2010, c. 37, s. 120.*

(9) The Director has standing as a party in any case that is appealed to the Board pursuant to this Act or the regulations.

(10) and (11) *repealed 2010, c. 37, s. 120.*

1996, c. 7, s. 68; 2009, c. 24, s. 4; 2010, c. 37, s. 120; 2010, c. 66, s. 14; 2013, c. 41, s. 6.

### **Right to appeal and consequences of appeal**

**69 (1)** Subject to the regulations and subsection (2), an aggrieved person may appeal

- (a) an order made by an officer pursuant to this Act or the regulations;
- (b) the decision of an officer not to issue an order;
- (c) the decision of an officer to advise an employee to return to work or the decision to provide no advice, pursuant to clause 43(1)(c);
- (d) an order made by the Director pursuant to this Act or the regulations;
- (e) any decision for which a right of appeal is provided in the regulations.

(2) Where an order or decision of an officer is appealed to the Board and the Director subsequently alters the decision in accordance with subsection 67(2), the appeal of the order or decision of the officer is terminated.

(2A) Subject to the regulations, an appeal pursuant to subsection (1) is initiated by filing a notice of appeal with the Board within thirty days after the order or decision is served on the recipient.

(3) Subject to the regulations, a notice of appeal filed pursuant to subsection (2) shall

- (a) identify and state the order or decision appealed from;
- (b) set out the grounds of the appeal and the relief requested, including any request for the suspension of all or a portion of the order or decision appealed from; and
- (c) include any other information required pursuant to the regulations.

(4) Subject to the regulations, where the aggrieved person who appeals pursuant to subsection (1) has sufficient authority in the workplace to ensure that the notice of appeal is posted, the aggrieved person shall post a copy of the notice and, where the aggrieved person does not have such authority, the

aggrieved person shall serve a copy of the notice on the employer and the employer shall communicate it in accordance with subsection 39(1).

- (5) Subject to the regulations, on receipt of a notice of appeal,
- (a) the Board shall forthwith provide a copy of the notice of appeal to the Director; and
  - (b) the Board shall hold a hearing, either orally or by way of written submissions, that provides any aggrieved persons who have so requested the opportunity to present evidence and make representations, in accordance with the regulations.

(6) Subject to the regulations, the Board may, by order, confirm, vary, revoke or suspend the order or decision appealed from or make any order that an officer is empowered to make pursuant to this Act.

(7) Subject to subsection (8) and the regulations, an appeal of an order or decision pursuant to subsection (1) does not suspend the operation of the order or decision.

(8) Subsection (7) does not apply to an appeal of an order of an officer or the Director regarding a provision referred to in subsection 46(1).

(9) Notwithstanding subsection (7) but subject to the regulations, the Board may order the suspension of the operation of an order or decision until the appeal is disposed of.

- (10) Subject to the regulations, the Board shall provide a copy of its decision to
- (a) the employer;
  - (b) the aggrieved person who appealed;
  - (c) any other aggrieved person who has made representations in relation to the matter appealed; and
  - (d) the Director,

and the employer shall communicate the decision in accordance with subsection 39(1). 1996, c. 7, s. 69; 2007, c. 14, s. 7; 2009, c. 24, s. 5; 2010, c. 37, s. 121; 2010, c. 66, s. 15; 2011, c. 24, s. 5; 2013, c. 41, s. 7.

#### **Appeals may be heard together**

**69A** Subject to the regulations, where an aggrieved person has more than one appeal made pursuant to the Act or the regulations pending before the Board, the Board may hear the appeals together but shall render a separate decision for each appeal. 2013, c. 41, s. 8.

**Jurisdiction of Board and court review**

**70 (1)** Subject to subsection (2), the Board has exclusive jurisdiction to determine all questions of

- (a) law respecting this Act;
- (b) fact; and
- (c) mixed law and fact,

that arise in any matter before it, and a decision of the Board is final and binding and not open to review except for error of law or jurisdiction.

- (2) The review of a decision of the Board shall be conducted
  - (a) by the Nova Scotia Court of Appeal, and only with leave of that Court; and
  - (b) with recognition that a panel of the Board is constituted ~~is established~~, for the purpose of this Act, as an expert body.

(3) The Director has standing as a party in a review conducted pursuant to subsection (2). 1996, c. 7, s. 70; 2010, c. 37, s. 122.

ENFORCEMENT

**Registration of decision or order with Supreme Court**

**71 (1)** A final decision or order of an arbitrator, an officer, the Director or the Board regarding a claim arising from subsection 30(6), 33(5), 42(1), 43(4), 43(6), 43(7), 45(2) or 50(8) or subclause 46(1)(a)(ii) may, for the purpose of enforcement thereof, be registered with the Supreme Court of Nova Scotia and shall be enforced in the same manner as a judgment of that Court.

(2) To register a final decision or final order referred to in subsection (1) with the Supreme Court of Nova Scotia, the Director may make a certified copy of the decision or order, upon which shall be made the following endorsement, signed by the Director:

Register the within with the Supreme Court of Nova Scotia.

Dated this . . . . . day of . . . . . , 19. . . .

. . . . .  
Director

(3) The Director may forward the certified copy referred to in subsection (2), so endorsed, to a prothonotary of the Supreme Court of Nova Scotia who shall, on receipt of the certified copy, enter it as a record and it shall thereupon be registered with the Supreme Court and enforceable as a judgment of that Court.

(4) Where a decision or order referred to in subsection (1) is registered with the Supreme Court of Nova Scotia, a subsequent decision or order rescinding or varying the first-mentioned decision or order may, in the same man-

ner, be registered with the Supreme Court and enforced in the same manner as a judgment of the Supreme Court. 1996, c. 7, s. 71; 2010, c. 37, s. 123.

#### Enforcement of final decision or order

**72 (1)** The Director may request the Director of Labour Standards to enforce a final decision or order of an officer, the Director or the Board regarding a complaint that an employer has failed to pay wages, salary, pay or a benefit entitlement required pursuant to subsection 30(6), 33(5), 42(1), 43(4), 43(6), 43(7), 45(2) or 50(8) or subclause 46(1)(a)(ii).

**(2)** A decision or order referred to in subsection (1) shall, for the purpose of enforcement pursuant to subsection (1), be made an order of the Board pursuant to the *Labour Standards Code* and may be enforced in the same manner as an order of the Labour Standards Tribunal may be enforced.

**(3)** To make a final decision or order an order of the Board pursuant to the *Labour Standards Code*, the Director shall make a certified copy of the decision or order, upon which shall be made the following endorsement, signed by the Director:

Make the within an order of the Labour Board.

Dated this . . . . . day of . . . . ., 19. . . .

. . . . .  
Director

and the Director shall forward the certified copy, so endorsed, to the Director of Labour Standards and the Board.

**(4)** The Director of Labour Standards may enforce a final decision or order referred to in subsection (1) as if the decision or order were an order made by the Board under Section 26 of the *Labour Standards Code* and, for greater certainty, Sections 87, 88, 89A, 90 and 90A of the *Labour Standards Code* apply *mutatis mutandis*.

**(5)** Where the Director

(a) provides the Director of Labour Standards with a certified copy of an order of an officer, the Director or the Board regarding a complaint that an employer has failed to pay wages, salary, pay or a benefit entitlement required pursuant to subsection 30(6), 33(5), 42(1), 43(4), 43(6), 43(7), 45(2) or 50(8) or subclause 46(1)(a)(ii), whether the order is final or not; and

(b) requests the Director of Labour Standards to treat the order as a complaint pursuant to Section 81 of the *Labour Standards Code*,

the Director of Labour Standards may exercise the power set out in Section 85(1) of the *Labour Standards Code* and subsections 85(2), 85(3), 85(3A) and 85(4) of the *Labour Standards Code* apply.

(6) Any money received by the Board pursuant to the *Labour Standards Code* as a result of a request made by the Director pursuant to clause 5(b) shall be held in trust by the Board for the employer concerned.

(7) Where

- (a) the appeal period has expired; or
- (b) any appeal has been disposed of,

whichever is later, regarding an order or decision of an officer, the Director or the Board respecting payment, by the employer to the employee, of money held in trust pursuant to subsection (6), the Board shall pay the employee from the trust money up to the amount specified in the order and the surplus, if any, shall be paid to the employer.

(8) Where a decision is made an order of the Board pursuant to the *Labour Standards Code*, a decision or order rescinding or varying the first-mentioned decision is deemed to rescind or vary the order of the Board and may be made an order of the Board in accordance with this Section. 1996, c. 7, s. 72; 2010, c. 37, s. 124.

#### Power to arrest

73 (1) A police officer who has reasonable and probable grounds to believe that a person is failing to comply with an order issued pursuant to subsection 55(4) may arrest the person without warrant and shall take the person before a justice as soon as practicable.

(2) A person taken before a justice pursuant to subsection (1) is entitled to an immediate hearing but, if a hearing cannot then be had, the person shall be released from custody on giving a personal undertaking to appear to answer to the charge at such time and place as shall then be fixed by the justice.

(3) A police officer who arrests a person pursuant to subsection (1) shall promptly inform the person of the reason for the arrest and of the right to retain and instruct counsel without delay. 1996, c. 7, s. 73.

#### Offences and penalties

74 (1) A person who

- (a) contravenes this Act or the regulations; or
- (b) fails to comply with
  - (i) an order or direction made pursuant to this Act or the regulations, or
  - (ii) a provision of a code of practice adopted pursuant to Section 66,

is guilty of an offence and liable on summary conviction to a fine as set out in subsections (1A) and (1B), or to a term of imprisonment not exceeding two years, or to both a fine and imprisonment.

**(1A)** A person is liable

(a) to a fine of not more than two hundred and fifty thousand dollars; or

(b) for a second or subsequent offence, within five years from the date of conviction for a previous offence, to a fine of not more than five hundred thousand dollars.

**(1B)** Notwithstanding subsection (1A), where the offence resulted in a fatality, the person is liable to a fine of not more than five hundred thousand dollars.

**(2)** In addition to a fine imposed pursuant to subsection (1A), (1B) or (3), the court may impose a fine not exceeding twenty-five thousand dollars for each additional day during which the offence continues.

**(3)** Where a person is convicted of an offence pursuant to this Act and the court is satisfied that, as a result of the commission of the offence, monetary benefits accrued to the offender, the court may order the offender to pay, in addition to a fine imposed pursuant to subsection (1A), (1B) or (2), a fine in an amount equal to the estimation by the court of the amount of the monetary benefits. 1996, c. 7, s. 74; 2011, c. 24, s. 6.

#### **Powers of court on conviction**

**75 (1)** Where a person is convicted of an offence pursuant to this Act[,] in addition to a fine imposed pursuant to Section 74 and; in addition to any other punishment that may be imposed pursuant to this Act, the court may, having regard to the nature of the offence and the circumstances surrounding its commission, make an order

(a) directing the offender to publish, in the manner prescribed, the facts relating to the offence;

(b) directing the offender to pay to the Minister an amount for the purpose of occupational health and safety initiatives including, but not limited to, public education;

(c) on application by the Director made within three years after the date of conviction, directing the offender to submit to the Director such information with respect to the activities of the offender as the court considers appropriate and just in the circumstances;

(d) directing the offender to perform community service, subject to such reasonable conditions as may be imposed in the order;

(e) directing the offender to provide such bond or pay such amount of money into court as will ensure compliance with an order made pursuant to this Section;

(f) requiring the offender to comply with such other reasonable conditions as the court considers appropriate and just in the circumstances for securing the offender's good conduct and for preventing the offender from repeating the same offence or committing other offences.

(1A) *repealed 2011, c. 24, s. 7.*

(2) Where an offender fails to comply with an order made under clause (1)(a) directing the publication of the facts relating to the offence, the Director may publish the facts in compliance with the order and recover the costs of publication from the offender.

(3) Where the court makes an order pursuant to clause(1)(b) directing the offender to pay an amount for the purpose of occupational health and safety initiatives or the Director incurs publication costs pursuant to subsection (2), the amount or costs constitutes a debt due to His Majesty in right of the Province and may be recovered as such in a court of competent jurisdiction.

(4) An order made pursuant to subsection (1) comes into force on the day on which it is made or on such other day as the court may order and shall not continue in force for more than three years after that day. 1996, c. 7, s. 75; 2010, c. 66, s. 16; 2011, c. 24, s. 7.

### **Injunction**

- 75A (1) Where the Director has reasonable grounds for believing that
- (a) a person has repeatedly contravened this Act or the regulations or failed to comply with an order made pursuant to this Act or the regulations;
  - (b) the contravention or failure posed a risk of serious injury or death to a person; and
  - (c) the person is or is likely to contravene this Act or the regulations or fail to comply with an order made pursuant to this Act or the regulations,

the Director may apply to a judge of the Supreme Court of Nova Scotia for an injunction to do one or more of the following:

- (d) restrain the person from committing or continuing the contravention;
- (e) require the person to comply with the order;
- (f) restrain the person from carrying on an industry or an activity in an industry for a specific period or until such time as a specific event occurs,

and, where the judge considers it just, the judge may grant the injunction.

(2) The application referred to in subsection (1) must be made in accordance with the *Nova Scotia Civil Procedure Rules*.

(3) For the purpose of subsection (1), a person includes an officer, director, shareholder or another person who participates in the management and who influences the decisions of a corporation that is the subject of an application made pursuant to subsection (1), but does not include

(a) a lawyer, an accountant or other professional whose primary participation in the management of the corporation is the provision of professional services to the corporation; or

(b) a receiver or trustee appointed by a court to manage the corporation.

(4) A judge may, on motion, grant an interim injunction pending the hearing of an application for an injunction made pursuant to subsection (1).

(5) Where satisfied that it is fit and just to protect the health and safety of any person, a judge may grant an interim injunction pursuant to subsection (4) on an *ex parte* motion.

(6) An application may be made pursuant to subsection (1) notwithstanding any penalty that may be imposed pursuant to this Act. 2016, c. 14, s. 6.

#### **Deemed act or omission of employer**

76 (1) In a proceeding or prosecution against an employer pursuant to this Act or the regulations, the act or omission of a manager, a superintendent or another person who exercises management functions for the employer is deemed to be the act or omission of the employer.

(2) Notwithstanding subsection (1), the act or omission of a manager, a superintendent or another person who exercises management functions for the employer is not the act or omission of the employer where it is proven that the employer took every precaution reasonable in the circumstances to ensure that the act or omission would not occur and the employer

(a) did not have actual knowledge of, or could not reasonably have known of, the act or omission; and

(b) did not expressly or impliedly consent to the act or omission. 1996, c. 7, s. 76.

#### **Participation in offence**

77 An officer, director, manager or agent of a corporation who directs, authorizes, assents to, acquiesces or participates in the commission of an offence pursuant to this Act is guilty of that offence. 1996, c. 7, s. 77.

**Immunity from civil action**

**78** No action lies or shall be instituted against an officer, a committee, a member of a committee, a representative, the Director, the Board, a member of the Board or the Director of Labour Standards where that person or body is acting pursuant to the authority of this Act or the regulations for any loss or damage suffered by a person because of an act or omission done in good faith by the person or body

- (a) pursuant to, or in the exercise or supposed exercise of, a power conferred by this Act or the regulations; or
- (b) in the carrying out, or supposed carrying out, of a function or duty imposed by this Act or the regulations. 1996, c. 7, s. 78; 2007, c. 14, s. 7; 2010, c. 37, s. 125.

**Limitation period for prosecution**

**79** A prosecution for an offence pursuant to this Act shall not be commenced more than two years after the later of

- (a) the date on which the offence was committed; or
- (b) the date on which evidence of the offence first came to the attention of an officer. 1996, c. 7, s. 79.

**Analysts**

**80 (1)** The Minister may appoint as an analyst any person who, in the opinion of the Minister, has the qualifications and experience to be so appointed and an analyst shall perform such functions and carry out such duties as may be determined by regulation.

**(2)** No document of an analyst may be received in evidence unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention together with a copy of the document.

**(3)** The party against whom a document of an analyst is produced may, with leave of the court, require the attendance of the analyst for the purpose of cross-examination. 1996, c. 7, s. 80.

**Proof of orders and other documents**

**81** In any proceeding or prosecution pursuant to this Act or the regulations,

- (a) a copy of an order, decision, notice, report or certificate purporting to have been made or issued pursuant to this Act or the regulations and purporting to have been signed by a person authorized to make or issue the order, decision, notice, report or certificate;
- (b) a document purporting to be a copy of a notice, drawing, record or other document, or any extract therefrom, given or made pursuant to this Act or the regulations and purporting to be certified by an officer or an analyst;

(c) a document purporting to certify the result of a test or an analysis of a sample of air and setting forth the concentration or amount of a biological, chemical or physical agent in a workplace, or part of a workplace, and purporting to be certified by an officer or an analyst;

(d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an officer or an analyst;

(e) a document purporting to be signed by the Director stating that a report, request, notice or order was or was not given or received;

(f) a document purporting to be signed by a person authorized pursuant to this Act or the regulations to issue a certificate of examination or authorize a deviation, stating that on a specified day or during a specified period a person named in the document was or was not the holder of a certificate of examination or authorized for a deviation of regulations pursuant to this Act;

(g) a document setting out with reasonable particularity the conviction and sentence of a person for an offence pursuant to this Act or the regulations purporting to be signed by

(i) the person who made the conviction, or

(ii) the prothonotary or clerk of the court in which the conviction was made,

shall be admitted in evidence as *prima facie* proof of the order, decision, notice, report, certificate or document and the contents of the order, decision, notice, report, certificate or document, without proof of the signature or official character of the person appearing to have signed the order, decision, notice, report, certificate or document, as the case may be. 1996, c. 7, s. 81; 2013, c. 41, s. 9.

## REGULATIONS

### Regulations

**82 (1)** The Governor in Council may make such regulations as the Governor in Council considers necessary or advisable for the purpose of this Act or to ensure the health or safety of all persons at a workplace and, without limiting the generality of the foregoing, the Governor in Council may make regulations

(a) requiring an employer or class of employers to prepare a written policy or a written program;

(b) setting out the health or safety standards to be established and complied with at workplaces or classes of workplaces;

(c) establishing conditions regarding the design, construction and use of plants or undertakings in order to protect the health and safety of employees;

(d) prescribing standards or codes for devices, equipment, machines, material and things or adopting by reference all or part of a

standard or code, as the edition adopted is amended from time to time, or any change thereto, in whole or in part, with such modifications and additions as may be specified in the regulations, and providing for the prohibition of the use, sale, rental, lease or supply of any devices, equipment, machines, materials or things that do not comply with the prescribed or adopted standards or codes;

(e) prohibiting or controlling the manufacture, supply, storage, handling or use of any device, equipment, machine, chemical, biological or physical agent or material in order to protect the health or safety of employees;

(f) respecting the safe use of any device, equipment, machine, material or thing;

(g) imposing requirements regarding the testing, labelling or examination of any material that may affect the health and safety of employees;

(h) requiring the making of arrangements by employers for measuring and monitoring the atmospheric or other conditions of workplaces;

(i) requiring the use of certain protective devices, equipment or clothing by persons at a workplace or class of workplaces;

(j) requiring the making of arrangements by employers for the prevention of occupational disease and for securing the health of employees including, but not limited to, arrangements for medical examinations and health surveys;

(ja) respecting workplace harassment;

(k) requiring and governing medical facilities or first-aid facilities to be located at workplaces;

(l) prescribing

(i) the making of reports by committees,

(ii) procedures for the operation of committees including, but not limited to, minimum requirements for the contents of, and a retention period for, minutes and records of committees,

(iii) the activities that may be carried on by committees or representatives within the functions described in subsection 31(1) or 33(6);

(m) altering the frequency of committee meetings required pursuant to this Act;

(n) prescribing additional requirements for the training of committee members or representatives including, but not limited to, requiring employers or classes of employers to provide for and pay for the training;

- (o) increasing or decreasing the period of employment to be considered in a determination of the number of persons regularly employed at a workplace;
- (p) excluding any profession, employee, employer, workplace, project, owner, occupation, industry, self-employed person or dependent contractor from all or part of the application of this Act or the regulations;
- (q) designating occupations as hazardous occupations;
- (r) determining the amount, manner and method of payments out of the Accident Fund;
- (s) defining education and research to be paid for out of the Accident Fund;
- (sa) determining the manner in which payment is to be made to the Minister pursuant to clause 75(1)(b);
- (t) prescribing educational institutions or classes of educational institutions for which the curricula must include instruction in the principles of occupational health and safety contained in this Act;
- (u) designating agencies, divisions or parts of other departments of the Government, or any other body constituted by an enactment, and their employees, to become part of the Division;
- (v) prescribing the type of information to be transferred, the form in which information shall be transferred and the frequency of transfer of the information to be exchanged between the Division and the Workers' Compensation Board;
- (w) prescribing records to be kept by employers and submitted to the Division;
- (x) requiring the making of reports by employers to the Division;
- (y) requiring the filing of drawings, layouts and specifications;
- (z) prescribing information required to be provided by owners and the manner and form of its communication;
- (aa) imposing requirements on health insurers and health-care agencies to provide to the Division statistical reports regarding occurrences of injury and disease arising from employment;
- (ab) prescribing procedures with respect to disclosure of information that is considered trade secrets;
- (ac) prescribing confidentiality protection for trade secrets;
- (ad) respecting the publication and distribution in the workplace of this Act and the regulations made pursuant to this Act;

(ada) respecting the Director's ability to review and alter an order or decision of an officer under subsection 67(2);

(ae) restricting the performance of certain tasks to persons having certain qualifications;

(af) prescribing the duties and functions of analysts;

(ag) establishing boards of examiners for the certification of occupational qualifications and providing processes for the issuance and revocation of certificates of examination;

(ah) altering the standard or processes according to which an application for a deviation from regulations must be considered pursuant to this Act;

(ai) prescribing regulations for which a deviation is not permitted pursuant to this Act;

(aj) modifying the provisions of the *Labour Standards Code* for the purposes of enforcement pursuant to this Act;

(ak) interpreting Sections 23 and 29 and subsections 33(1), (2) and (3) and 38(1) in the context of an industry, occupation, project or workplace;

(al) establishing a means of identifying the persons referred to in Section 23 and the manner of communicating the identity of the persons;

(am) enabling the adoption of a code of practice at a workplace containing one or more provisions from a regulation that would not otherwise apply to the workplace;

(an) respecting the establishment and administration of a system of administrative penalties, including, without limiting the generality of the foregoing, regulations

(i) prescribing who may impose administrative penalties,

(ii) prescribing time frames for imposing an administrative penalty,

(iii) respecting the payment of administrative penalties,

(iv) prescribing the content of a notice of administrative penalty,

(v) prescribing the dollar amount of administrative penalties,

(vi) prescribing how an administrative penalty may be revoked,

- (vii) respecting the extension of the time frame for filing a notice of appeal of an order or decision made under this Act or the regulations in relation to a notice of administrative penalty,
- (viii) respecting the remedies available on an appeal of an administrative penalty, and
- (ix) respecting the use to be made of any funds collected through the imposition of administrative penalties, including where such funds are to be deposited or held;
- (ao) respecting appeals pursuant to this Act and the regulations, including, without limiting the generality of the foregoing,
  - (i) who may be a party to an appeal,
  - (ii) limiting the amount of time available to parties to make representations at appeal hearings,
  - (iii) the contents of a notice of appeal,
  - (iv) the appeal of matters other than those permitted pursuant to this Act,
  - (v) the conduct and procedure of appeals generally,
  - (vi) respecting the effect of any defect in form or any technical irregularity in an appeal proceeding, and
  - (vii) the hearing of appeals together if an aggrieved person has more than one appeal made pursuant to the Act or the regulations pending before the Board;
- (ap) prescribing forms for use pursuant to this Act;
- (apa) respecting the effect of any defect in form or any technical irregularity that occurs in any order, decision, notice, report, certificate or other document issued pursuant to this Act and the regulations;
- (aq) prescribing charges to recover the cost of services pursuant to this Act and fees in relation to appeals and deviations, certificates, licences, permits, review of documents and filing of documents;
- (ar) defining words or expressions used but not defined in this Act.

(2) Without limiting the generality of this Section, the Governor in Council may, in respect of a subsea coal mine, make regulations that the Governor in Council considers necessary or advisable to ensure the health and safety of all persons at a subsea coal mine

- (a) requiring the establishment of a committee;
- (b) prescribing additional functions of a committee;

- (c) prescribing additional requirements for the provision of resources or information to a committee;
- (d) requiring the filing or approval of drawings, layouts, specifications, plans, procedures, methods, machinery and equipment; and
- (e) *repealed 2013, c. 41, s. 10.*
- (f) prescribing charges to recover the cost of services pursuant to this Act and fees in relation to matters referred to in clause (d).

**(3)** The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is regulations within the meaning of the *Regulations Act*. 1996, c. 7, s. 82; 2007, c. 14, s. 7; 2010, c. 37, s. 126; 2010, c. 66, s. 17; 2013, c. 41, s. 10; 2024, c. 10, s. 18.

#### **Authorized deviation from regulations**

**83 (1)** Where an application is made in writing to the Director for authorization to deviate at a workplace or workplaces from a provision of the regulations, unless the standard to be used by the Director in considering an application is altered by regulation, the Director may authorize the deviation where the Director is satisfied that the deviation affords protection for the health and safety of employees equal to or greater than the protection prescribed by the regulations from which the deviation is requested.

**(2)** The Director may attach such terms and conditions to an authorization of a deviation pursuant to subsection (1) as the Director considers advisable.

**(3)** Subsections (4) to (13) apply to an application for a deviation made pursuant to subsection (1) unless

- (a) the processes required pursuant to those subsections are altered by regulation; or
- (b) a notice period is reduced or eliminated pursuant to subsection (15).

**(4)** Where the workplace location or locations exist for which a deviation pursuant to subsection (1) is requested, unless

- (a) the committee or representative at a workplace, if any;  
or
- (b) where there is no committee or representative, all the employees at the workplace,

agree otherwise, upon applying for a deviation, the applicant for the deviation shall post a copy of the application, ensure it remains posted for at least twenty-eight days and furnish a copy to the committee or representative, if any, at the workplace.

(5) Where the workplace location or locations for which a deviation pursuant to subsection (1) is requested are not yet in existence, the applicant shall, upon applying for a deviation, publish, at the applicant's cost, a notice of the application for a deviation

(a) that contains information regarding the deviation being requested; and

(b) where it would reasonably be expected to come to the attention of persons interested in health and safety who might be affected by the decision regarding the deviation.

(6) After receiving an application for a deviation pursuant to subsection (1), the Director may conduct such consultation or give such notice of the application as the Director considers advisable.

(7) The applicant for a deviation pursuant to subsection (1) shall submit with the application, at the applicant's cost,

(a) the technical information required to enable the Director to determine the application;

(b) information with respect to the benefits and drawbacks to health and safety that might reasonably be anticipated if the deviation is authorized; and

(c) any fee prescribed by the regulations.

(8) The applicant for a deviation pursuant to subsection (1) for an existing workplace location or locations shall ensure that the information required pursuant to clauses (7)(a) and (b) is made available for examination at the applicant's workplace by the committee or representative, if any, and by the employees.

(9) The Director may make available the information required pursuant to clauses (7)(a) and (b) to any person for examination on request.

(10) A decision by the Director pursuant to subsection (1) shall

(a) not be made less than twenty-eight days following the date of the application; and

(b) be accompanied by written reasons for the decision that shall include

(i) the information considered in arriving at the decision and the rationale for the decision,

(ii) the specifics of a deviation that is authorized, including the location of the workplace or workplaces where the deviation applies, and

(iii) the details of any terms or conditions attached to the authorization of a deviation.

(11) The applicant for a deviation pursuant to subsection (1) shall ensure that

- (a) a copy of the Director's decision is
  - (i) posted for at least seven days, or longer if additional time is necessary to enable employees at the workplace to inform themselves of the content, and
  - (ii) furnished to the committee or representative, if any, at the workplace; and
- (b) where a deviation is authorized, a copy of the Director's decision is posted and maintained throughout the time the deviation is in effect.

(12) The Director shall provide a copy of the decision referred to in subsection (10) to anyone from whom the Director has received a written response to the application for a deviation pursuant to subsection (1).

(13) In applying a regulation for which a deviation pursuant to subsection (1) is authorized, a deviation and any terms and conditions authorized pursuant to this Section shall, while the deviation is in effect, be substituted for the prescription or requirement in the regulations.

(14) The Director may, at the initiative of the Director or upon application, reconsider, confirm, vary, revoke or suspend the Director's decision regarding a deviation at any time when information is produced that, had it been known when the request for the deviation was determined previously, would reasonably be expected to have resulted in a different decision from the one made at that time, and subsections (1) to (13) apply with the necessary modifications.

(15) Notwithstanding the periods of notice required pursuant to this Section, where information that was not available at the time a decision was made by the Director regarding a deviation pursuant to this Section is produced that indicates that imminent danger might result as a result of the deviation, the Director may reduce or eliminate a period of notice required pursuant to this Section. 1996, c. 7, s. 83.

#### TRANSITIONAL PROVISIONS

84 *repealed 2010, c. 66, s. 18.*

#### Enforcement under Act and substituted references

85 (1) Any regulation, order or direction made under the *Metalliferous Mines and Quarries Regulation Act*, the *Coal Mines Regulation Act* or the former Act or under any Act relating to occupational health and safety may be enforced as if the regulation, order or direction were made pursuant to this Act.

(2) Any reference in any Act of the Legislature or in any rule, order, regulation, by-law, ordinance or in any document whatsoever to the Occupational Safety Division of the Department of Labour and Manpower, the Occupational Health Division of the Department of Health, the Mine Safety Division of the Department of Mines and Energy or the Accident Prevention Division of the Workers' Compensation Board, whether such reference is by official name or otherwise, shall, as regards any subsequent transaction, matter or thing relating to the affairs or matters or any of them assigned to those divisions, be held and construed to be a reference to the Division, as defined in this Act. 1996, c. 7, s. 85.

#### EFFECTIVE DATES

##### **Coal Mines Regulation Act repealed**

**86 Chapter 73 of the Revised Statutes, 1989, the *Coal Mines Regulation Act*, is repealed.** 1996, c. 7, s. 86.

##### **Metalliferous Mines and Quarries Act repealed**

**87 Chapter 284 of the Revised Statutes, 1989, the *Metalliferous Mines and Quarries Regulation Act*, is repealed.** 1996, c. 7, s. 87.

##### **Former Act repealed**

**88 The former Act is repealed.** 1996, c. 7, s. 88.

##### **Effective dates**

**89 (1)** Section 22 has effect on and after July 1, 1999, or such earlier day as the Governor in Council orders and declares by proclamation.

In force - July 1, 1999

**(2)** Section 27 has effect on and after July 1, 1997.

**(3)** Section 28 has effect on and after January 1, 1998.

**(4)** Sections 86 and 87 come into force on such day as the Governor in Council orders and declares by proclamation.

Proclaimed - August 11, 2003  
In force - November 8, 2003

**(5)** This Act, except for Sections 22, 27, 28, 86 and 87, has effect on and after January 1, 1997. 1996, c. 7, s. 89.

**Disclaimer:**

**This consolidation is unofficial and is for reference only. For the official version of the regulations, consult the original documents on file with the *Registry of Regulations*, or as published in the *Royal Gazette Part II*.**

**The *Registry of Regulations* website can be found at  
<http://www.gov.ns.ca/just/regulations/index.htm>**

**The occupational health and safety regulations listed on the *Registry of Regulations* website can be found at <http://www.gov.ns.ca/just/regulations/rxam-z.htm#ohs>**

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**Occupational Safety General Regulations**

**made under Section 82 of the *Occupational Health and Safety Act***

**O.I.C. 1999-195 (April 28, 1999, effective May 1, 2000\*), N.S. Reg. 44/99**

**as amended up to O.I.C. 2013-65 (March 12, 2013, effective June 13, 2013), N.S. Reg. 53/2013**

(\*except as otherwise noted)

**Part 1 - Title and Definitions**

**Citation**

**1** These regulations may be cited as the *Occupational Safety General Regulations*.

**Definitions**

**2** In these regulations,

(a) “Act” means the *Occupational Health and Safety Act*;

Clause 2(a) added: O.I.C. 2013-65, N.S. Reg. 53/2013.

(aa) “adequate” means sufficient to protect a person from injury or damage to health;

Clause 2(a) re-lettered as clause 2(aa): O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) “ALI” means the Automotive Lift Institute;

Clause 2(b) added: O.I.C. 2000-130, N.S. Reg. 52/2000; amended O.I.C. 2013-65, N.S. Reg. 53/2013.

(ba) “angle of repose” means the angle with the horizontal at which material will no longer flow freely;

Clause 2(b) re-lettered as clause 2(ba): O.I.C. 2000-130, N.S. Reg. 52/2000.

(c) “ANSI” means the American National Standards Institute;

(ca) “approved” means approved by the Department or by an agency or authority

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designed or selected by the Department to make approvals;

**Clause 2(ca) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(d) “ASME” means the American Society of Mechanical Engineers;

(e) “ASTM” means the American Society for Testing and Materials;

(ea) “CGA” means the Compressed Gas Association;

**Clause 2(ea) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(f) “CGSB” means the Canadian General Standards Board;

(g) “competent person” means a person who is

(i) qualified because of their knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and

**Subclause 2(g)(i) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(ii) knowledgeable about the provisions of the Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work;

(ga) “compressed air” means air mechanically raised to a pressure higher than atmospheric pressure;

**Clause 2(ga) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(h) “CSA” means the Canadian Standards Association;

(i) “demolition” means the destruction or removal of all, or part, of an existing building or structure;

(ia) “department” means the Department of Labour and Advanced Education.

**Clause 2(ia) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(j) “designated” means, in relation to an employer, appointed in writing by the employer;

**Clause 2(j) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(k) “electrical installation” means the wires, machinery, apparatus, appliances, devices, material and equipment used or intended for use for the generation, transmission, distribution, supply and use of electrical power or energy, and includes a power line and power line equipment;

- (l) “engineer” means a person who is registered as a member or licensed to practise under the *Engineering Profession Act* and is competent to do the work being performed;
- (m) “firefighter” means
  - (i) an employee who provides fire suppression services to the public from a fire department within a municipality or local service district, or
  - (ii) an industrial firefighter;
- (n) “guardrail” means a fall protection system consisting of vertical and horizontal members that
  - (I) are capable of withstanding concentrated forces, as prescribed in these regulations or an applicable standard,
  - (ii) warn of a fall hazard, and
  - (iii) reduce the risk of a fall;

**Clause 2(n) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (o) “hazardous substance” means chemical or biological material, dangerous goods within the meaning of the *Dangerous Goods Transportation Act* or a controlled product within the meaning of the *Hazardous Products Act* (Canada) that is likely to, because of its harmful nature, cause injury or damage to the health or safety of a person exposed to it;
- (p) “hoist” means a device or equipment and its structure used for lifting or lowering material, including cranes, an automotive lift, a winch, a chain fall or other similar device, but does not include a lift truck, a power operated elevating work platform, a device to which the *Elevators and Lifts Act* applies or a hoist that operates in a shaft in the underground at a mine;

**Clause 2(p) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (pa) “ITSDF” means the Industrial Truck Standards Development Foundation;

**Clause 2(pa) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (q) “industrial firefighter” means an employee who
  - (i) is designated to fight fires at the employee’s place of employment, and
  - (ii) is employed by an employer who does not, in the normal course of its

business, provide fire suppression services to the public;

- (qa) “latest version” means, in relation to a standard or other publication, the latest edition of the standard or publication as supplemented, amended, added to, replaced or superseded;

**Clause 2(qa) added: O.I.C. 2013-65, N.S. Reg.**

- (r) “lift truck” means a lift truck as defined in the latest version of ANSI standard ANSI/ITSDF B56.1, “Safety Standard for Low Lift and High Lift Trucks”;

**Clause 2(r) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (s) “locked out” means to have

- (i) isolated the energy source or sources from a machine, equipment, tool or electrical installation,
- (ii) dissipated any residual energy in a system, and
- (iii) secured the isolation of the energy source or sources by an inhibiting device that is operated by a key or other process,

and to have performed a “lock-out” has a similar meaning;

**Clause 2(t) repealed: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (u) “manufacturer’s specifications” means

- (i) the written instructions of a manufacturer of a machine, material, tool or equipment that outline the manner in which the machine, material, tool or equipment is to be erected, installed, assembled, started, operated, used, handled, stored, stopped, adjusted, carried, maintained, repaired, inspected, serviced, tested, cleaned or dismantled, and

**Subclause 2(u)(i) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (ii) a manufacturer’s instruction, operating or maintenance manual and drawings respecting a machine, tool or equipment;

**Subclause 2(u)(ii) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (ua) “mobile crane” means a mobile crane to which the latest version of CSA standard CSA Z150, “Safety Code on Mobile Cranes” applies;

**Clause 2(ua) added: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (v) “NFPA” means the National Fire Protection Association;

(va) “overhead crane” means any mechanical device or structure that is used to raise, lower and move material that travels overhead and that incorporates a

(i) power driven drum, bridge and cable or rope,

(ii) single or multiple girder, and

(iii) moveable bridge carrying a moveable or fixed hoisting mechanism,

but does not include wall cranes, cantilever gantry cranes and semi-gantry cranes;

**Clause 2(va) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(vb) “personal flotation device” means personal protective equipment that is capable of supporting a person with their head above water without the direct effort of the person wearing the equipment;

**Clause 2(vb) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(w) “power line” means the above-ground or underground wiring that is used to distribute electricity;

**Clause 2(w) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(x) “power line equipment” means the components that are required to distribute electricity by means of a power line;

**Clause 2(x) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(y) “power operated elevating work platform” means a mobile horizontal working surface that provides access and support to a person at a workplace, and that is elevated and lowered by means of a mechanism and [that complies with] Part 23: Scaffolds and Other Elevated Work Platforms, of the *Workplace Health and Safety Regulations* made under the Act;

**Clause 2(y) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(z) “powered mobile equipment” means self-propelled equipment that is designed to operate on land in conditions other than a public highway, but does not include equipment primarily designed to transport persons, a lift truck or a power operated elevating work platform;

**Clause 2(z) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(aa) “SAE” means the Society of Automotive Engineers;

(ab) “structural fire-fighting” means the activities of rescue, fire suppression and conservation of property from fires involving buildings, structures, vehicles, vessels, aircraft or other large objects constructed by human effort;

(ac) “surface mine” means a work or undertaking, other than a trench, for the purpose of opening up, proving, removing or extracting any metallic or non-metallic mineral or mineral bearing substance, rock, earth, clay, sand or gravel by means of an open excavation, and includes a pit or quarry;

(ad) “tower crane” means any mechanical device or structure that

(i) incorporates a power-driven drum and cable or rope and a vertical mast or tower and a jib,

(ii) is of the traveling, fixed or climbing type, and

(iii) is used exclusively for raising, lowering and moving material;

Clause 2(ad) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

(ae) “trench” means an excavation in which the excavation depth exceeds the excavation width;

(af) “work area” means a location at the workplace at which an employee or self-employed person is or is likely to be working;

Clause 2(af) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(ag) “worked” means drilled, blasted, extracted, excavated, loaded or subjected to other similar work.

Clause 2(ag) added: O.I.C. 2000-130, N.S. Reg. 52/2000.

## Part 2 - General

### Application

3 These regulations apply to all workplaces to which the *Occupational Health and Safety Act* applies, unless otherwise expressly provided in these regulations.

Section 3 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### Duties of parties

4 (1) A duty imposed by these regulations on an employer, is also imposed on any contractor, constructor, supplier, employee, owner or self-employed person, to the extent of the contractor’s, constructor’s, supplier’s, employee’s, owner’s or self-employed person’s authority and ability to discharge the duty in the circumstances.

Subsection 4(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(2) For the purpose of applying Section 23 of the Act and determining the person with the greatest degree of control,

- (a) the person with the greatest authority and ability to ensure that a duty is discharged or a requirement is met is presumed to be the person with the greatest degree of control over the matter that is the subject of the duty or the requirement; and
- (b) a provision in a lease or other agreement relating to property rights that gives a specified owner authority to control an aspect of lands or premises that are used as a workplace, is *prima facie* evidence that the specified owner has the greatest degree of control over that aspect of the land or premises.

**Subsection 4(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Conflict with these regulations**

- 5**
- (1) If there is any conflict between these regulations and a manufacturer's specifications or a standard incorporated by reference into these regulations, these regulations prevail.
  - (2) Despite a requirement in these regulations to comply with a standard or other publication incorporated by reference into these regulations, an express requirement of these regulations that varies from the standard or publication prevails over the standard or publication.

**Section 5 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Compliance with standards incorporated by reference**

- 6**
- (1) Except as otherwise specified in these regulations, an object that is required by these regulations to comply with the latest version of a standard must conform to the physical specifications contained in the latest version of the standard unless there is no evidence raising a reasonable doubt as to whether the object is adequate and the object meets of the following:
    - (a) the object conforms to the physical specifications contained in the latest version of the standard as of the object's date of manufacture;
    - (b) no version of the standard existed at the object's date of manufacture but the object conforms to generally accepted engineering principles prevailing at the object's date of manufacture.
  - (2) Except as otherwise provided in these regulations, any activity in relation to an object, including inspection, maintenance and use, that is required by these regulations to comply with the latest version of a standard must comply with the latest version of the standard unless it is established that compliance with 1 of the following is more likely to ensure adequate performance of the object:
    - (a) an earlier version of the standard;

- (b) generally accepted engineering principles prevailing at the object's date of manufacture.
- (3) If these regulations require that an object or activity comply with the specifications of a standard, whether a specific edition or the latest version, then a person must comply with the standard and use that object or do that activity in accordance with the standard unless these regulations specifically provide otherwise.
  - (4) An employer must ensure that a person using an object or performing an activity required to comply with the specifications of a standard, whether a specific edition or the latest version, is trained in accordance with the standard, and the person must undergo the training, unless these regulations specifically provide otherwise.
  - (5) For the first 3 calendar months after a standard or publication is issued, including the month it is issued, a person is in compliance with these regulations if they comply with
    - (a) the version or edition of the standard or publication required by these regulations; or
    - (b) the version or edition of the standard or publication issued immediately before the version or edition required by these regulations.

Section 6 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Compliance with policies, procedures, plans and codes of practice**

- 7 (1) An employer must ensure that any written policy, procedure, plan or code of practice is adequate and implemented.
- (2) Each person required to perform a function under a written policy, procedure, plan or code of practice must be trained generally in respect of the policy, procedure, plan or code of practice, and trained in particular in the requirements relating to their functions.
- (3) A person must comply with all written policies, procedures, plans and codes of practice established for the purposes of the Act and these regulations, including undergoing any training required.

Section 7 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Communicating and updating policies, procedures, plans and codes of practice**

- 7A (1) In addition to any specific requirements under the Act, an employer must ensure that all policies, procedures, plans and codes of practice are
  - (a) made available at the applicable work area at all times;

- (b) reviewed with any affected persons, including any person planning work, before work is undertaken;
  - (c) updated whenever conditions affecting work change.
- (2) Before any work is undertaken, an employer must ensure that the necessary information, instruction, training, supervision, facilities and equipment are provided to implement any part of a policy, procedure, plan or code of practice applicable to a workplace.

Section 7A added: O.I.C. 2013-65, N.S. Reg. 53/2013.

**Consulting with Committee on policies and procedures**

**7B** An employer establishing or reviewing a written policy, procedure, plan or code of practice for the purpose of the Act or these regulations must do so in consultation with the committee or representative, if any.

Section 7B added: O.I.C. 2013-65, N.S. Reg. 53/2013.

**Employer to keep records**

**8** (1) Except as specified in subsection (2) or otherwise specified in these regulations, an employer must keep a record referred to in these regulations for at least 5 years after the date the record was made.

(2) An employer must keep records set out in the following table for the periods of time specified:

<b>Record</b>	<b>Minimum length of time kept</b>
inspection reports or orders received from the Division	2 years after the date the report or order is received
written procedures, plans or codes of practice	2 years after the date the procedure, plan or code of practice is replaced or cancelled
records made by the employer of inspection, maintenance or repair work	2 years after the date the record is made

Section 8 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

Section 8A added: O.I.C. 2000-130, N.S. Reg. 52/2000; repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.

**Part 3 - Personal Protective Equipment**

**Use of personal protective equipment**

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- 9** (1) An employer shall ensure that adequate personal protective equipment or devices required for an assigned task are used, based on
- (a) the nature of the task;
  - (b) the location and conditions of the workplace; and
  - (c) any hazards that may affect the health and safety of persons in the workplace.

**Clause 9(1)(c) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Where personal protective equipment or devices are required under the Act or these regulations, an employer shall ensure that
- (a) an employee receives adequate training in the proper use and care of the personal protective equipment or devices; and
  - (b) an employee wears or uses the personal protective equipment or devices in accordance with the instruction and training provided.
- (3) An employer shall ensure that all personal protective equipment or devices required under the Act or these regulations are
- (a) maintained by a competent person; and
  - (b) tested or visually inspected before each use,
- in accordance with the manufacturer's specifications.
- (4) Where a person identifies any defect in personal protective equipment or devices that may impair the adequacy of the equipment or devices, the employer shall ensure that the personal protective equipment or devices are not used until they are repaired.

**Section 9 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**9A** An employee shall wear or use personal protective equipment or devices as required under clause 9(2)(b).

**Section 9A added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

### **Hazard to eyes, face or neck**

- 10** (1) Where a person is exposed to a hazard that may irritate or injure the eyes, face, or front of the neck, an employer shall ensure that protective equipment is worn that is appropriate to the hazard and that complies with CSA standard CSA Z94.3, "Industrial Eye and Face Protectors".

Subsection 10(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) Subsection (1) does not apply if a person operating a chain saw is wearing adequate face protection as a substitute for the protective equipment referred to in subsection (1).

### **Hazard to head**

**11** Where a person is exposed to a hazard that may injure the person's head, an employer must ensure that protective equipment is worn that is appropriate to the hazard and that complies with 1 of the following standards:

- (a) the latest version of CSA standard CSA Z94.1, "Industrial Protective Headwear"; or
- (b) the latest version of ANSI standard ANSI Z89.1, "Industrial Head Protection".

Section 11 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Hazard to foot or skin**

**12** (1) Where a person is exposed to a hazard that may injure the person's foot, an employer shall ensure that protective equipment is worn that is appropriate to the hazard and that complies with the latest version of CSA standard CSA Z195, "Protective Footwear".

Subsection 12(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) Where a person is exposed to a hazard that may injure the skin, an employer shall ensure that adequate protection is worn or used.

### **Respiratory hazard**

**13** (1) Where a person is exposed to a respiratory hazard that may cause injury or disease, an employer shall provide and ensure the use of an adequate respirator that is appropriate to the hazard.

Subsection 13(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) An employer shall ensure that the compressed breathing air used in a respirator complies with or exceeds the latest version of CSA standard CAN3-Z180.1, "Compressed Breathing Air and Systems".

Subsection 13(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (3) An employer shall ensure compliance with the latest version of CSA standard CSA Z94.4, "Selection, Use, and Care of Respirators", in respect of
  - (a) the selection, use, maintenance and testing of a respirator; and
  - (b) the training of users of a respirator

Subsection 13(3) added: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

Subsection 13(4) added: O.I.C. 2000-130, N.S. Reg. 52/2000; repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Risk of drowning**

- 14 (1) Where a person is exposed to the risk of drowning at a workplace, an employer must do 1 of the following:
- (a) subject to subsection (2), select, provide and ensure the use of a life jacket or personal ~~floatation~~ [flotation] device for the person;
  - (b) provide an alternative means of protection that ensures an equivalent level of safety to prevent a person from drowning.
- (2) If a person working alone is exposed to the risk of drowning and is not visible to or within hearing distance of another person who is in a position to immediately come to their aid, an employer complying with clause (1)(a) must ensure the life jacket or personal flotation device selected, provided and used by the person is designed to provide buoyancy without any effort by the user and to rotate an unconscious person to an upward facing position in the water.
- (3) A life jacket or personal ~~floatation~~ [flotation] device selected in accordance with clause (1)(a) or required by subsection (2), must meet all of the following requirements:
- (a) it is approved by Transport Canada, Canadian Coast Guard or US Coast Guard;
  - (b) it is appropriate for the weight of the person who will wear it;
  - (c) it has sufficient buoyancy to keep the person's head above water.
- (4) Where a person is exposed to the risk of drowning at a workplace, an employer must provide all of the following rescue equipment:
- (a) a life buoy with 15 m of polypropylene rope that is at least 10 mm in diameter or that is made from material that provides an equivalent level of protection;
  - (b) a boat hook;
  - (c) an audible alarm system to notify of an accident and to initiate the rescue procedure;

- (d) an adequate motor boat to ensure a safe and timely rescue, if appropriate.
- (5) Where a person is exposed to the risk of drowning at a workplace, an employer must ensure that enough employees are
  - (a) designated to perform specific rescue tasks;
  - (b) informed as to adequate rescue procedures; and
  - (c) trained in the rescue procedures and use of rescue equipment so that they can perform rescue operations safely.
- (6) Where work is being done above water that has a fast current, if reasonably practicable, a line that meets all of the following criteria must be placed across the water:
  - (a) it is made of polypropylene rope that is 10 mm in diameter or material that provides an equivalent level of protection;
  - (b) it has buoys or some other flotation device attached to it.
- (7) A person that is exposed to the risk of drowning must wear a life jacket or personal flotation device as required by this Section.

Section 14 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

#### **Part 4 - Ventilation, Lighting, Sanitation and Accommodation**

##### **Ventilation**

**15** An employer shall

- (a) provide for a supply of fresh air into, and the removal of air from, a workplace or part thereof that is, so far as is reasonably practicable, sufficient to
  - (i) keep the air reasonably pure, and
  - (ii) render harmless all gases, vapours, dust or other impurities that are likely to endanger the health or safety of any person therein;
- (b) where a process is carried on that produces a gas, vapour, dust or other impurity that is likely to be inhaled to an injurious extent by a person in the workplace, provide and use such mechanical means as are capable of
  - (i) preventing such inhalation so far as is reasonably practicable,

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- (ii) effectively carrying off and disposing of the impurity, and
  - (iii) preventing the recirculation and re-entry into the workplace of air containing the impurity; and
- (c) ensure that all ventilation systems used for controlling the dissemination of gases, vapours, dust or other impurities, including their collection systems and emptying processes, are designed, installed, operated, maintained and repaired in an adequate manner by a competent person.

Clause 15(c) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Lighting**

- 16** (1) An employer shall ensure the provision of lighting that is sufficient for the type of work being done considering
- (a) the quantity of illumination; and
  - (b) the quality of illumination, including reflectance, direct glare and reflected glare.
- (2) Where it is reasonably practicable, an employer shall use the latest version of the applicable standard listed below to determine the lighting required by subsection (1):
- (a) ANSI standard ANSI/IES-RP-7, “American National Standard Practice for Industrial Lighting”;
  - (b) ANSI standard ANSI/IESNA RP-1, “American National Standard Practice for Office Lighting”.

Clause 16(2)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

Subsection 16(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- 17** Where failure of the normal lighting system may constitute a danger to the health or safety of a person, the employer shall ensure that emergency lighting is available.

### **Drinking water**

- 18** (1) An employer shall, where reasonably practicable, make accessible sufficient potable water for drinking and hand-cleaning that
- (a) is close enough to the work area that neither drinking nor washing is inhibited;
  - (b) is no further away than 200 m from the work place; and

- (c) meets the standards set out in the latest version of the *Guidelines for Canadian Drinking Water Quality* published by the federal Department of Health.

**Clause 18(1)(c) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**Subsection 18(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) Where drinking water is not taken directly from a water pipe, an employer shall ensure that it is kept in a container that is covered in an adequate manner and, if used by more than one person, that the container is equipped with a faucet.
- (3) An employer shall, where reasonably practicable, make accessible individual sanitary drinking vessels or cups to be used with drinking water, except where the drinking water is delivered in an upward jet from which a person may drink.
- (4) Where outlets exist for both drinking water and water not suitable for drinking, an employer shall appropriately and clearly label the outlets.

## **Toilets**

- 19** (1) An employer shall make accessible a minimum number of toilets for each gender, determined according to the maximum number of persons of each gender who are normally employed at any one time at the same workplace, as follows:
- (a) where the number of persons does not exceed 9, 1 toilet;
  - (b) where the number of persons exceeds 9 but does not exceed 24, 2 toilets;
  - (c) where the number of persons exceeds 24 but does not exceed 49, 3 toilets;
  - (d) where the number of persons exceeds 49 but does not exceed 74, 4 toilets;
  - (e) where the number of persons exceeds 74 but does not exceed 100, 5 toilets;  
and
  - (f) where the number of persons exceeds 100, 5 toilets and 1 toilet for every 30 such persons in excess of 100.

**Subsection 19(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Despite subsection (1), where a workplace, such as a motor vehicle or an isolated small temporary workplace such as a logging operation or a survey site, does not have running water or sewage facilities, an employer shall ensure that the toilets required in subsection (1) are accessible where it is reasonably practicable.

- (3) Despite subsection (1), where the total number of persons normally employed in the workplace at any one time does not exceed 9, an employer may provide 1 toilet for both male and female persons if the toilet is situated in a room with an entrance door that is fitted on the inside with a locking device.

**Subsection 19(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (4) Despite subsection (1), where more than 2 toilets are required for male employees, an employer may substitute urinals for up to **B** of the required number of toilets.
- (5) An employer shall ensure that toilets are of the water flush, chemical, self-contained portable or other similar types of toilets.
- (6) An employer shall ensure that a toilet facility required by these regulations is
  - (a) within easy access of a person's workplace;
  - (b) enclosed so that a person is sheltered from view and protected from the natural elements;
  - (c) adequately ventilated and illuminated;
  - (d) heated, where reasonably practicable;
  - (e) kept in a clean and sanitary condition;
  - (f) provided with a sufficient supply of toilet paper;
  - (g) provided with a waste receptacle;
  - (h) maintained in working condition; and
  - (i) in the case of a self-contained unit, emptied and serviced at intervals to ensure that the unit does not overflow.
- (7) An employer shall ensure that an employee has reasonable opportunities to use the toilet facilities.

### **Hand-cleaning facilities**

- 20** (1) Where the workplace has running water, an employer shall provide a wash basin or equivalent hand-cleaning facility in a room with 1 toilet and sufficient additional wash basins or equivalent hand-cleaning facilities in the room for additional toilets or urinals.

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- (2) Where the workplace does not have running water and toilet facilities are provided, an employer shall provide hand-cleaning facilities or supplies.

**Subsection 20(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3) An employer shall provide a hand-cleaning facility and supplies as close to any toilet as is reasonably practicable.

**Subsection 20(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (4) Where a person works in an area that is exposed to a hazardous substance that may contaminate food, an employer shall provide the person with the opportunity, facilities and supplies for hand cleaning.

- (5) Where a wash basin is provided, an employer shall provide

- (a) hot and cold running water;
- (b) soap or other appropriate cleansers; and
- (c) sufficient sanitary hand-drying facilities.

### **Eating areas**

- 21** (1) Where the possibility of contamination of food from a hazardous substance exists in a work area, an employer shall provide an enclosed eating area separate from the work area.

**Subsection 21(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) The eating area referred to in subsection (1) shall be

- (a) kept in a sanitary condition; and
- (b) adequately provided with
  - (i) light, heat and ventilation,
  - (ii) tables and seating sufficient for the number of persons who use the eating area at any one time, and

**Subclause 21(2)(b)(ii) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (iii) garbage receptacles.

**Subsection 21(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) No person shall store food or drink in an area where the food or drink may be contaminated by a hazardous substance.

## **Work clothes and change rooms**

- 22** (1) Where the nature of a person's work makes it necessary for the person to change out of street clothes and into work clothes to protect the person's health or safety, an employer shall provide a changing room and storage for the person's street clothes and work clothes that will prevent the clothes from becoming wet or dirty.
- (2) Where a person's work clothes are liable to be contaminated so that the health or safety of a person may be adversely affected by exposure to the clothes when contaminated, an employer shall provide
- (a) work clothes for the person's use;
  - (b) storage for the person's street clothes and work clothes that will prevent the street clothes from becoming wet, dirty or contaminated;
  - (c) a changing room; and
  - (d) for work clothes to be cleaned as necessary.
- (3) Where an employee's skin may be contaminated by a hazardous substance, an employer shall provide a shower facility if it is reasonably practicable.

**Subsection 22(3) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (4) For the purposes of subsection (3), the employer shall provide a shower facility that includes
- (a) a number of showers for each gender determined according to the maximum number of persons of each gender who are normally employed at the same workplace and who are exposed as described in subsection (3) at any one time as follows:
    - (i) where the number of employees does not exceed 10, 1 shower, and
    - (ii) an additional shower for each unit of 10 additional employees of each gender;

**Clause 22(4)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (b) a sufficient water supply that can be manually adjusted to come within a range of 35°C and 45°C; and
- (c) sufficient soap and towels.

## **Emergency showers and eyewashes**

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**23** (1) Where a person's skin or eyes may be acutely affected by an exposure to a caustic, acidic or other hazardous substance, an employer shall provide 1 of the following in the work area where the exposure may occur:

- (a) an emergency shower;
- (b) an eye wash fountain;
- (ba) enough flushing fluid to last at least 15 minutes;

**Clause 23(1)(ba) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (c) other equipment sufficient for removal of the substance.

**Subsection 23(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(2) An eye wash or shower equipment that is used must meet all of the following requirements:

- (a) it must comply with the requirements of the latest version of ANSI standard ANSI/ISEA Z358.1, "American Standard for Emergency and Shower Equipment";
- (b) it must be installed, operated, inspected and maintained in accordance with the manufacturer's instructions;
- (c) it must be located so that there is an unobstructed path to the equipment and the user can access the equipment within 10 seconds of exposure;
- (d) it must provide sufficient flushing fluid at sufficient pressure for the greater of
  - (i) 15 minutes, and
  - (ii) the time indicated on the MSDS sheet;
- (e) it must have the instructions for use and an expiration date permanently affixed to the unit.

**Subsection 23(2) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Waste material and debris**

**24** An employer must ensure that, on a regular basis, waste material and debris are

- (a) collected or positioned so as to prevent a hazard; and
- (b) removed from a workplace to a suitable disposal area.

Subsection 23(2) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Fire protection and escape**

**25** (1) An employer shall ensure that adequate fire protection is provided in the workplace.

(2) An employer shall inspect, maintain and service the fire protection equipment required in subsection (1) in accordance with the manufacturer's specifications.

Subsection 25(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(2A) In addition to any requirements that the specifications under subsection (2) may impose respecting fire extinguishers, an employer must ensure that all fire extinguishers are inspected annually.

Subsection 25(2A) added: O.I.C. 2013-65, N.S. Reg. 53/2013.

(3) In determining the type and quantity of fire protection required in subsection (1), an employer must consider all of the following:

(a) where the workplace is an occupied or enclosed structure, the requirements of the *National Fire Code*, as adopted and modified under the *Fire Safety Act* and the *Fire Safety Regulations* made under that Act;

(b) where the workplace is a project, the requirements of the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act.

Subsection 25(3) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

(4) Subject to any requirements in the legislation, regulations or codes referred to in subsection (3), unless each person present in the workplace has suitable keys to all doors that are required to be open to exit the premises, no person shall lock, bolt or bar a door while a person is present in the workplace, if doing so would prevent a person from exiting a work area.

Subsection 25(4) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(5) The requirements of subsection (4) do not apply to a room in which a legally restrained person is located and other means of protection from fire are provided.

## **Part 5 - Handling and Storage of Material**

### **General handling of objects and material**

**26** Where the lifting or moving of a thing or person may be a hazard to the health or safety of a person at the workplace, an employer shall ensure that

(a) adequate and appropriate equipment for the lifting and moving is provided;  
and

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- (b) training and instruction as to the appropriate method of performing the lifting and moving is provided in accordance with the equipment manufacturer's instructions, or, where there are no equipment manufacturer's instructions, in accordance with adequate work methods and lifting and moving techniques.

**Clause 26(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**Section 26 amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**27** (1) An employer shall ensure that where rubbish or debris is moved, it is carried in suitable containers, or moved by means of chutes or other safe methods that provide an equivalent degree of protection.

- (2) An employer shall ensure that a chute or other safe method that provides an equivalent degree of protection is used where rubbish or debris is lowered more than 6 m vertically.

**Subsection 27(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) Subsections (1) and (2) do not apply during demolitions if

- (a) a heavy weight suspended by a cable from a crane or other hoist; or
- (b) a power shovel, bulldozer or other powered mobile equipment,

is used to conduct the demolition.

**Subsection 27(3) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**28** An employer shall ensure that a chute

- (a) is well constructed and rigidly fastened;
- (b) if at more than 45° to the horizontal, is enclosed on all sides; and
- (c) has an adequate gate on every loading entrance and at the bottom.

**Clause 28(c) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**29** An employer shall ensure that the entrance to a chute

- (a) has a 100 mm by 100 mm or larger curb or cleat, where the entrance is at or below the floor level;
- (b) is not more than 1.2 m above the floor; and
- (c) is kept closed when not in use.

### **Bulk material in bins, hoppers and tanks**

**30** An employer shall ensure that a bin, hopper, tank or other similar structure used to store combustible bulk material

- (a) has a lid, an adequate ventilation system and is fire resistant; or
- (b) has alternative measures that provide an equivalent level of safety.

Section 30 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

**31** Where a person is likely to be endangered by clogs in bulk material stored in a bin, hopper, tank or other similar structure, an employer shall establish a written work procedure for the safe breaking up of clogs and shall ensure that a copy of the work procedure is readily available near the bin, hopper, tank or structure.

### **Piled material**

**32** An employer shall ensure that piled material is

- (a) located so as not to interfere with
  - (i) illumination,
  - (ii) ventilation,
  - (iii) means of access and exit,
  - (iv) passageways or traffic lanes,
  - (v) the operation of machines,
  - (vi) sprinklers and firefighting equipment, or
  - (vii) electrical panels or energized electrical power lines;
- (b) located on a firm foundation that is able to support the load;
- (c) located so that the pile is not resting against a partition or wall of a building unless the partition or wall is designed to support the load;
- (d) arranged in a manner that makes it stable;
- (e) protected from conditions that may significantly damage the structural integrity of any container used to store the material; and

(f) regularly inspected for hazards.

**33** Where pipes, bar stock or other material or objects may create a hazard by rolling, an employer shall ensure that the piled material is stacked in a manner to prevent rolling.

**34** (1) Where unconsolidated bulk material is stockpiled, an employer must

(a) ensure that it is inspected by a competent person to determine if it is in a safe condition before a person is permitted to work close to or on the pile; and

(b) comply with the requirements of Sections 185 to 189 of these regulations.

**Subsection 34(1) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(2) Where unconsolidated bulk material is stockpiled and removed by means of powered mobile equipment, an employer shall ensure that

(a) the working face of the unconsolidated bulk material is sloped at the angle of repose;

(b) the vertical height of the working face of the unconsolidated bulk material is not more than 1.5 m above the maximum reach of the equipment; or

(c) the work is performed in accordance with written specifications and a written safe work procedure certified by an engineer, following consultation with the committee or representative, if any.

**Clause 34(2)(c) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(3) Where the face of unconsolidated bulk material is undermined or undercut by means of powered mobile equipment, an employer shall ensure that the undermining or undercutting is

(a) restricted to the depth of the bucket of the powered mobile equipment;

(b) permitted only when the approach of the powered mobile equipment is at a 90° angle plus or minus 5° to the face of the material; and

(c) performed in accordance with written specifications and a written safe work procedure certified by an engineer, following consultation with the committee or representative, if any.

**Subsection 34(3) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(4) Where unconsolidated material is loaded or unloaded from a vehicle or equipment, an employer shall ensure that adequate precautions are taken to ensure that the

vehicle or equipment does not overturn.

Section 35 repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Hazardous substance storage**

- 36** (1) An employer shall ensure that a container used for storing a hazardous substance is designed, constructed and maintained in an adequate manner.
- (2) In determining whether or not a container is adequate, an employer shall consider
- (a) the material safety data sheet for the substance, if one exists;
  - (b) information provided by the supplier;
  - (c) whether there is a means of ensuring that a leak can be readily detected;
  - (d) the location where the container is stored, including
    - (i) the foundation on which the container is placed, and its ability to resist reaction with the hazardous substance, and
    - (ii) the need for overflow pipes, catch basins and other similar devices to ensure that the contents of the hazardous substance are contained in case of a leak; and
  - (e) the need to ensure that the container does not significantly corrode from exposure to the hazardous substance in the container.
- 37** Where a container has been used to store a hazardous substance and the container will not be refilled with the same or a compatible substance, an employer shall ensure that the container is cleaned in an adequate manner without undue delay, unless the container is rendered unusable.
- 38** (1) In this Section “carboy” means a bottle or container for liquids of a 20 L capacity or greater, but less than 75 L, and made of glass, plastic or metal.
- (2) An employer shall ensure that a carboy containing a liquid hazardous substance is
- (a) if the carboy is made of glass, individually encased in a basket or box or other suitable container cushioned with noncombustible packing during transportation;
  - (b) stored with compatible material in a storage area or building with flooring that

is resistant to the chemical being stored;

- (c) not piled on top of another carboy, unless piled in accordance with the manufacturer's specifications;
- (d) placed in a suitable storage rack or on strips laid on the floor; and
- (e) stored in accordance with the manufacturer's specifications.

**Subsection 38(3) repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**39** Where a hazardous substance is likely to create a hazard if it reacts with another substance, an employer shall ensure that the substances are stored separately.

**40 (1)** An employer shall ensure that piping and associated equipment is

- (a) constituted of material that will not significantly deteriorate because of any hazardous substance contained within it; and
- (b) maintained in adequate operating condition.

**(2)** For each pipe and associated equipment referred to in subsection (1), an employer shall establish an inspection schedule and conduct inspections according to that schedule.

**Section 40 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**41** Where a hazardous substance is used in a workplace in such quantities that a spill could affect the health or safety of a person, an employer shall ensure that

- (a) it is kept only in working quantities in areas where a person is working;
- (b) a written emergency procedure that includes the use of emergency equipment, if necessary, is established for use in the event of escape of a hazardous substance; and

**Clause 41(b) amended : O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (c) any spillage of a hazardous substance is immediately cleaned up in an adequate manner.

### **Rechargeable storage batteries**

**42 (1)** An employer shall ensure that the electric charging of rechargeable storage batteries is performed in accordance with the battery manufacturer's specifications.

- (2) Where the electric charging of rechargeable storage batteries is routinely performed, and there are reasonable grounds to believe that contaminants are likely to be generated during the charging process, an employer shall obtain an assessment in writing from a competent person, who shall
  - (a) consult with the committee or representative, if any; and
  - (b) determine whether the charging is likely to cause an explosive mixture of hydrogen or the release of another hazardous substance.
  
- (3) Where the assessment referred to in subsection (2) determines that the electric charging of rechargeable storage batteries is likely to cause an explosive mixture of hydrogen or the release of another hazardous substance, an employer shall ensure that
  - (a) electric charging is performed in a designated area or room that
    - (i) is adequately ventilated to prevent the accumulation of flammable gases,
    - (ii) is marked at the entrance with a notice prohibiting smoking or open flames,
    - (iii) has a floor made of non-sparking material, and
    - (iv) where rechargeable storage batteries are mounted in trays or on racks, has level trays or racks constructed or covered with non-sparking material and of sufficient strength to carry the weight of the batteries; and
  - (b) a person who connects or disconnects rechargeable storage batteries for the purpose of electric charging uses non-sparking tools.

**Subsection 42(3) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (4) An employer shall ensure that a competent person prepares a written review of the assessment required in subsection (2) on an annual basis or when there is a change in the process or volume of electric charging, whichever is the lesser period of time.
  - (5) Where electrolyte is spilled, an employer shall ensure that the spill is immediately cleaned up in an adequate manner to neutralize the electrolyte.
- 43** (1) An employer shall ensure that a competent person changes or charges a rechargeable storage battery.

- (2) Where a rechargeable storage battery is charged, or filled with or drained of electrolyte, an employer shall
  - (a) provide an employee performing this work with
    - (i) goggles and a face shield,
    - (ii) acid resistant gloves, and
    - (iii) an acid resistant apron; and
  - (b) ensure that an employee uses this personal protective equipment while performing this work.

**44** An employer shall ensure that a rechargeable storage battery

- (a) is adequately secured when in use or during charging;
- (b) has unobstructed ventilation openings; and

Clause 44(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (c) where it contains an electrolyte and is of no further use, is disposed of in a manner that prevents unintentional spillage of electrolyte.

Clause 44(c) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Compressed gas**

**45** (1) An employer shall ensure that compressed gas in a container is used, stored and handled in an adequate manner.

- (2) For the purpose of subsection (1), the latest version of Compressed Gas Association standard CGA P-1, "Safe Handling of Compressed Gases in Containers" is presumed to indicate the required standard of reasonable care, unless an employer proves that this is not reasonably practicable in a particular circumstance.

Subsection 45(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

**46** (1) An employer shall ensure that a regulator, automatic reducing valve, gauge, hose line or other equipment provided for use with a compressed gas cylinder and a particular gas or group of gases, is not used on a compressed gas cylinder containing a different gas unless this use is approved by the supplier of the regulator, automatic reducing valve, gauge, hose line or other equipment.

- (2) An employer shall ensure that a compressed gas cylinder has

- (a) connections to piping, regulators and other components that are kept tight to prevent leakage; and
- (b) valves that are kept closed at all times, whether the cylinder is charged or empty, except where
  - (i) gas is flowing from the cylinder,
  - (ii) the gas in the cylinder is maintaining pressure in a supply line, or
  - (iii) the cylinder is on stand-by during and between operations using gas.
- (3) An employer shall ensure that hose lines for conveying flammable gas or oxygen from supply piping or compressed gas cylinders to torches have threads designed in compliance with the latest version of Compressed Gas Association standard ANSI/CGA V-1, "American National Standard/Compressed Gas Association Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections".

Subsection 46(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Portable compressed gas cylinders**

- 47 (1) In this Section and in Sections 48 and 49, "portable compressed gas cylinder" means a cylinder having a water capacity of 450 kg or less that contains or is intended to contain a compressed or liquefied gas.
- (2) Subject to the *Fire Safety Act*, an employer shall ensure that a portable compressed gas cylinder is stored
- (a) in a well-ventilated storage area where the temperature does not exceed 52°C;
  - (b) with cylinders grouped by types of gas and the groups arranged to take into account the gases contained;
  - (c) with full and empty cylinders separated;
  - (d) at a safe distance from all operations that produce flames, sparks or molten metal or result in excessive heating of the cylinder;
  - (e) securely; and
  - (f) with protective devices in place.

Subsection 47(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (3) Subject to the *Fire Safety Act*, an employer shall ensure that a portable compressed

gas cylinder is

- (a) not exposed to corrosive materials or corrosion-aiding substances; and
- (b) protected from falling and from having objects fall on it.

**Subsection 47(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (4) An employer shall prominently post in a storage area for portable compressed gas cylinders the names of the gases stored and signs prohibiting smoking.

**48 (1)** No person shall

- (a) roll a portable compressed gas cylinder on its side;
  - (b) subject a portable compressed gas cylinder to rough handling; or
  - (c) move a portable compressed gas cylinder with a lifting magnet.
- (2) Where appropriate lifting mechanisms have not been provided on a portable compressed gas cylinder, an employer shall ensure that suitable cradles or platforms for holding the cylinder are used for lifting it.

**49** An employer shall ensure that a portable compressed gas cylinder is

- (a) securely fastened and in an upright position during transportation, unless designed for transport in another orientation;
- (b) has a protective cap attached or located on the cylinder or the cylinder is positioned in a manner that will provide an equivalent level of safety during transportation; and
- (c) is transported in a manner that will prevent damage to the cylinder and its components.

### **Refuelling**

**50** An employer shall establish an adequate refuelling procedure for equipment that has an internal combustion engine and an employee shall follow the procedure when refuelling equipment.

**Section 50 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

## **Part 6 - Lock-out**

### **Interpretation, application, control and energizing**

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- 51**     **(1)**   In this Part,
- (a) “equipment” includes
    - (i) pipes for transporting a material, and
    - (ii) hydraulic or pneumatic lines;
  - (b) “lock-out device” means the device that secures the isolation of the energy source of a locked out machine, equipment, tool or electrical installation;
  - (c) “lock-out location” means the location of a lock-out device;
  - (d) “lock-out tag” means a tag that
    - (i) is installed at a lock-out location,
    - (ii) has words directing a person not to start or operate the machine, equipment, tool or electrical installation,
    - (iii) identifies the person who has performed a lock-out, and
    - (iv) does not readily conduct electricity; and
  - (e) “zero energy state” means a condition in which a machine, equipment, tool or electrical installation is rendered incapable of spontaneous or unexpected action or otherwise releasing kinetic or potential energy.
- (2)** This Part applies to a machine, equipment, tool or electrical installation that is erected, installed, assembled, started, operated, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, maintained, repaired or dismantled .
- (3)** An employer shall ensure that, in addition to any normal start and stop control mechanism, a machine, equipment, tool or electrical installation has a means of isolating all sources of energy to the machine, equipment, tool or electrical installation that is
- (a) accessible when needed by an employee; and
  - (b) readily identifiable.
- (4)** An employer shall ensure that where a person may be exposed to a hazard by the manual or automatic energizing of a machine, equipment, tool or electrical

installation, or any part of it, a de-energized machine, equipment, tool or electrical installation, or any part of it, is energized

- (a) only in accordance with an applicable written procedure established by the employer; and
- (b) only after all persons are clear of the hazardous area and have been instructed to remain clear.

**Subsection 51(4) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**[Note: Section 51 effective November 1, 2000.]**

### **Lock-out procedure**

**52 (1)** Where work is performed on a machine, equipment, tool or electrical installation, and the work is hazardous to a person in the workplace if the machine, equipment, tool or electrical installation is or becomes energized, an employer shall ensure that

- (a) the work is done in accordance with a written lock-out procedure established by the employer;
- (b) no person works on the machine, equipment, tool or electrical installation until the machine, equipment, tool or electrical installation

(i) is put in and maintained at a zero energy state,

**Subclause 52(1)(b)(i) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(ii) is locked out, and

(iii) has a lock-out tag at each lock-out location; and

- (c) a competent person verifies that the requirements of clauses (a) and (b) have been complied with and tests to determine that the machine, equipment, tool or electrical installation is in a zero energy state.

**(1A)** No employee shall perform work on a machine, equipment, tool or electrical installation in the circumstances described in subsection (1) unless the requirements of clause 52(1)(b) are met.

**Subsection 52(1A) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**(2)** The written lock-out procedure referred to in subsection (1) shall include

- (a) provision for complying with the requirements of subsection (1);
- (b) the method of notifying a person in the work area of safe conditions for work

after a lock-out has been completed;

- (c) the method of determining that all persons near the locked out machine, equipment, tool or electrical installation are clear of the hazardous area and have been instructed to remain clear before the machine, equipment, tool or electrical installation, or any part of it, is energized; and
- (d) the method of energizing the machine, equipment, tool or electrical installation.

[Note: Section 52 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

- 53** (1) No person other than the person who installed it shall remove a lock-out device or a lock-out tag on a machine, equipment, tool or electrical installation.
- (2) Despite subsection (1), where reasonable attempts have been made to contact the person who locked out the machine, equipment, tool or electrical installation and that person is not available,
- (a) in a serious emergency, a person who has determined that it is safe to energize the equipment may remove a lock-out device or a lock-out tag; or
  - (b) a competent person who
    - (i) is designated in the written lock-out procedure, and
    - (ii) has determined that it is safe to energize the equipment,may remove a lock-out device or a lock-out tag.

[Note: Section 53 effective November 1, 2000.]

- 54** Despite subsection 51(4) or Section 52, where work is performed on a machine, equipment, tool or electrical installation, and the work is hazardous to a person in the workplace if the machine, equipment, tool or electrical installation is or becomes energized, and the requirements of subsection 51(4) or Section 52 are
- (a) inappropriate for the work to be performed or inadequate for the protection of persons at the workplace; or
  - (b) not reasonably practicable where the electrical installation is used for the generation or transmission of electricity,
- an employer may substitute for the requirements of those provisions an alternative

adequate written procedure that specifies personnel responsibilities, training and equipment requirements and the details for carrying out the work in a manner that will ensure the safety of all person who may be exposed to a hazard arising from the work.

[Note: Section 54 effective November 1, 2000.]

## **Part 7 - Hoists and Mobile Equipment**

### **General provisions**

**55** An employer shall ensure that a hoist, lift truck or powered mobile equipment is erected, installed, assembled, started, operated, used, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, maintained, repaired, modified and dismantled in accordance with the manufacturer's specifications, or the specifications certified by an engineer.

Section 55 amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**56** An employer shall ensure that a hoist, lift truck or powered mobile equipment

- (a) is operated by a competent person;
- (b) has gears and moving parts securely guarded by adequate means where necessary to prevent a hazard to a person in the workplace; and
- (c) has any load on it adequately secured where necessary to prevent a hazard to a person in the workplace; and
- (d) is provided with safe means of access and exit from the operator's position and any passenger's position.

Section 56 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Signaller**

- 57** (1) An employer shall designate one or more competent persons as a signaller to direct the safe movement of a load, hoist, lift truck or powered mobile equipment where the operator of that hoist, lift truck or powered mobile equipment
- (a) does not have an adequate view of the load;
  - (b) does not have a clear view of the route the load is to take;
  - (c) is not able to see clearly around the equipment when moving and has not taken measures sufficient to ensure that no person is exposed to a hazard as a result of the movement of equipment;

- (d) is not able to see clearly where the hoist or its load may encroach the minimum distance specified in Section 126 or a hoist is positioned closer than the length of its boom to an overhead energized power line or power line equipment; or
- (e) is causing the equipment to move under its own power from one location to another and the situation creates a hazard in the workplace.

**Subsection 57(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**(2) A signaller shall**

- (a) be readily identifiable to the operator;
- (b) direct the movement of a load or equipment by a well understood distinctive code of hand signals or another effective communication system;
- (c) warn the operator each time
  - (i) any part of the hoist or its load may encroach on the minimum distance specified in Section 126, or
  - (ii) the hoist is positioned closer than the length of its boom from an overhead energized power line or power line equipment; and
- (d) obtain the assistance of another signaller if all or part of the view of the load or route is obstructed from both the signaller and the operator.

**(3) An operator of a hoist, lift truck or powered mobile equipment in a situation referred to in subsection (1) shall move a load only on a signal from a signaller.**

**Subsection 57(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**Safety equipment and precautions**

**58** An employer shall ensure that a mobile crane, lift truck or powered mobile equipment is equipped with

- (a) an audible back-up alarm that
  - (i) operates automatically when the vehicle is in reverse gear, and
  - (ii) is clearly audible above the background noise at the workplace,
 or that another means of protection or warning that provides an equivalent

level of safety is used;

- (b) a manually operated horn, unless such a horn was not installed at the time of manufacture;
- (c) adequate front and rear lights when the equipment is used after dark or in dimly lit areas;
- (d) an adequate braking system; and
- (e) a screen, shield, grill, deflector, guard or other adequate protection for the operator, where the operator may be exposed to the hazard of flying or intruding objects.

**Subsection 58(1) renumbered Section 58 and amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**59** An employer shall ensure that a hoist or powered mobile equipment that is equipped with outriggers or stabilizers is operated with the outriggers or stabilizers engaged, unless the manufacturer's specifications permit otherwise.

**Section 59 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**60** An employer shall ensure that a hoist, lift truck or powered mobile equipment is not altered in such a way as to render ineffective a safety device or control, except where the change has been certified in writing by the manufacturer or an engineer to afford protection equal to or greater than the protection afforded by the original safety device or control.

**Section 60 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**61** An employer shall take adequate precautions to ensure that a hoist, lift truck or powered mobile equipment does not tip or roll over.

**Section 61 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Overhead protection**

**62 (1)** Where an employee who is an operator of powered mobile equipment is exposed to a hazard from falling objects, an employer shall ensure that the powered mobile equipment is equipped with a protective structure adequate for the conditions in which the equipment is being used and that meets the requirements of the latest version of the applicable standard listed below or that is certified by an engineer or the manufacturer to provide equivalent or better protection:

- (a) SAE standard SAE J167, "Overhead Protection for Agricultural Tractors - Test Procedures and Performance Requirements";
- (b) International Organization for Standardization (ISO) 3449, "Earth-moving

machinery – Falling-object protective structures – Laboratory tests and performance requirements”;

Clause 62(1)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (c) SAE standard SAE J397, “Deflection Limiting Volume - Protective Structures Laboratory Evaluation”;
- (d) SAE standard SAE J1042, “Operator Protection for General-Purpose Industrial Machines”; or
- (e) SAE standard SAE J1084, “Operator Protective Structure Performance Criteria for Certain Forestry Equipment”.

Clause 62(1)(e) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

Clause 62(1)(f) repealed: O.I.C. 2000-130, N.S. Reg. 52/2000.

Subsection 62(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) An employer shall ensure that modifications, alterations or repairs made to a falling objects protective structure that affect the structural integrity of the structure meet the requirements of this Section and that the designing agency, the installing agency or an engineer certifies that modifications, alterations or repairs meet the requirements of this Section.
- (3) An employer shall ensure that welding on a falling objects protective structure that affects the structural integrity of the structure is performed by a competent person.

Subsection 62(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Rollover protection**

- 63** (1) An employer shall ensure that, where reasonably practicable, powered mobile equipment and lift trucks manufactured on or after January 1, 1974, are equipped with rollover protective structures that meet the minimum safety requirements of the latest versions of the following standards:
- (a) CSA standard B352.0, “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial and Mining Machines - Part 1: General Requirements”, or is certified by an engineer or the manufacturer to provide equivalent or better protection;
  - (b) where applicable, CSA standard B352.1, “Rollover Protective Structures (ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines - Part 2: Testing Requirements for ROPS on Agricultural Tractors”, or is certified by an engineer or the manufacturer to provide equivalent or better protection; and
  - (c) where applicable, CSA standard B352.2, “Rollover Protective Structures

(ROPS) for Agricultural, Construction, Earthmoving, Forestry, Industrial, and Mining Machines - Part 3: Testing Requirements for ROPS on Construction, Earthmoving, Forestry, Industrial, and Mining Machines”, or is certified by an engineer or the manufacturer to provide equivalent or better protection.

**Subsection 63(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2)** Where reasonably practicable, an employer shall ensure that powered mobile equipment or lift trucks manufactured before January 1, 1974 are equipped with rollover protective structures that meet the requirements of subsection (1) or
  - (a)** a rollover protective structure and supporting attachments are designed, fabricated and installed in such a manner to support not less than twice the weight of the equipment, based on the ultimate strength of the material and integrated loading of the supporting members with the resultant load applied at the point of impact;
  - (b)** there is a vertical clearance of 1320 mm between the deck and the rollover protective structure at the access openings; and
  - (c)** the rollover protective structure and supporting attachments referred to in clause (a) are certified as meeting the requirements of clause (a) by the manufacturer of the rollover protective structure, the installing agency or an engineer.

**Subsection 63(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3)** An employer shall ensure that modifications, alterations or repairs made to a rollover protective structure that affect the structural integrity of the structure meet the requirements of this Section and that the designing agency, the installing agency or an engineer certifies that modifications, alterations or repairs meet the requirements of this Section.

[Note: Section 63 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

**64** An employer shall ensure that welding on a rollover protective structure that affects the structural integrity of the structure is performed by a competent person.

[Note: Section 64 effective November 1, 2000.]

**Section 64 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 65**
  - (1)** An employer shall ensure that powered mobile equipment and lift trucks that have been fitted with rollover protective structures have
    - (a)** seat belts for the operator and passengers that comply with or exceed the latest version of the applicable SAE standard listed below:

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(i) SAE J386, “Operator Restraint System for Off-Road Work Machines”,  
Subclause 65(1)(a)(i) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

(ii) SAE J800, “Motor Vehicle Seat Belt Assembly Installation”; or  
Clause 65(1)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (b) where the wearing of seat belts is not reasonably practicable, restraining devices such as shoulder belts, bars, gates, screens or other similar devices designed to prevent the operator and passengers from being thrown outside the rollover protective structure.

Subsection 65(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) An operator of and passengers on powered mobile equipment or a lift truck shall use the seat belts or restraining devices referred to in subsection (1) while the equipment is in motion.

Subsection 65(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

[Note: Section 65 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

## **Glass**

**66** An employer shall ensure that glazing or rigid plastic materials used as part of an enclosure for a cab, canopy or rollover protective structure on a hoist, lift truck or powered mobile equipment is adequate in the circumstances where it is used, and is immediately replaced if it presents a hazard, including permanent interference with visibility.

Section 66 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

## **Precautionary arrangements**

**67** (1) Unless otherwise authorized by an enactment, no person shall operate a lift truck or powered mobile equipment with passengers on the truck or equipment, unless the manufacturer’s specifications for the truck or equipment state that the truck or equipment is designed to accommodate them safely.

Subsection 67(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) An employer shall ensure that powered mobile equipment and lift trucks that have an internal combustion engine are provided with fire protection equipment adequate for the hazards of the equipment or vehicles.

Subsection 67(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(3) An employer shall

- (a) ensure that mirrors or other devices are installed and maintained at blind intersections where there may be a danger of a collision between a lift truck or powered mobile equipment and another object or a person; or

Clause 67(3)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) establish a written procedure that provides an equivalent level of safety.

Clause 67(3)(b) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### Visibility

**68** Where work with a hoist, lift truck or powered mobile equipment is carried out in an area where dust may create a hazard to a person in the workplace because of poor visibility, an employer shall take steps to reduce the amount of dust in the air so as to protect a person from the risk of injury.

Section 68 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### Operating precautions

**69** An operator of a mobile crane, where applicable, a lift truck or powered mobile equipment shall

- (a) not set equipment in motion until all air and hydraulic pressures are fully built up at specified operating pressures;
- (b) when leaving the equipment unattended
  - (i) park it on level ground, if reasonably practicable,
  - (ii) set the parking brake,
  - (iii) lower the blades, bucket or other attachment or safely block the attachment,
  - (iv) where applicable, disengage the master clutch, and
  - (v) shut off the engine or take other precautions to ensure the equipment is not inadvertently set in motion;
- (c) not carry containers of gasoline, diesel oil or other flammable substances, classified as Class B substances under the *Hazardous Products Act* (Canada), in the part of the equipment where a person rides; and
- (d) ensure that there are no loose articles that may present a hazard in the part of the equipment where a person rides.

Section 69 amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**70** (1) An employer shall ensure that a hoist, lift truck or powered mobile equipment that has wire ropes, drums and sheaves is inspected

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(a) visually on a daily basis by the operator of the equipment; and

(b) visually and manually by a competent person on a weekly basis.

**Subsection 70(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(2) An employer shall ensure that, where a person works under a hoist, lift truck, or powered mobile equipment that is raised from the ground, the equipment is provided with blocking or other adequate means of support in case the means of lifting the equipment fails.

**Subsection 70(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**71** Where repair or maintenance work is carried out at the point of articulation on an articulated truck, front end loader or other articulated equipment, an employer shall ensure that lock bars or an equivalent measure is used to prevent movement of either end of the truck, loader or equipment.

### **Hoists**

**72 (1)** Subject to subsection (2), an employer shall ensure that a hoist is designed, installed, erected, examined, inspected, tested, operated and maintained by a competent person, in accordance with the latest version of the applicable CSA or ANSI standard listed below:

(a) CSA standard B167, “Safety Standard for Maintenance and Inspection of Overhead Cranes, Gantry Cranes, Monorails, Hoists, and Trolleys”;

(b) CSA standard C22.2 No. 33, “Construction and Test of Electric Cranes and Hoists”;

**Clause 72(1)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(c) CSA standard Z150, “Safety Code for Mobile Cranes”;

(d) CSA Standard Z248, “Code for Tower Cranes”;

(e) ANSI standard ANSI/ALI ALCTV, “Automotive Lifts - Safety Requirements for Construction, Testing and Validation”;

**Clause 72(1)(e) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(f) ANSI standard ANSI/ALI ALOIM, “American National Standard for Automotive Lifts - Safety Requirements for Operation, Inspection and Maintenance”.

**Section 72 renumbered subsection 72(1) and amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Despite subsection (1), a “crane inspector” described in the standard referred to in clause (1)(a) shall not require 10 000 hours of experience.

**Subsection 72(2) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

[Note: Section 72 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

- 73** (1) In this Section and Section 74, “rated load” means the maximum load that a hoist is designed to lift or the revised maximum load that a hoist can lift in accordance with subsection (9) or (10).

**Subsection 73(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) Subject to subsections (3), (9) and (10), an employer shall obtain a statement of the rated load of a hoist from the manufacturer of the hoist.

**Subsection 73(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) Where the statement referred to in subsection (2) cannot be obtained, an employer shall obtain a statement of the rated load of the hoist from an engineer.

**Subsection 73(3) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (4) In addition to any inspection under Section 72, an employer shall ensure that

- (a) a competent person inspects a hoist at least once a year;
- (b) where the hoist is a mobile or overhead crane with a capacity of greater than 5 t, a certificate from an engineer is obtained on an annual basis with respect to the mobile or overhead crane; or
- (c) where the hoist is a tower crane, a certificate from an engineer is obtained with respect to the tower crane
  - (i) prior to the tower crane being put into service and each time it is erected, and
  - (ii) once during each year of operation.

- (5) An inspection or a certification required under subsection (4) shall confirm that a hoist has a rated load identified and that no component will fail within its rated load.

**Subsection 73(5) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (6) The competent person inspecting a hoist under clause (4)(a) and an engineer certifying a mobile or overhead crane under clause (4)(b) or a tower crane under clause (4)(c) shall perform the appropriate tests to ensure that the hoist is capable of lifting its rated load, including, where appropriate, a running test, load test,

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deflection test and brake test.

**Subsection 73(6) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (7) An employer shall post a legible statement of the rated load referred to in subsection (2) or (3) on a hoist so that the operator of the hoist is able to see it when operating the hoist.

**Subsection 73(7) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (8) The employer shall ensure that an operator of a hoist has sufficient information to determine the load that the hoist is capable of hoisting safely under any operating condition.
- (9) Where part of a hoist is modified, extended, altered or repaired so as to potentially affect the rated load of the hoist, an employer shall obtain a revised statement of the rated load of the hoist from the manufacturer, if the manufacturer performed the work, otherwise from an engineer, and post it on the hoist in the manner described in subsection (7).

**Subsection 73(9) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (10) Where an employer believes that a reduction in the rated load is warranted or has been informed by the manufacturer of the hoist or an engineer that a reduction in the rated load is warranted, the employer shall
- (a) obtain a revised statement of the rated load of the hoist from the manufacturer or an engineer;
  - (b) reduce the rated load of the hoist to a revised level certified as adequate by the manufacturer or an engineer; and
  - (c) remove the statement of rated load from the hoist and post the revised statement of rated load on the hoist in the manner described in subsection (7).

**Subsection 73(10) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (11) Where the employer has obtained a revised statement of the rated load of a hoist pursuant to subsections (9) or (10), the employer shall provide sufficient information to the operator of the hoist to enable the operator to determine the load that the hoist is capable of hoisting safely under any operating condition.

**Subsection 73(11) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

[Note: Section 73 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

- 74** (1) Subject to subsection (2), the operator of a hoist shall not subject the hoist to a load in excess of its rated load.

**Subsection 74(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) At the time that tests are performed for purposes of an inspection or certification, the person inspecting the hoist may cause the hoist to be subject to a load in excess of its rated load, but not in excess of the safety factor identified by
  - (a) the applicable standard in Section 72 or the manufacturer's specifications; or
  - (b) where there is no standard or manufacturer's specifications, the specifications certified by an engineer.

**Subsection 74(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- 75**
- (1) In addition to any inspections referred to in Sections 72 or 73, an employer shall ensure that a competent person visually inspects a hoist, including any safety devices, for defects that may affect the structural integrity of the hoist
    - (a) before it is put into service initially or after 1 month or more of disuse;
    - (b) once during every month of operation; and
    - (c) after any incident or repair, including contact with an energized utility line or equipment that may have damaged some part of the hoist or endangered any person.
  - (2) Where an inspection identifies a defect in a hoist that affects the safe operation of the hoist, an employer shall remove the hoist from service and repair it before it is put back into service.
  - (3) An employer shall maintain a record of
    - (a) each inspection of a hoist required under Sections 72 and 73, and subsection (1); and

**Clause 75(3)(a) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (b) each repair potentially affecting the structural integrity of a component of a hoist that supports a load,

including the date, time, nature and results of the inspection or repair and the name of the person who performed the inspection or repair to a hoist.

- (4) Where limit switches and safety devices are installed on a hoist by the manufacturer, an employer shall ensure that these switches and devices are maintained in adequate condition.

**[Note: Section 75 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1,**

2000.]

**76** An operator of a hoist shall

- (a) visually inspect the hoist on a daily basis before use to verify that it is in adequate working order;
- (b) not carry a load over any person, except where
  - (i) it is not reasonably practicable to divert the traffic route of persons or use another lifting route, and
  - (ii) the employer has established a written work procedure to provide adequate warning or information about the hazard to persons at or near the work place;

**Subclause 76(b)(ii) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (c) not leave a suspended load unattended; and
- (d) where an uncontrolled swing or uncontrolled rotation of a load may endanger the health or safety of a person, ensure that a guide rope or other adequate means is used to stabilize the load.

### **Mobile cranes**

**77** An employer shall ensure that a mobile crane has

- (a) installed and maintained in an adequate condition a device that warns the mobile crane operator when continued movement may cause the load attached to a mobile crane to strike the upper sheaves of the mobile crane; and
- (b) if equipped with a boom that is not articulating, a boom angle indicator.

**Section 77 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**78** An employer shall ensure that barriers or equivalent means are used to prevent a person from entering within the swing radius of the body of the mobile crane where a mobile crane is being operated in an area where the clearance between any obstruction and the swing radius of the body of the mobile crane creates a hazard.

**79** While a mobile crane is moving from one location to another under its own power, no operator shall permit the boom to swing in an uncontrolled manner.

### **Rigging hardware**

**80 (1)** In this Section, “rigging hardware” means a chain, cable, webbing, bucket, grapple,

hook, ring, sling or other device used to attach a load to a hoist.

- (2) Every inspection required to be performed under this Section shall be performed by a competent person.
- (3) Subject to subsection (4), an employer shall ensure that rigging hardware is constructed, installed, operated, inspected and maintained in accordance with the latest version of the applicable ASME standard listed below:
  - (a) ASME B30.9, "Slings";
  - (b) ASME B30.10, "Hooks"; or
  - (c) ASME B30.20, "Below-the-Hook Lifting Devices".

**Subsection 80(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (4) Where none of the standards referred to in subsection (3) apply, an employer shall ensure that the rigging hardware complies with an adequate design certified by an engineer.
- (5) Where rigging hardware is commercially manufactured, in addition to the requirements of subsection (3) or (4), an employer shall ensure that rigging hardware is constructed, installed, operated, inspected and maintained in accordance with the manufacturer's specifications.
- (6) In addition to any inspection required under subsection (5), an employer shall ensure that a person inspects the rigging hardware before each use to ensure that no defect exists that may affect its structural integrity.
- (7) In addition to the requirements of subsections (5) and (6), an employer shall ensure that a person inspects the rigging hardware
  - (a) before it is put into initial service or after one month or more of disuse; and
  - (b) once during every year that it is in operation.
- (8) Where the competent person conducting an inspection referred to in subsections (3), (5), (6) or (7) identifies a defect that may affect the structural integrity of the rigging hardware, an employer shall ensure that the rigging hardware is removed from service until such time as it is repaired.
- (9) An employer shall maintain a record of

(a) the inspections referred to in subsections (3), (5) and (7); and  
Clause 80(9)(a) amended: O.I.C. 2004-14, N.S. Reg. 4/2004.

(b) any repairs to rigging hardware.

(10) The record referred to in subsection (9) shall include the date, time, nature and results of the inspection or repair and the name of the person who performed the inspection or repair.

(11) An employer shall identify the safe lifting capacity of rigging hardware on the device in a permanent and clearly legible manner.

(12) An employer shall ensure that a person using rigging hardware receives adequate training and other information sufficient to ensure that they are knowledgeable about the capacity of the rigging hardware.

(13) An employer shall designate a competent person to use rigging hardware.

(14) Before a load is raised by a hoist, an employer shall ensure that a competent person ensures that the load is secured to the hoist in an adequate manner by means of appropriate rigging hardware.

Section 80 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Lift trucks**

**81** (1) An employer must ensure that a lift truck is designed, constructed, maintained, inspected, and operated in accordance with the latest version of the applicable standard listed below:

(a) CSA standard CSA B335, "Safety standards for lift trucks";

(b) ANSI standard ANSI/ITSDF B56.1, "Safety Standard for Low Lift and High Lift Trucks";

(c) ANSI standard ANSI/ITSDF B56.6, "Safety Standard for Rough Terrain Forklift Trucks".

(2) An employer must ensure that every supervisor and operator of a lift truck has been provided with the necessary information, instruction, training, supervision, facilities, and equipment required for the safe operation of the equipment in accordance with the standards in subsection (1), as applicable.

Section 81 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

**82** (1) An employer must ensure that a lift truck is operated in a manner that will not

endanger a person.

**Subsection 82(1) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (1A) Where a lift truck is propelled by an internal combustion engine in a building or other enclosed structure, the employer must ensure adequate ventilation, monitoring and record keeping practices are carried out to ensure exposure from exhaust gases does not exceed the occupational exposure limit for the gas under Part 2: Occupational Health, of the *Workplace Health and Safety Regulations* made under the Act.

**Subsection 82(1A) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) An employer shall ensure that where a lift truck is operated
- (a) in a one-way aisle, the width of the aisle equals at least the width of the vehicle or load being carried, whichever is wider, plus 600 mm; and
  - (b) in a two-way aisle, the width of the aisle equals at least twice the width of the vehicle or load being carried, whichever is wider, plus 900 mm.

**Subsection 82(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3) An employer must ensure that a lift truck that is propelled by propane has all engine and fuel components designed, assembled, examined, inspected, operated and maintained in accordance with the latest version of CSA standard CSA B149.2, "Propane Storage and Handling Code".

**Subsection 82(3) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**Section 83 repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.**

## **Part 8 - Mechanical Safety**

### **General provisions**

- 84** (1) An employer shall ensure that a machine that may be a hazard to the health or safety of a person at the workplace is erected, installed, assembled, started, operated, used, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, maintained, repaired and dismantled in accordance with the manufacturer's specifications, or, where there are no manufacturer's specifications, the specifications certified by an engineer.

**Subsection 84(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) An employer shall ensure that the maximum capacity, speed, load, depth of operation or working pressure or any other limitation set out in the manufacturer's specifications or in an engineer's specifications, for the operation of a machine, tool or equipment under the circumstances prevailing at the time of operation, shall not

be exceeded.

- (3) Where a defect is identified with a machine or supplies that affects the safe operation of the machine, an employer shall ensure that
  - (a) the machine is not operated until repaired; and
  - (b) until repaired or replaced, the machine and supplies are clearly identified as defective.

- 85**
- (1) An employer shall ensure that an operator of a machine or tool is a competent person.
  - (2) An employer shall ensure that a person responsible for maintaining a machine or tool is a competent person.

#### **Contact with machines**

- 86**
- (1) An employer shall ensure that adequate space is provided around a machine to ensure the safety of a person while the machine is being
    - (a) operated; or
    - (b) cleaned, adjusted, repaired or otherwise maintained.
  - (2) No person shall be near a rotating shaft, spindle, gear, belt or other possible source of entanglement
    - (a) while wearing any article of clothing or jewellery that in the circumstances presents a hazard to a person in the workplace; or
    - (b) with hair that is not confined closely to the head by suitable headwear.

#### **Safeguards**

- 87**
- (1) In this Section “safeguard” means a guard, shield, guardrail, fence, gate, barrier, safety net, wire mesh or other protective enclosure or device, but does not include personal protective equipment.

**Subsection 87(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) Where a person may come in contact with a moving part of a machine or tool that may present a hazard to a person, an employer shall ensure that an adequate safeguard has been installed on the machine or tool to prevent contact.
- (3) Despite subsection (2), an employer is not required to ensure that a safeguard is

installed on a machine that is equipped with a device that stops the machine automatically before a person comes into contact with the moving parts.

- (4) Despite subsection (2), where it is not reasonably practicable to use a safeguard on a cutting or shaping machine and there is a possibility of injury to a person, an employer shall
  - (a) ensure that a push block, push stick or other adequate protective device is used; and
  - (b) establish a written procedure to ensure the safety of an operator of the machine.

**Clause 87(4)(b) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (5) No person shall remove or render ineffective a safeguard on a machine, unless
  - (a) the removal or rendering is necessary to enable the cleaning, maintenance, adjustment, testing or repair of the machine;
  - (b) the machine is locked out; and
  - (c) the person replaces the safeguard and ensures the safeguard is functioning properly before leaving the machine.
- (6) An employer shall ensure that adequate safeguards are installed on a machine where a person may be injured by a flying object from a machine.
- (7) Where an object or material is to be applied to, fed into or supplied to a machine or tool and the object or material may shatter, splinter, vibrate, create a flying projectile or otherwise cause hazardous movement because it is not secure, an employer shall ensure that the object or material is held by a restraining device or other means of providing an equivalent level of safety.
- (8) Where opening an access door exposes the moving parts of a machine or tool, an employer shall ensure, where reasonably practicable, that the access door is fitted with interlocks that
  - (a) prevent the access door from opening while the moving parts are in motion; or
  - (b) disconnect the power from the driving mechanism, causing the moving parts to stop immediately if the door is opened.

**Subsection 87(8) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

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- (9) Where it is not reasonably practicable to fit an access door with interlocks in accordance with subsection (8), an employer shall, in consultation with the committee or representative, if any, establish an adequate written work procedure.

Subsection 87(9) added: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Starting and stopping machines**

- 88** (1) An employer shall ensure that the operational controls on a machine are
- (a) located and protected in such a manner as to prevent unintentional activation; and
  - (b) adequately identified so as to indicate the nature of each control mechanism.
- (2) An employer shall ensure that a machine is designed with adequate means to prevent unintentional movements that may present a hazard to a person in the workplace.
- (3) Where there is not a clear view of a machine or parts of it from the control panel or operator's station and the moving parts of the machine may endanger a person at the workplace when the machine is started,
- (a) an employer shall ensure that an alarm system is installed that shall give an effective warning, with an adequate time delay, before the start-up of the machine so that a person at the workplace is made aware of the imminent start-up; and
  - (b) where reasonably practicable, the person that is to start the machine or parts of it shall ensure that a visual inspection is done of the complete exterior of the machine or parts of it to ensure no person is endangered by the start-up.
- (4) An employer shall ensure that an operator of a machine has unimpeded access in the operator's immediate work area to the means of stopping the machine.

- 89** Where a machine or tool that is not designed to operate unattended creates a hazard to a person in the workplace if it operates unattended, an employer shall ensure that the machine or tool is equipped with a "hold to operate" device that starts it when the device is held in a set position or stops it when the device is released.

Section 89 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Chain saws**

- 90** An employer must ensure that a chain saw complies with the latest version of the following applicable CSA standards:

- (a) CSA Z62.1 “Chain Saws”;
- (b) CSA Z62.3 “Chain Saw Kickback”.

Section 90 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Automotive pits**

**91** An employer shall ensure that an automotive pit is designed, installed, operated, inspected and maintained in accordance with the latest version of National Fire Protection Association standard NFPA 1, “Fire Prevention Code”, in the chapter entitled “Service Stations, Pits, Below-Grade and Sub-Floor Work Areas” and complies with sections the latest version of CSA standard C22.1 “Canadian Electrical Code Part 1, Safety Standard for Electrical Installations”.

Section 91 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Tire repair and mounting**

**92** (1) Where a split rim or retainer ring type tire is being mounted on a rim and is in the process of being inflated an employer shall provide and an employee shall use

- (a) a safety cage or restraining device;
- (b) a clip-on chuck with an adequate length of hose; and
- (c) an in-line hand-operated valve with a gauge.

Subsection 92(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

(2) Where a split rim or retainer ring type tire is assembled, an employer shall ensure that the components are assembled in accordance with the manufacturer’s specifications, including a multi-piece rim matching chart.

### **Conveyors**

**93** (1) This Section and Sections 94, 95 and 96 do not apply to any device that is intended for the transport of persons and to which the *Elevators and Lifts Act* applies.

Subsection 93(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(2) An employer shall ensure that a conveyor is constructed or installed so that

- (a) there is adequate clearance between the material transported on the conveyor and a fixed or moving object;
- (b) pinch points that a person may come into contact with are adequately guarded; and

Clause 93(2)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (c) the conveyor cannot feed onto a stopped power-driven conveyor, or that written procedures are established that provide an equivalent level of safety.

Clause 93(2)(c) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (3) Where a person in the workplace has access to a power-driven conveyor, an employer shall ensure that emergency stop devices are installed at designated work stations and other appropriate locations along the run of the conveyor to ensure the safety of a person in the workplace.

94 (1) Where a person is required to cross over a conveyor, an employer shall

- (a) provide an adequate means of crossing the conveyor; and
- (b) identify the crossing point by adequate means.

(2) No person in a workplace shall

- (a) ride on a conveyor; or
- (b) stand on the supporting frame of a conveyor.

(3) Despite clause (2)(b), a person may stand on the supporting frame of a conveyor if the conveyor has been locked out.

95 Where a conveyor is installed at a height that may result in falling objects causing injury to a person, an employer shall ensure that

- (a) it is equipped with guards or other adequate protection to prevent the material from falling from the conveyor to the workplace below; or

Clause 95(a) added: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (b) adequate barriers are installed that prevent a person from being under the conveyor while it is running.

Clause 95(b) added: O.I.C. 2000-130, N.S. Reg. 52/2000.

Section 95 amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

96 Where the rollback of the load or belt creates a hazard to a person at the workplace, an employer shall ensure that an anti-rollback device is installed on a conveyor that carries a load up an incline to prevent the belt or the load from rolling back.

### **Abrasive wheels and grinders**

97 (1) An employer shall legibly post on an abrasive wheel and a grinder the maximum number of revolutions per minute of the wheel and the grinder.

- (2) No person shall operate a grinder with an abrasive wheel unless the grinder is rated to provide a number of revolutions per minute equal to or less than the rating of the abrasive wheel.
- (3) An employer shall ensure that, before the installation of an abrasive wheel, the abrasive wheel is inspected by a competent person for flaws, defects or cracks.

**Subsection 97(3) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 98**
- (1) An employer shall ensure that a bench grinder is fitted with a protective hood and side shield of sufficient strength to contain fragments of a ruptured wheel.
  - (2) Where a bench or pedestal grinder is used, an employer shall ensure that
    - (a) a tool rest is mounted on the grinder not more than 3 mm from the abrasive wheel; and
    - (b) the grinder is secured to prevent unintended movement.

- 99** Where a pneumatic grinder is used, an employer shall ensure that the governors are maintained by a competent person.

**Section 99 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 100** Unless the manufacturer's specifications otherwise specify, an employer shall ensure that no person
- (a) grinds on the side of an abrasive wheel; or
  - (b) adjusts a tool rest while the abrasive wheel is in motion.

### **Compressed air used for cleaning**

- 101**
- (1) In this Section, "compressed air" means air at an absolute pressure greater than 275 kPa.
  - (2) Where compressed air is used to clean a surface or person, an employer shall ensure that the device that is used to deliver the air is
    - (a) commercially manufactured and approved in the manufacturer's specifications for the purpose of cleaning a surface or person with compressed air; or
    - (b) certified by an engineer as adequate for the purpose of cleaning a surface or person with compressed air.

### **Space heating equipment**

**102** An employer shall locate, install, operate, inspect and maintain temporary space heating equipment so as to prevent the unintended ignition of any material.

**103** Where space heating equipment is powered by a combustible fuel, the employer shall ensure that

- (a) the equipment is located on the ground or above a non-combustible floor of sufficient thickness to prevent the transference of enough heat to cause a fire below;

**Clause 103(a) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (b) if located above a combustible floor, the equipment is separated from the combustible floor by 75 mm of non-combustible material covered by sheet metal extending 600 mm beyond the heating equipment on all sides.

## **Part 9 - Tools**

### **General provisions**

**104** An employer shall ensure that a tool, its accessories and supplies are

- (a) made of good quality material adequate for the work for which they are intended to be used;
- (b) inspected before being used, and, if not in an adequate condition, repaired or replaced before use;
- (c) used only for their intended purpose;
- (d) equipped with a device to ensure a secure hand grip where necessary; and
- (e) installed, assembled, started, operated, used, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, carried, maintained, repaired and dismantled in accordance with the manufacturer's specifications, or, where there are no manufacturer's specifications, in accordance with adequate work procedures established by a competent person.

**Clause 104(3)(e) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.**

**105** (1) No person shall point a tool that ejects pins, nails or other projectiles at another person.

- (2) Where reasonably practicable, an employer shall ensure that where a person works with a device that is to be struck by a tool used by another person, the device to be struck is held by an adequate holding device.

Subsection 105(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Portable power-operated hand tools**

**106** An employer shall ensure that a portable power-operated hand tool

- (a) is repaired by a competent person;

Clause 106(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (b) where powered by electricity, is double insulated or grounded, except where battery operated;

- (c) where lines or hoses are connected to the tool, has a shut-off mechanism installed on the tool so as to be immediately accessible to the operator; and

- (d) is an explosion-proof device where there is a risk of an explosive atmosphere.

107 (1) Where reasonably practicable, an employer shall ensure that hydraulic, pneumatic, chemical and electrical lines and hoses do not run across aisles, travel ways or work areas.

Subsection 107(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (2) This Section does not apply where a firefighter is engaged in structural fire-fighting or rescue.

### **Powder-actuated tools**

**108** (1) In this Section, “powder-actuated tool” means a tool that, by means of a powder-generated explosive force, propels or discharges a fastening device for the purpose of impinging it on, affixing it to or causing it to penetrate another object or material.

- (2) An employer shall ensure that a powder-actuated tool is operated by a competent person in accordance with the latest version of ANSI standard A10.3, “American National Standard for Construction and Demolition Operations - Powder-Actuated Fastening Systems - Safety Requirements”.

Subsection 108(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (3) An employer shall ensure that a powder-actuated tool, the fastener and the powder load complies with the requirements of the latest version of ANSI standard A10.3, “American National Standard for Construction and Demolition Operations - Powder-Actuated Fastening Systems - Safety Requirements”.

Subsection 108(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

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## Part 10 - Welding, Cutting, Burning and Soldering

### General provisions

**109** (1) In this Part, “welding or allied process” means any specific type of electric or oxy fuel gas welding or cutting process including those processes referred to in Appendix A of the latest version of CSA standard CSA W117.2, “Safety in Welding, Cutting, and Allied Processes”, and includes

- (a) arc welding, brazing, solid-state welding, soldering, resistance welding, and other welding; and
- (b) allied processes such as arc cutting, oxygen cutting, thermal spraying, thermal adhesive bonding and other cutting.

Subsection 109(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) An employer shall, where reasonably practicable, comply with the requirements of the latest version of CSA standard CSA-W 117.2, “Safety in Welding, Cutting and Allied Processes”.

Subsection 109(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**110** (1) An employer shall ensure that welding or allied process equipment is erected, installed, assembled, started, operated, used, handled, stored, stopped, inspected, serviced, tested, cleaned, adjusted, carried, maintained, repaired and dismantled in accordance with the manufacturer’s specifications.

- (2) An employer shall ensure that a welding or allied process is performed by a competent person.

Subsection 110(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

**111** (1) An employer shall ensure that, before a welding or allied process is commenced, the person who is to operate the equipment has inspected the area surrounding the operation to ensure that adequate precautions have been taken

- (a) to remove from the area all hazardous material or processes that produce combustible, flammable or explosive material, dust, gas or vapour; and
- (b) to prevent fire or explosion.

- (2) Where a welding or allied process is performed above an area where a person may be present, an employer shall ensure that adequate means of protection are taken to protect a person below the operation from sparks, debris and other falling hazards.

**112** (1) Except where an employer has demonstrated that a person at or near a welding or

allied process is not excessively exposed to radiation or reflection, the employer shall provide adequate screens or prevent a person from entering the work area.

- (2) Where screening is used in accordance with subsection (1), the employer shall ensure that the screening is adequate to prevent radiation and reflection from affecting a person at or near the workplace.

### **Work on containers**

**113** (1) An employer shall ensure that no person performs a welding or allied process on a container, pipe, valve or fitting that

- (a) holds or may have held an explosive, flammable or otherwise hazardous substance; or
- (b) may become pressurized to the point of being a hazard to a person at the workplace,

unless the welding or allied process is performed in accordance with a written work procedure established by the employer.

**Subsection 113(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (1A) Where a welding or allied process is performed on a natural gas pipeline or a liquids pipeline associated with a natural gas pipeline, an employer shall ensure that an engineer certifies that the written work procedure required under subsection (1) is in accordance with American Petroleum Institute standard API Recommended Practice 2201, "Procedures for Welding or Hot Tapping on Equipment in Service", Fourth Edition, September 1995.

**Subsection 113(1A) added: O.I.C. 2004-14, N.S. Reg. 4/2004.**

- (2) Where a container, pipe, valve or fitting holds or may have held an explosive, flammable or other hazardous substance, and subsection (1A) does not apply, an employer shall include in the written work procedure required under subsection (1), provision
  - (a) for disconnecting and blanking off or moving out of alignment pipes or locking out valves in the closed position; and
  - (b) that after ventilation, a competent person shall
    - (i) where reasonably practicable, examine the area to be welded or processed to ensure that it is free from residue,
    - (ii) test air samples to ensure that explosive, flammable or hazardous

amounts of gases or vapours have been reduced to less than 1% of the lower explosive limit in areas to be welded or processed, and

- (iii) certify, in writing, that work involving the application of heat can be safely undertaken and that the conditions tested in the area to be heated are likely to be maintained within a predicted and recorded range for the entire time the certification is valid.

**Clause 113(2)(b) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**Subsection 113(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2004-14, N.S. Reg. 4/2004.**

**(3)** The certificate referred to in subclause (2)(b)(iii) shall include

- (a) the signature of the competent person;
- (b) the date and time the tests were performed;
- (c) the type of work that
  - (i) can be performed in the area to be heated, and
  - (ii) is explicitly banned in the area to be heated;
- (d) the means by which the work is to be performed;
- (e) the expiry date and time of the certificate; and
- (f) a record of any tests performed and of any test results.

**Subsection 113(3) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**(4)** No certification issued under subclause (2)(b)(iii) shall be valid for longer than 24 hours after the time of the examination and test required to be performed under subclauses (2)(b)(i) and (ii).

**Subsection 113(4) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**(5)** An employer shall ensure that no person uses the exhaust of an internal combustion engine as a means of decreasing the concentration of flammable and explosive gases and vapours in the area to be welded or processed.

**Subsection 113(5) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**114** An employer shall ensure that a compressed gas hose line or welding cable is adequately protected from damage.

**115 (1)** No operator of an electric welding machine shall leave the machine unattended without removing the electrode.

- (2) An employer shall ensure that appropriate welding and ground leads are used to fasten the electric supply cable securely so that the inner wires of an electric welding machine are not exposed to damage and the cable cannot be separated from the fittings.

### **Gas welding and allied process**

- 116** (1) An employer shall ensure that a person performing a gas welding or allied process tests a regulator and its flexible connecting hose immediately after it is connected to a gas cylinder, to ensure that there is no leak of the gas supply.

**Subsection 116(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) No person shall perform a test required in subsection (1) with a substance that is oil, fat or grease based.
- (3) Where a leak of the gas supply develops during the performance of a gas welding or allied process
  - (a) the person performing the welding or allied process shall cut off the supply of gas; and
  - (b) the employer shall ensure that work is not resumed until the leak is repaired.

**117** Where a gas welding or allied process is carried on, the employer shall

- (a) provide a flashback arrestor between the torch and the fuel gas and oxygen supply that
  - (i) prevents the reverse flow of fuel, gas, oxygen or air from the torch to the supply lines, and
  - (ii) stops a flame from burning back from a torch into the supply lines;
- (b) ensure that hose lines or pipelines for conveying the gases to the burner and the couplings are legibly marked or identified to ensure the hoses are not interchanged; and
- (c) ensure that the torch is ignited by a lighting device that is designed for that purpose.

## Acetylene

**118** Where an employer manufactures acetylene in the workplace, the employer shall establish a written procedure to ensure the health and safety of a person in the workplace.

Section 119 repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.

## Part 11 - Electrical Safety

### General provisions

**120 (1)** An employer shall ensure that an electrical installation is designed, installed, assembled, operated, inspected, serviced, tested, maintained, repaired and dismantled in accordance with the latest version of CSA standard CSA C22.1, "Canadian Electrical Code Part 1", Safety Standard for Electrical Installations".

Subsection 120(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**(2)** An employer operating a surface mine shall ensure that an electrical installation at the surface mine is designed, installed, assembled, operated, inspected, serviced, tested, maintained, repaired and dismantled in accordance with the latest version of CSA standard M421, "Use of Electricity in Mines".

Subsection 120(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**121 (1)** Subject to subsection 120(2) and to the *Underground Mining Regulations* made under the Act, an employer shall ensure that a power line or power line equipment is designed or constructed to comply with the latest version of the applicable CSA standard listed below:

(a) CSA C22.3 No.1, "Overhead Systems";

Clause 121(1)(a) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

(b) CSA C22.3 No. 7, "Underground Systems".

Subsection 121(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

**(2)** Subject to subsection 120(2) and to the *Underground Mining Regulations* made under the Act, an employer shall ensure that the voltage and voltage variation of a power line or power line equipment is limited at the service entrance in accordance with the latest version of CSA standard CAN3-C235, "Preferred Voltage Levels for AC Systems, 0 to 50,000 V".

Subsection 121(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2013-65, N.S. Reg. 53/2013.

**122** An employer shall ensure that a person who works on an electrical installation is a competent person.

### Personal protective equipment

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- 123** (1) Where a person is required to work on an energized electrical installation, an employer shall, as necessary in the circumstances, provide a person with all protective equipment and devices
- (a) necessary to work safely on an energized electrical installation; and
  - (b) that comply with the latest version of the applicable standard listed below:
    - (i) ASTM D120, “Standard Specification for Rubber Insulating Gloves”,
    - (ii) ASTM D1051, “Standard Specification for Rubber Insulating Sleeves”,
    - (iii) ASTM D1048, “Standard Specification for Rubber Insulating Blankets”,
    - (iv) ASTM D1050, “Standard Specification for Rubber Insulating Line Hose”,
    - (v) ASTM D1049, “Standard Specification for Rubber Insulating Covers”,
    - (vi) ASTM D 178, “Standard Specification for Rubber Insulating Matting”,
    - (vii) ASTM F696, “Standard Specification for Leather Protectors for Rubber Insulating Gloves and Mittens”, and
    - (viii) ASTM F711, “Standard Specification for Fiberglass-Reinforced Plastic (FRP) Rod and Tube Used in Live Line Tools”.

Clause 123(1)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (2) A person who is required to work on an energized electrical installation shall use the appropriate protective equipment or devices required under subsection (1).

- 124** (1) An employer shall ensure that a person who handles an energized power line or power line equipment rated at greater than 15 000 v to ground uses hot line tools to do so, in addition to other personal protective equipment required in the circumstances.
- (2) A person may use rubber gloves instead of hot line tools to handle energized power lines or power line equipment rated at greater than 750 v phase to phase, where a written work procedure has been adopted as a code of practice by order of the Director for use in such circumstances.

Subsection 124(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (3) An employer who has adopted a code of practice under subsection (2) shall
- (a) provide a copy of the code of practice to each person in the workplace who is required to handle energized power lines or power line equipment rated at or below 15 000 v to ground;
  - (b) provide training in the code of practice to each person in the workplace who is required to handle energized power lines or power line equipment or perform other activities in accordance with the code of practice; and
  - (c) communicate the details of the code of practice and the reasons for its implementation to all persons at the location where the work is performed,
- and, to the extent that it relates to their work, all persons shall adhere strictly to the terms of the code of practice.
- (4) Where an officer determines that a code of practice that is in effect pursuant to subsection (2) has not been strictly adhered to, the officer may make an order suspending the application and use of the code of practice, and the suspension shall remain in place until the Director notifies the employer that the suspension has been lifted.

### **Hazardous work**

- 125** (1) In this Section, “switching device” means a device designed for the sole purpose of opening, closing or opening and closing one or more electrical circuits, and includes
- (a) a circuit breaker capable of making, carrying and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal conditions, such as those of a short circuit;
  - (b) a cutout assembly of a fuse support with either a fuse holder, fuse carrier or disconnecting blade; and
  - (c) a disconnecting or isolating device used for isolating a circuit or equipment from a source of power.

**Subsection 125(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) An employer shall ensure that no work is performed on an energized electrical installation rated at greater than 750 v phase to phase unless the competent person performing the work is accompanied by another competent person.

(3) Subsection (2) does not apply to switching work carried out using a switching device where an adequate written procedure has been established by the employer.  
Subsection 125(3) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(4) Where compliance with the personal protective equipment requirements and normal work procedures in effect at the workplace is inadequate to control the risk of exposure to an electrical hazard during work on an energized electrical installation due to an unusual factor in the nature of the work, such as the location or condition of the workplace, a competent person not actively engaged in the work shall be designated as a safety watcher to observe a person who is working on or near an energized electrical installation.

(5) A safety watcher required by subsection (4) shall

- (a) warn all persons working on or near an energized electrical installation of any potential hazards;
- (b) ensure that the requirements of this Part are complied with;
- (c) be a competent person able to evaluate relevant hazards, and competent and equipped to initiate a rescue;
- (d) be free of any other duties that might interfere with the duties outlined in this subsection;
- (e) have the authority to stop work where the task or conditions in the workplace become hazardous; and
- (f) remain in the immediate vicinity of the work.

**126** (1) In this Section and in Section 128, “authority” means an electrical utility whose primary business is the generation or distribution of electricity.

(2) No person shall carry out work that may bring a person or object closer than 6.0 m to an overhead energized power line or power line equipment where the voltage of the overhead energized power line is not known to the person carrying out the work.

(3) Where work is performed in close proximity to an energized overhead power line or power line equipment rated at less than 750 v phase to phase, an employer shall ensure that the work is performed no closer than 1 m from the power line or power line equipment to ensure the safety of every person in the workplace from the electrical hazard.

Subsection 126(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (4) An employer shall ensure that no work is carried out, and no person shall carry out work that may bring a person or object closer than the distances set out in the following table to an overhead energized power line or power line equipment rated at greater than or equal to 750 v phase to phase:

<b>Phase to Phase Voltage of Energized Electrical Power Line or Power Line Equipment</b>	<b>Distance</b>
750 volts and up to 69 000 volts	3.0 m
greater than 69 000 volts and up to 138 000 volts	5.0 m
greater than 138 000 volts	6.0 m

- (5) Despite subsections (3) and (4), where a person is about to commence work that may bring a person or object closer than a distance specified in subsection (3) or (4) to an overhead energized power line or power line equipment described in subsection (3) or (4), an employer shall not permit the person to commence work until the employer has contacted the authority owning or operating the energized power line or power line equipment and
- (a) ensured that the energized powerline or power line equipment is insulated or guarded in an adequate manner; or
  - (b) provided an alternative means of protection from the electrical hazard that provides an equivalent level of safety.
- (6) This Section does not apply to
- (a) work performed by a competent person employed, contracted or authorized by an authority;
  - (b) equipment owned by an authority or an employer contracted or authorized by the authority, that is used in the installation, operation, maintenance, repair, dismantling or other work performed on the power line or power line equipment; or
  - (c) work performed on an energized power line or power line equipment where the employer has, in advance of the work,

- (i) determined the degree of electrical insulation on the power line and power line equipment,
- (ii) determined the level of electricity to which the power line or equipment will or may be energized,
- (iii) obtained from an engineer, or the manufacturer of the power line and power line equipment, a written certification indicating that a person or object may be brought closer than the distances permitted by this Section, and
- (iv) ensured that the work is performed by a competent person in an adequate manner consistent with the recommendations of the engineer or manufacturer providing the certification under subclause (iii).

### **Plan of electrical installation**

**127** (1) The owner of a building or structure must ensure that a plan is created, maintained and updated by a competent person if there is an electrical installation utilized in the building or structure that meets any of the following criteria:

- (a) it is rated at greater than 250 v phase to phase;
- (b) it is rated at greater than 250 amp;
- (c) it has multiple service entrances.

(2) The plan in subsection (1) must include a line diagram that

- (a) describes the position and ratings of the components of the electrical installation; and
- (b) reflects all repairs and alterations to the electrical installation.

**Section 127 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Electrical rooms**

**128** (1) Where a workplace has an electrical room, an employer shall ensure that

- (a) the room is kept clean and orderly;
- (b) the room is not used for storage of unrelated materials; and
- (c) where the components are rated at more than 750 v phase to phase, a sign is posted on the outside of the room that legibly states “Danger - High Voltage”.

- (2) Despite clause (1)(c), where an electrical room is in a manhole controlled and maintained by an authority, no sign is required.

## **Part 12 - Confined Space Entry**

### **Application and interpretation**

- 129** (1) In this Part, “confined space” means an enclosed or partially enclosed space
- (a) not designed or intended for regular human occupancy;
  - (b) with restricted access or exit; and
  - (c) that is or may become hazardous to a person entering it because of its design, construction, location, atmosphere or the materials or substances in it or other conditions.
- (1A) When assessing whether a space is or may become hazardous to a person entering it because of its atmosphere under clause (1)(c), a person must not take into account the protection afforded to a person through the use of personal protective equipment or ventilation.

**Subsection 127(1A) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Sections 130 to 137 do not apply to
- (a) a development heading in an underground mine; and
  - (b) a firefighter engaged in structural fire-fighting or rescue, if the firefighter has received adequate training for confined space entry and rescue.

**Clause 129(2)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**[Note: Section 129 effective November 1, 2000.]**

### **Assessment and written procedures**

- 130** (1) An employer shall ensure that no person enters a confined space until the employer has fulfilled the requirements of this Section and a competent person has provided a written certificate, in accordance with Section 131.
- (2) Where a workplace includes a confined space, the employer shall ensure that a person who may be required to enter the confined space has the information necessary to identify it as such.
- (3) Where at least one confined space has been identified, an employer shall establish a written confined space entry procedure that includes provision

- (a) that prior to the entry of a person into the confined space, an assessment of the confined space is
  - (i) done in accordance with subsection (8), and
  - (ii) recorded by the person conducting the assessment in accordance with Section 131;
- (b) for the training required by a person who may enter a confined space in the course of the person's work, and for the training required by a person who may undertake rescue operations with regard to a confined space, including training on
  - (i) proper use of personal protective equipment,
  - (ii) written rescue procedures,
  - (iii) maintaining contact between a person in the confined space and an attendant required under clause 134(2)(a) and the means by which the written rescue procedure is initiated in the event of an emergency in the confined space,
  - (iv) the limitations on the type of work that can be performed in the confined space, and
  - (v) the means of identifying a hazard while in a confined space;
- (c) for the process for notifying a person entering a confined space of the specific type of work that may be performed in the confined space;
- (d) for the method to be followed by a person entering into, exiting from or occupying the confined space;
- (e) for the protective equipment that is to be used by every person entering the confined space;
- (f) for the written emergency procedures to be followed in the event of an accident or other emergency in or near the confined space, including
  - (i) immediate evacuation of the confined space when an alarm is activated or there is any significant, unexpected and potentially hazardous change in the concentration, level or percentage referred to in subsection (8),

(ii) a determination of whether more than one person is required to be present outside a confined space during the occupancy of any person, and

(iii) a written rescue procedure;

**Clause 130(3)(f) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(g) for the protective equipment and emergency equipment to be used by a person who undertakes rescue operations in the event of an accident or other emergency;

(h) for a written procedure for testing the confined space in an adequate manner, at regular intervals and on a continuous basis, if necessary, to ensure the concentration or level of a hazardous substance or physical agent complies with the limits in subsection (8); and

(i) for a means of ventilating the confined space to ensure the removal or dilution of all airborne hazardous substances from the confined space.

**Subsection 130(3) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(4) An employer shall provide to each person entering the confined space and a person who may undertake rescue operations the protective equipment and emergency equipment referred to in this Section.

(5) An employer shall ensure that

(a) a person who enters a confined space is trained at least once every 2 years in accordance with the procedures set out in clause (3)(b); and

(b) a person who undertakes rescue operations is trained at least once every year in accordance with the procedures set out in clause (3)(b).

**Subsection 130(5) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

(6) Every person who enters into, exits from or occupies the confined space shall follow the written procedures and use the protective equipment and emergency equipment as required.

(7) An employer shall review the confined space entry procedure at least once a year and amend it, if necessary.

(8) An employer shall designate a competent person who shall perform the assessment required in clause (3)(a), which shall include

- (a) where the level of a chemical substance or a mixture of chemical substances may constitute a hazard, tests to ensure that the concentration of a chemical substance or a mixture of chemical substances in the confined space does not exceed its occupational exposure limit under Part 2: Occupational Health, of the *Workplace Health and Safety Regulations* made under the Act or 50% of its lower explosive limit;

**Clause 130(8)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (b) where the level of a physical agent may constitute a hazard, tests to ensure that the level of the physical agent in the confined space is not hazardous;
- (c) tests to ensure that the level of oxygen in the atmosphere in the confined space is not less than 19.5 % and not more than 22.5 %, unless the employer can demonstrate that an unsafe oxygen level is not a possibility in the circumstance;
- (d) a determination of whether the concentrations, levels or percentages referred to in clauses (a), (b) and (c) can be maintained during the period of proposed occupancy of the confined space;
- (e) a confirmation that any liquid in which the person may drown or any free flowing solid in which a person may become entrapped has been removed from the confined space or that work practices have been established that specifically address the presence of the liquid or solid;

**Clause 130(8)(e) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (f) a confirmation that entry of any liquid, free flowing solid or hazardous substance into the confined space that could endanger the health or safety of a person has been prevented by a secure means of disconnection, the fitting of blank flanges or the implementation of a double block and bleed written procedure established by the employer or similar positive actions;
  - (g) confirmation that a machine, equipment, tool or electrical installation that presents a hazard to a person entering into, exiting from or occupying the confined space has been locked out; and
  - (h) confirmation that the opening for entry into and exit from the confined space is sufficient to allow safe passage of a person who is using personal protective equipment or emergency equipment.
- (9) Where there is no possibility that a hazard identified in clauses (8)(a), (b) and (c) may occur, the requirements of clause (3)(h) do not apply.

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- (10) The competent person referred to in subsection (8) shall, when performing the tests required under clauses (8)(a), (b) and (c), use appropriate and properly calibrated instruments that have been functionally tested and maintain a written record of the functional and calibration tests.
- (11) An employer shall keep the assessment and the confined space entry procedure required under subsection (3) at the place of business of the employer nearest to the workplace at which the confined space is located.
- (12) An employer shall make available a copy of the confined space entry procedure to all persons involved in the entry of a confined space.

[Note: Section 130 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

### **Certification of confined space conditions**

**131** (1) Subsequent to performing the tests required in clauses 130(8)(a), (b) and (c), a competent person shall certify, in writing, that the conditions tested in the confined space are likely to be maintained within a predicted and recorded range for the entire time the certification is valid, and the certification shall include

- (a) the signature of the competent person;
- (b) the date and time of when the tests were performed;
- (c) the type of work that
  - (i) can be performed in the confined space, and
  - (ii) is explicitly banned in the confined space;
- (d) the means by which the work is to be performed;
- (e) the expiry date and time of the certification; and
- (f) a record of the tests performed and of the test results.

**Subsection 131(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(2) No certification issued under subsection (1) shall be valid for longer than 24 hours after the time the tests required by clauses 130(8)(a), (b) and (c) were performed.

**Subsection 131(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(3) An employer shall post a copy of the currently valid certification required in

subsection (1) at the entrance to the confined space for the duration of the confined space occupancy.

- (4) An employer shall maintain a copy of the certification required in subsection (1) for 12 months.

[Note: Section 131 effective November 1, 2000.]

### **Purging and further testing**

**132** Where the tests required in clauses 130(8) (a), (b) and (c) indicate that the concentration level or percentage referred to in those clauses cannot be complied with, an employer shall

- (a) ensure that, where reasonably practicable, the confined space is purged until concentrations are below the hazards referred to in clauses 130(8)(a) to (d);  
and

Clause 132(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- (b) after the purging, ensure that the tests required under subsection 130(8) are conducted again.

[Note: Section 132 effective November 1, 2000.]

### **Response to hazardous condition**

**133** (1) An employer shall ensure that no person enters or remains in a confined space where the tests conducted under clause 130(8)(a) indicate that a concentration of a chemical substance or mixture of chemical substances in the confined space equals or exceeds 50% of the lower explosive limit of the chemical substance or mixture of chemical substances.

- (2) Where the concentration of a chemical substance or mixture of chemical substances may cause a flammable or explosive hazard, and where the tests conducted under clause 130(8)(a) indicate that the concentration of the substance or substances in a confined space is between 10% and 50% of the lower explosive limit, an employer shall

- (a) provide explosion-proof lighting and ensure that it is used where necessary;  
and
- (b) ensure that the only work performed in the confined space is cleaning or inspecting and is of such a nature that it does not create any source of ignition.

- (3) Where the level of oxygen in a confined space is more than 22.5% and a person is to work in the confined space, an employer shall ensure that the confined space does not contain any substance which would be classified as flammable and

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combustible material or as dangerously reactive material under the *Controlled Products Regulations* made under the *Hazardous Products Act* (Canada).

- (4) Despite subsection (1), where the tests conducted under clause 130(8)(a) indicate that the concentration of a chemical substance or mixture of chemical substances in the confined space exceeds, or is likely to exceed, 50% of the lower explosive limit, measured at atmospheric conditions containing 20.9% oxygen, of the chemical substance or mixture of chemical substances and cannot be lowered below that prescribed threshold level, a person may enter the confined space if the employer ensures that

- (a) the atmosphere is confirmed inert by a competent person after the performance of appropriate tests; and

Clause 133(4)(a) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (b) the person is using appropriate protective equipment when working in the confined space.

Subsection 133(4) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

[Note: Section 133 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

### **Protective equipment and security measures**

**134** (1) An employer must ensure that all of the following is provided as close as reasonably practicable to the entrance to the confined space before a person enters the confined space:

- (a) all protective equipment and emergency equipment identified under subsection 130(3); and

- (b) adequate rescue equipment including a yoke and adequate means to lift an unconscious person.

Subsection 134(1) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

(2) Where a person enters a confined space, an employer shall ensure that a competent person

- (a) is in attendance in the immediate vicinity of the confined space;

- (b) has a means of adequate communication with a person inside the confined space;

Clause 134(2)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (c) is provided with a means of activating the rescue procedure in an emergency;

(d) is adequately trained in the emergency response procedure; and  
Clause 134(2)(d) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

(e) maintains a record of who is in the confined space.  
Clause 134(2)(e) added: O.I.C. 2000-130, N.S. Reg. 52/2000.  
Subsection 134(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(3) An employer shall

- (a) where reasonably practicable, provide a person entering into and occupying a confined space with a full body harness;
- (b) ensure that a full body harness provided under clause (a) is worn; and
- (c) where it does not present a hazard, ensure that an attached life line is
  - (i) securely fastened to an anchor point, and
  - (ii) controlled by the competent person referred to in subsection (2).

(4) An employer shall ensure that the full body harness referred to in subsection (3) complies with the requirements for Group E harnesses in the latest version of CSA standard CSA 259.10, "Full Body Harnesses".

Subsection 134(4) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

[Note: Section 134 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

## **Respiratory protective equipment**

**135 (1)** An employer shall provide

- (a) appropriate respiratory protective equipment to a person who enters a confined space where the concentration of a chemical substance or a mixture of chemical substances in a confined space is hazardous to the health or safety of a person; and

Clause 135(1)(a) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (b) positive pressure respiratory protective equipment to a person who enters a confined space where the concentration of oxygen is less than 19.5 %.

Clause 135(1)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

(2) An employer shall ensure that the respiratory protective equipment referred to in clause (1)(b)

- (a) has an air line and an independent 5-minute supply of air; or

- (b) is self-contained and equipped with an audible alarm that sounds when the air supply has diminished to
  - (i) 20% of the capacity of the unit, or
  - (ii) a 5-minute reserve.

Subsection 135(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

[Note: Section 135 and amendments to it made by O.I.C. 2000-130, N.S. Reg. 52/2000 effective November 1, 2000.]

### **Hazard of electrical shock**

**136** Where there is a hazard of electrical shock in a confined space, an employer shall ensure that electrical equipment taken into the confined space is

- (a) battery operated;
- (b) double insulated;
- (c) bonded to ground and not exceeding 30 v and 100 volt-amperes; or
- (d) equipped with a ground fault circuit interrupter of the Class A type that complies with the latest version of CSA standard CSA C22.1, "Canadian Electrical Code Part 1", Safety Standard for Electrical Installations" and that is tested before each use.

Clause 136(d) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

[Note: Section 136 effective November 1, 2000.]

**137** An employer shall ensure that adequate warning signs and barricades are installed or erected to protect a person working as part of a confined space entry, if a hazard from any form of traffic exists.

[Note: Section 137 effective November 1, 2000.]

## **Part 13 - Premises and Building Safety, Construction and Demolition**

### **Walking surfaces**

**138** In Sections 139 to 152, measurements of lumber are nominal for dressed dimensions.

**139** (1) An employer shall ensure that a floor, stairway, passageway or similar walking surface is designed, constructed and maintained so as not to create a hazard to a person in the workplace.

Subsection 139(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

(2) Where a floor, stairway, passageway or similar walking surface is slippery for any

reason except for weather or climatic conditions, an employer shall ensure that devices such as matting or grating are used, where necessary, to prevent slipping and, if such devices are inadequate to prevent slipping, that non-slip footwear is worn by employees.

**Subsection 139(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) Where a floor, stairway, passageway or similar walking surface at or near a workplace becomes slippery as a result of weather or climatic conditions, an employer shall ensure that the floor, stairway, passageway or similar walking surface is kept free from falling or slipping hazards by removing ice, snow or water, to the extent reasonably practicable, and using materials such as ashes, sand, salt, or other measures where appropriate to prevent slipping or falling.

### **Access and exit**

- 140**
- (1) An employer shall provide a safe means of access to and exit from all work areas.
  - (2) An employer shall provide adequate information to ensure that every person in the workplace is able to exit the workplace in a safe manner in the event of an emergency.
  - (3) An employer shall provide overhead protection at every means of access to and exit from a building, structure or project where there is a hazard of falling material that may injure a person at or near the workplace.
  - (4) This Section does not apply where a firefighter is engaged in structural firefighting or rescue.

**Subsection 140(4) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

### **Stairways**

- 141**
- (1) Subject to subsections (2) and (3), an employer shall ensure that a permanent stairway is designed, constructed and maintained in accordance with the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act.
  - (2) Where the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act does not apply to a permanent stairway built after this Section comes into force, an employer shall ensure that the permanent stairway
    - (a) meets or exceeds the requirements of Section 142; or
    - (b) is certified by an engineer as having been constructed in accordance with the certified design of an engineer.

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- (3) Where
- (a) the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act does not apply to a permanent stairway built before this Section comes into force; and
  - (b) there is reasonable doubt as to whether the permanent stairway is adequate, an employer shall ensure that an engineer provides a written assessment of the permanent stairway.
- (4) Where a written assessment required under subsection (3) identifies an inadequacy, an employer shall ensure that
- (a) the stairway is removed; or
  - (b) modifications are made and are certified by an engineer as having been made in accordance with the certified design of an engineer.

**Section 141 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 142** (1) An employer shall ensure that a temporary stairway
- (a) is of sufficient strength to withstand 4 times the maximum load likely to be imposed;
  - (b) has treads that are a minimum of 900 mm in length;
- Clause 142(1)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**
- (c) is pitched not more than 60° from the horizontal;
  - (d) has risers constant in height that are not less than 125 mm and not more than 260 mm in height;
  - (e) has a maximum height of 4 m between landings;
  - (f) has landings, if any, with a minimum clearance of 900 mm measured in the direction of the run;
  - (g) has a vertical clearance of 2 m from the top of the tread at all points in the stairway; and

(h) has treads constant in width and not less than 230 mm in width.

**Subsection 142(2) repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3) An employer shall ensure that a temporary stairway having 4 or more risers
- (a) has a guardrail on any open side and a railing on any enclosed side, where the risers are 2.2 m or less in length and
  - (b) has a guardrail on any open side and in the centre and a railing on any enclosed side, where the risers are more than 2.2 m in length.

**Subsection 142(3) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (4) An employer shall ensure that a guardrail referred to in subsection (3) is installed
- (a) with posts that
    - (i) are spaced at intervals of not more than 2.4 m, and
    - (ii) are secured against movement by the attachment of the posts to the stairway, or by another means that provides an equivalent level of safety;
  - (b) with a top railing that is between 0.90 and 1.06 m above the midpoint of the tread and securely fastened to posts secured in compliance with clause (a); and

**Clause 142(4)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (c) with a second railing on the inner side of the posts midway between the top railing and the midpoint of the tread.

**Clause 142(4)(c) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**Subsection 142(4) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (5) An employer shall ensure that a wooden supporting structure or wooden railing of a temporary stairway, in addition to the requirements of subsection (4),
- (a) is at least 50 mm thick and 100 mm wide; and
  - (b) is made of No. 1 or No. 2 spruce, pine, or fir as graded according to the latest version of CSA standard CSA 0141, "Softwood Lumber", or other lumber that provides an equivalent level of safety.

**Clause 142(5)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (6) An employer shall ensure that a railing of a temporary stairway that is mounted directly on a wall or partition

- (a) is fixed so as not to interfere with the smoothness of the top and side surfaces of the railing;
  - (b) is continuous throughout the flight of stairs and landings;
  - (c) is at least 40 mm in width; and
  - (d) where brackets are used, has brackets to which a railing is fixed spaced not more than 2.4 m apart and has a clearance of at least 40 mm between the railing and any wall or partition or any obstruction on the wall or partition to which the brackets are attached.
- (7) An employer shall ensure that a guardrail consisting of wire rope, in addition to the requirements of subsection (4)
- (a) has wire rope railings that are at least 8 mm thick;
  - (b) is identified with high visibility markings placed at least every 1.5 m on the top railing; and
  - (c) has railings with turnbuckles or other means that provide adequate tension to ensure an equivalent level of protection to that provided by a wooden guardrail.

Subsection 142(7) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (8) An employer may use a manufactured guardrail in place of a wooden or wire rope guardrail if it provides an equivalent level of protection to that provided by a wooden guardrail.

Subsection 142(8) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (9) An employer shall ensure that a detour guardrail is installed when a stairway ends in direct proximity to a hazard or potential hazard.

Subsection 142(9) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- 143** (1) An employer shall ensure that stairs are installed in a building or structure between floors as the building or structure is constructed.
- (2) An employer shall ensure that a skeleton steel stairway with treads that are not completed has temporary treads securely set into the full length and width of the steps and landings.

Subsection 143(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

## Ramps

**143A** For purposes of Sections 144 and 145, “ramp” means a ramp designed primarily for pedestrian use.

Section 143A added: O.I.C. 2000-130, N.S. Reg. 52/2000.

- 144**
- (1) Subject to subsections (2) and (3), an employer shall ensure that a permanent ramp is designed, constructed and maintained in accordance with the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act.
  - (2) Where the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act does not apply to a permanent ramp built after this Section comes into force, an employer shall ensure that the permanent ramp
    - (a) meets or exceeds the requirements of Section 145; or
    - (b) is certified by an engineer as having been constructed in accordance with the certified design of an engineer.
  - (3) Where
    - (a) the *National Building Code of Canada*, as adopted and modified under the *Building Code Act* and the *Nova Scotia Building Code Regulations* made under that Act does not apply to a permanent ramp built before this Section comes into force; and
    - (b) there is a reasonable doubt as to whether the permanent ramp is adequate, an employer shall ensure that an engineer provides a written assessment of the permanent ramp.
  - (4) Where a written assessment required under subsection (3) identifies an inadequacy, an employer shall ensure that
    - (a) the ramp is removed; or
    - (b) modifications are made and are certified by an engineer as having been made in accordance with the certified design of an engineer.

Section 144 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

- 145**
- (1) An employer shall ensure that a temporary ramp
    - (a) has a maximum slope of 1/6;

- (b) is equipped with a non-slip surface or cleats;
- (c) where the ramp is greater than 1.8 m in rise, has a guardrail and supporting structure on any open side;

**Clause 145(1)(c) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (d) where planks are used, has planks securely fastened together;
- (e) has a minimum width of 450 mm; and
- (f) is able to withstand 4 times the maximum load likely to be imposed on the ramp.

- (2) An employer shall ensure that a guardrail referred to in clause (1)(c) is constructed in accordance with the requirements for a guardrail in subsection 142(4).

**Subsection 145(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**Subsection 145(3) repealed: O.I.C. 2000-130, N.S. Reg. 52/2000.**

### **Catwalks**

**146 (1)** In this Section, “catwalk” means a walkway that is 1.8 m or more above the ground or floor level.

- (2) An employer shall ensure that a catwalk

- (a) meets or exceeds the requirements of subsection (4); or

**Clause 146(2)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (b) is certified by an engineer as having been constructed in accordance with the certified design of an engineer.

- (3) Where there is a reasonable doubt as to whether a catwalk is adequate, an employer shall ensure that

- (a) an engineer provides a written assessment of the permanent catwalk; and

- (b) where the assessment of the engineer required by clause (a) identifies an inadequacy,

- (i) the catwalk is removed, or

- (ii) modifications are made and are certified by an engineer as having been

constructed in accordance with the certified design of an engineer.

(4) An employer shall ensure that a temporary catwalk

(a) has a minimum clear width of 450 mm;

(b) is equipped with a guardrail in accordance with the requirements for a guardrail in subsection 142(4); and

Clause 146(4)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

(c) is able to withstand 4 times the maximum load likely to be imposed on it.

Subsection 146(5) repealed: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Ladders**

**147** An employer shall ensure that a fixed ladder is designed, constructed, installed and maintained in accordance with the latest version of ANSI standard ANSI A14.3

“American National Standard for Ladders - Fixed - Safety Requirements”.

Subsection 147 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

**148** (1) An employer shall ensure that a portable ladder used at a workplace is

(a) able to withstand 4 times the maximum load likely to be imposed;

(b) clean and free of grease, oil or other substances that may cause slipping;

(c) maintained in a safe condition;

(d) inspected at all of the following times by a competent person to ensure all components are in an adequate condition and the ladder is safe to use

(i) before each use,

(ii) annually;

Clause 148(1)(d) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

(e) not used, where the inspection required in clause (d) identifies an inadequate condition with the ladder.

(2) An employer shall ensure that a person using a fixed or portable ladder shall

(a) face the ladder when climbing or descending;

(b) when more than 1 m above a safe surface, maintain adequate contact with the

ladder, such as 3-point contact;

**Clause 148(2)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (c) where the person is standing on a ladder, stand in the centre between the side rails;
- (d) where the ladder is a step ladder, not stand on the material shelf, the top or the top step of the ladder; and
- (e) where the ladder is not a step ladder, not work from the top three rungs of the ladder.

**Subsection 148(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) Clauses (2)(b), (c), (d) and (e) do not apply to a firefighter engaged in structural firefighting or rescue.
- (4) An employer shall remove a ladder from service when it has loose, broken or missing rungs, split side rails or other defects that may be hazardous to the safety of a person at the workplace.

**149 (1)** An employer shall ensure that a wooden portable ladder that is not commercially manufactured

- (a) is made of No. 1 or No. 2 spruce, pine, or fir as graded according to the latest version of CSA standard CSA 0141, "Softwood Lumber", or other lumber that provides an equivalent level of safety;

**Clause 149(1)(a) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (b) is not painted other than by being preserved with a transparent protective coating;
- (c) if a single ladder, does not exceed 9 m in length;
- (d) has rungs that are
  - (i) free of knots,
  - (ii) designed to carry a load of 200 kg placed at the centre,
  - (iii) uniformly spaced with a maximum rise of 300 mm,
  - (iv) secured to each side of the side rail of the ladder by at least 3 screws or spiral nails of adequate length or by attachments giving equivalent or

better strength, and

**Subclause 149(1)(d)(iv) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (v) subject to subsection (3), cleated to the side rails; and
- (e) has side rails that
  - (i) are dressed on all sides and without sharp edges,
  - (ii) subject to subsection (3), have a uniform clear width between them of not less than 300 mm for ladders 3 m in length or less, and increasing 1 mm in width for each 100 mm in excess of 3 m,
  - (iii) where the ladder is less than 5.7 m in length, have dimensions of at least 50 mm thick by at least 100 mm wide, and
  - (iv) subject to subsection (3), where the ladder is 5.7 m or greater in length, have dimensions of at least 50 mm thick by at least 150 mm wide.
- (2) An employer shall ensure that a ladder does not sway or sag in an unsafe manner.
- (3) An employer shall ensure that a portable ladder that is designed specifically for the purpose of harvesting fruit from trees and is used only for that purpose, is erected, constructed, maintained and used so as to be adequate for that purpose.
- (4) Subclause (1)(d)(v) and subclauses (1)(e)(ii) and (iv) do not apply to a ladder that conforms to the requirements of subsection (3).

**150** (1) An employer shall ensure that a portable ladder that is commercially manufactured is designed, manufactured and maintained in accordance with the latest version of CSA standard Z11, "Portable Ladders".

**Subsection 150(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Despite subsection (1), an employer shall ensure that Grade 3 portable ladders, as described in any edition of CSA standard CSA Z11, "Portable Ladders", are not used at a workplace.

**Subsection 150(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3) An employer shall ensure that a commercially manufactured portable ladder
  - (a) where it is an extension ladder, maintains an adequate overlap between the sections of the ladder;

- (b) has locks engaged before the extension ladder is climbed; and
- (c) where there is a risk of contact with live electrical conductors, is non-conductive.

**Clause 150(3)(c) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**151 (1)** An employer shall ensure that when a portable ladder is used

- (a) it is placed on a firm footing;
- (b) it is secured in an adequate manner against movement as soon as reasonably practicable;

**Clause 151(1)(b) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (c) as a means of access or exit, it
  - (i) has side rails that extend at least 1 m above any platform or landing, and
  - (ii) has a clearance of at least 150 mm between it and the supporting structure, except in the area where the ladder is supported against the structure; and
- (d) as a step ladder, it has legs securely held in position by means of metal braces or an equivalent rigid support.

**(2)** An employer shall ensure that, when a portable ladder is used, it is not

- (a) spliced together with another ladder unless the spliced section is braced so that the spliced side rails are as strong as the original side rails;
- (b) placed in front of or against a door that can be opened towards the ladder unless the door is blocked in the open position, locked or guarded;
- (c) used as a scaffold, ramp, or as a support for such flooring;
- (d) placed on a box, barrel, scaffold, or other unstable base;
- (e) lashed to another ladder to increase its length; or
- (f) located in an elevator shaft or hoistway when such space is being used for hoisting.

**152** Where a portable ladder is used as a means of access or exit for a height greater than 6 m

and for 7 or more persons, an employer shall provide 2 separate lines of ladders.

### **Underground utility lines**

**153** (1) In this Section,

- (a) “utility line” means underground electrical, water, telephone, gas or other utility line or piping; and
  - (b) “physical limit” means the general location on the utility line where the utility’s responsibility for the utility line ends.
- (2) Where the location of any utility line is likely to endanger a person at a workplace, an employer must ensure that before beginning an excavation or trench the utility that owns or operates the utility line is contacted in order to have the utility clearly locate and mark the utility line to the physical limit of the utility line.
- (3) The physical limit of the utility line in subsection (2) may be established by the utility based on reasonable factors the utility can identify to an employer.
- (4) The utility must inform the employer if the employer has requested the utility to locate and mark a utility line or a portion of a utility line that is beyond the physical limit.
- (5) Where a utility stops locating and marking a utility line because it has reached the physical limit of the utility line but the utility line continues, the employer must ensure the remainder of the utility line is located and marked by a competent person.
- (6) Except as provided in subsection (7), an employer must ensure that no object or person comes in contact with a utility line located or marked in accordance with subsection (2) or (5).
- (7) An object or person may come into contact with a utility line, whether up to the physical limit of the utility line or beyond the physical limit of the utility line, only under the following conditions:
- (a) after the utility line has been located and marked in accordance with subsection (2) and (5); and
  - (b) the work involving the contact is performed by or in accordance with the instructions of a competent person who is employed, contracted or authorized by the utility that owns or operates the utility line.

**Subsection 153 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

## **Bracing and supports**

**154** (1) An employer at a project shall ensure that

- (a) work is completed on any component designed to support or give added support to a part of the project before proceeding with any work that adds to the load on that part;
- (b) a free standing wall of brick, concrete blocks or similar materials greater than 2 m in height is braced from both sides until the wall is attached to a rigid structure and the mortar has set adequately;
- (c) a free standing wall or structure designed to support roof components or any load is braced in an adequate manner to prevent collapse of the wall or structure; and
- (d) a column is erected in an adequate manner to prevent collapse of the column and, where further support is required to ensure that the column does not collapse, braced in an adequate manner.

(2) An employer at a project shall use bracing or shoring for support beneath floor levels where concrete is being poured.

(3) An employer at a project shall

- (a) ensure that bracing or shoring is designed by an engineer and is erected, maintained and dismantled in accordance with the engineer's certified specifications; or
- (b) retain the bracing or shoring at all floor levels beneath the floor where concrete is being poured until the removal of the bracing or shoring is authorized in writing by an engineer.

(4) An employer shall ensure that any bracing or shoring referred to in this Section complies with the latest version of CSA standard CSA S.269.1, "Falsework for Construction Purposes."

**Subsection 154(4) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

(5) An employer shall ensure that footings for shoring and bracing are designed to support the maximum load likely to be imposed, without excessive settlement or deformation.

## **By-stander safety**

**155** Where a project may cause a hazard to a pedestrian or other person at or near the workplace, an employer shall take adequate precautions to ensure the safety of the pedestrian or other person at or near the workplace.

### **Construction work in compressed air**

**156** An employer shall ensure that construction work in compressed air is conducted in accordance with the latest version of CSA standard CSA-Z275.3, "Occupational Safety Code for Work in Compressed Air Environments".

Section 156 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Demolition**

- 157** (1) No employer shall commence or continue to demolish a project until
- (a) adequate steps have been taken to prevent injury to any person at or near the project or the adjoining property; and
  - (b) existing gas, water, electrical, steam and other services to the project have been disconnected or isolated.
- (2) An employer shall ensure that
- (a) an assessment of a building or other structure to be demolished is conducted to identify hazardous substances; and
  - (b) so far as is reasonably practicable, hazardous substances are removed prior to the demolition.
- 158** (1) Where a project, or any part thereof, being demolished is likely to endanger the safety of a person by its accidental collapse, an employer shall ensure that adequate measures are taken so that the project is adequately shored, braced or otherwise supported.

Subsection 158(1) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (2) Where a person may be endangered at or near a demolition project from falling or broken glass, an employer shall ensure that the glass is removed from windows and other locations in the project before demolition commences.

[Note: Section 158 effective April 28, 1999.]

**159** Where a hoist or powered mobile equipment is used during demolition, an employer shall ensure adequate supports are provided to ensure the stability of the hoist or powered mobile equipment.

**160** An employer shall ensure that scaffolds are erected independent of that portion of a

project that is being demolished.

- 161** (1) Except for demolition work performed in accordance with Section 165 or a demolition by explosives, an employer shall ensure that a demolition proceeds systematically from the highest to the lowest point of the project.
- (2) Where a person may be endangered, an employer shall ensure that the work above each tier or floor is completed before the integrity of its supports is impaired by the demolition operations.

162 Following the completion of a demolition project, an employer shall ensure that

- (a) the demolition area is fenced or barricaded;
- (b) an excavation is backfilled to grade level; or
- (c) an excavation is sloped to its angle of repose.

Clause 162(c) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

**163** Except for demolition work performed in accordance with Section 165, an employer at a demolition project shall ensure that

- (a) no person disconnects a truss, girder or other member until it has been relieved of all loads, except its own weight, and given temporary support or lashed ready for lowering; and
- (b) a hoist or other adequate equipment for the lowering of a truss, girder or beam is provided and used.

**164** (1) Except for demolition work performed in accordance with Section 165, an employer at a demolition project shall ensure that masonry walls or any part of them are removed

- (a) in reasonably level courses in any one storey; and
- (b) so as not to endanger any person on the project.

(2) An employer at a demolition project shall ensure that masonry is not loosened or permitted to fall in such masses as to endanger the structural stability of a floor or other support of the project.

**165** (1) In this Section, “demolition zone” means

- (a) the area designated as such in writing by an engineer before the demolition begins; or
  - (b) in the absence of a designation under clause (a), the area having its centre at the point of demolition and having a horizontal radius equal to 1 1/2 times the initial height of the project, or portion of the project being demolished.
- (2) This Section applies to demolition by
- (a) a heavy weight suspended by cable from a crane or other hoist; or
  - (b) a power shovel, bulldozer or other powered mobile equipment.
- (3) An employer shall ensure that no person, other than persons directly engaged in the demolition, enters or remains within the demolition zone while the project is being demolished.
- (4) Where a swinging weight is used for demolition, an employer shall ensure that the supporting cable is of such length or so restrained that the weight will not swing against any object other than the project being demolished.
- (5) Where it is required to prevent the uncontrolled collapse of a project that may endanger a person at or near the workplace, an employer shall ensure that structural components are identified in an adequate manner to ensure the components are not removed inadvertently.
- (6) Where an operator of equipment referred to in subsection (2) cannot see where the material from the demolition will fall, the employer shall ensure that a signaller guides the operator.
- (7) Where the demolition involves undercutting structural supports, an employer shall establish an adequate written procedure certified by an engineer for the demolition.

Subsection 165(7) added: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.  
 [Note: Section 165 effective April 28, 1999.]

#### **Part 14 - Excavations and Trenches**

- 166** (1) Where a person may enter an excavation or trench and a wall of an excavation or trench is greater than 1.2 m in height, an employer shall ensure that the wall is supported by adequate shoring or bracing, or that an adequate trench cage is used, except where the employer is able to establish that the excavation or trench
- (a) is cut in sound and stable rock;

- (b) is sloped
  - (i) to within 1.2 m of the bottom of the excavation or trench, or
  - (ii) where soil overburden is located above an excavation or trench excavated in sound and stable rock, for the entire overburden,  
  
and the slope does not exceed 1 m of vertical rise to each 1 m of horizontal run; or
- (c) is one that a person does not enter within a horizontal distance from the walls of the excavation or trench that is equal to the height of the walls.

**Subsection 166(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) Where the walls or crests of an excavation or trench are cut in rock, an employer shall ensure that the walls and crests are adequately supported by rock bolts, wire mesh or other means of adequate protection, if necessary, to ensure safe working conditions.
- (3) Where powered mobile equipment is used near the edge of an excavation or trench, an employer shall ensure that any shoring, bracing or caging for the excavation or trench is adequate to support the increased load.
- (4) An employer shall ensure that the walls of an excavation or trench are stripped of loose rock or other material that could slide, roll or fall on a person in the excavation or trench and injure that person.
- (5) Despite clause (1)(b), an employer may slope the walls of an excavation or trench at an angle that exceeds a 1 m vertical rise to each 1 m horizontal run where an engineer has certified in writing that the steeper slope will be stable and is not a hazard to a person in the excavation or trench.
- (6) An employer shall ensure that a utility pole, building or other structure is provided adequate support or removed if the utility pole, building or other structure may become unstable because of excavation or trenching activity.

**Subsection 166(6) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**167** No person shall enter an excavation or trench 1.2 m or more in depth unless an employer ensures that a ladder is installed that extends at least 1 m above the excavation or trench or some other adequate means of access and exit is provided

- (a) that is no more than 15 m from where the person is working; or

(b) where a trench cage is used, within the trench cage.

**168** An employer shall ensure that excavated material is

- (a) kept at least 1 m away from the edge of an excavation or trench, unless an engineer certifies a shorter distance as adequate; and
- (b) located a sufficient distance from the edge of the excavation or trench to ensure the excavated material does not re-enter the excavation or trench.

Clause 168(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

**169** (1) An employer shall ensure that an excavation or trench in which a person works is kept reasonably free of water.

(2) Where a person may be exposed to a hazardous substance or to an oxygen rich atmosphere in an excavation or trench, an employer shall ensure that, before the person enters the excavation or trench,

- (a) testing is performed to
  - (I) determine the concentration of any hazardous gas, vapour or dust, flammables, the concentration of oxygen and oxygen deficiency in the atmosphere in the immediate area of the excavation or trench where the work is to be performed,
  - (ii) ensure that the concentration of a chemical substance or a mixture of chemical substances in the excavation or trench does not exceed its occupational exposure limit under Part 2: Occupational Health of the *Workplace Health and Safety Regulations* made under the Act or 50% of its lower explosive limit, and
  - (iii) ensure that the level of oxygen in the atmosphere in the excavation or trench is not less than 19.5 % and not more than 22.5 %, unless the employer can demonstrate that an unsafe oxygen level is not possible in the circumstances; and

Clause 169(2)(a) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) adequate precautions are taken to reduce the risk of injury to a person.

Subsection 169(2) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

(3) No person shall store hazardous substances in an excavation or trench.

- (4) An employer shall provide, at or near the sides of all temporary excavations greater than 1.2 m in depth, fences, guards or barricades that prevent a person from falling into an excavation, and shall keep those fences, guards or barricades in place at all times, except where they interfere with the excavation or other work being done.

**Subsection 169(4) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- 170**
- (1) Where a trench cage is used in an excavation or trench, an engineer shall certify the design of the cage.
  - (2) An engineer shall include in the certified design required in subsection (1) information on
    - (a) the depth at which the trench cage may be used; and
    - (b) the manner in which the trench cage is to be installed, erected, used, maintained and dismantled.
  - (3) Where a trench cage is altered, repaired or otherwise modified in a manner that may affect the structural integrity of the cage, an employer shall ensure that it meets the requirements of these regulations and is certified by an engineer in accordance with subsections (1) and (2) prior to use after the alteration, repair or modification.
  - (4) Where the top of a trench cage is below ground level, an employer shall ensure that the soil above the cage is sloped in accordance with clause 166(1)(b).
- 171**
- (1) An employer shall ensure that a nameplate is permanently attached to a trench cage, in a location visible for inspection when the cage is in use, identifying the engineer that certified the design of the trench cage and the depth at which the cage may be used.
  - (2) An employer shall designate a competent person to inspect a trench cage before each day it is used to ensure that it does not have any defects or damage that may affect the structural integrity of the cage.
  - (3) Where an inspection required in subsection (2) identifies a defect or damage that affects the structural integrity of the trench cage, an employer shall remove the cage from service until it is repaired and re-certified in accordance with subsection 170(3).
- 172** An employer shall ensure that, where a trench cage is used, the cage

- (a) rests as close as possible to the bottom of the excavation or trench; and
- (b) does not rest above the bottom of the excavation or trench more than the designed maximum height, or 900 mm, whichever is the lesser,

unless an engineer certifying the design of the cage also certifies its use in the specific circumstances.

- 173** (1) An employer shall ensure that shoring or bracing for an excavation or trench
- (a) complies with a design certified by an engineer; or
  - (b) is commercially manufactured.
- (2) An employer shall ensure that any shoring or bracing for an excavation or trench is installed, erected, maintained and dismantled in accordance with the manufacturer's specifications or an engineer's specifications.

### **Part 15 - Surface Mine Workings**

#### **Interpretation**

**174** In this Part, "working face" means an area in a surface mine where consolidated or unconsolidated material is worked.

Section 174 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

#### **Marking location and control of entry**

**175** An employer shall ensure that a surface mine is

- (a) marked and identified in an adequate manner; and
- (b) securely protected from inadvertent entry by a person where
  - (i) the surface mine constitutes a hazard by reason of its depth,
  - (ii) the approaches to or openings of the surface mine are not readily visible, or
  - (iii) the hazard caused by the surface mine is greater than the hazard caused by natural topographical features within 600 m of the working face.

## Roadways and vehicles

- 176** An employer shall ensure that a roadway at a surface mine used for the purpose of moving material to, from, or within a surface mine is designed, constructed and maintained
- (a) to minimize hazards caused by slipping or skidding of vehicles;
  - (b) to enable vehicles to pass each other safely where the vehicles are required to pass each other, and with sufficient width to accommodate the proposed traffic; and
  - (c) so that grades do not exceed the design capacity of vehicles that are used on the roadway.
- 177** Where, at the edge of a regularly used roadway in a surface mine, a drop-off greater than 3 m creates a hazard, an employer shall ensure that an adequate shoulder barrier is designed, constructed and maintained to prevent vehicles from inadvertently going off the road.

Section 177 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

- 178** (1) An employer shall ensure that the grade on roadways in a surface mine does not exceed 12% on any 300 m portion of the roadway unless
- (a) a written procedure for handling vehicle runaways has been prepared;
  - (b) where reasonably practicable, runaway lanes, retardation barriers or vehicle modifications are adequately in place; and
  - (c) the employer ensures that the vehicle manufacturer's specifications are followed.

Subsection 178(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- (2) Where no manufacturer's specifications are available for a vehicle used on a roadway in a surface mine, an employer shall ensure that the grade on roadways in a surface mine does not exceed 12% on a roadway length that exceeds 300 m.

Subsection 178(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

- 179** An employer must ensure that every person who is a pedestrian at a surface mine in an area of operating mobile equipment wears high-visibility apparel that is in accordance with all of the following:
- (a) for the selection, use and care of the apparel, the latest version of CSA standard CSA Z96.1, "Guideline on selection, use and care of high-visibility

safety apparel”;

- (b) for the design and performance of the apparel, the latest version of CSA standard CSA Z96, “High-visibility safety apparel”.

**Section 179 replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**180** Where material excavated from a surface mine is dumped from a vehicle onto a stockpile, an employer shall ensure that adequate precautions are taken to ensure that the vehicle does not overturn.

### **Overburden**

**181** An employer shall ensure that unconsolidated overburden at a surface mine

- (a) is moved a sufficient distance away from the edge of the surface mine to prevent the overburden from falling into the surface mine;
- (b) if less than 7 m away from the edge of a surface mine that is greater than 1.2 m deep and in which a person is or may be present, is approved by an engineer to ensure that the distance is adequate to prevent the overburden from falling into the surface mine; and
- (c) is sloped to its angle of repose.

**Section 181 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

### **Notice of operation**

**182** When activities in a surface mine are initially started, or when activities are resumed after a cessation of operation of 4 months or more, an employer shall

- (a) notify the Director in writing of the intention to begin or resume operations in the surface mine at least 2 weeks before the operations are to begin or resume;
- (b) specify in the written notice to the Director the geographic location of the surface mine; and
- (c) state the estimated start-up date and period of operation.

### **Inspections**

**183 (1)** No person shall begin work, other than at a stockpile, at or near a working face in a surface mine at the beginning of each operating shift until a competent person inspects the working face to ensure that the working face is adequate.

**Subsection 183(1) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) The competent person referred to in subsection (1) shall record the results of the inspection required by subsection (1) in a daily examination and record book and shall record all unusual occurrences or hazards.
- (3) The competent person referred to in subsection (1) shall read the record in the daily examination and record book made for the previous shift and sign it before work at the face begins on the next shift.
- (4) An employer shall make available the daily examination and record book referred to in subsections (2) and (3) on request to the committee or the representative, if any.

**Wall or working face**

**184** (1) Subject to subsection (3), where a wall or working face of a surface mine is greater than 20 m in height, an employer shall ensure that the surface mine is designed, constructed and maintained with the wall or working face benched and having a vertical rise not in excess of 20 m for every horizontal run not less than 8 m.

**Subsection 184(1) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (2) Where a wall or working face of a surface mine is 20 m in height or less and the wall or working face cannot be excavated in a safe manner, an employer shall ensure that the wall or working face is adequately benched to ensure the work can be performed in a safe manner.

**Subsection 184(2) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (3) Where a wall or working face of a surface mine is greater than 20 m in height and it is not benched in accordance with subsection (1), an employer shall ensure that

- (a) an engineer has certified the wall or working face height as adequate;
- (b) subject to subsection (4), material extracted is removed by means of equipment located at the top of the wall or working face; or

**Clause 184(3)(b) amended: O.I.C. 2000-130, N.S. Reg. 52/2000;**

- (c) when work is required to be performed within a radius of 1.3 times the height of the wall or working face, a procedure is established to ensure the work is performed safely.

**Clause 184(3)(c) replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**  
**Subsection 184(3) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.**

- (4) An employer shall ensure that no material is removed in accordance with clause (3)(b) where a person is present in a surface mine in an area where they could be

struck by an object dislodged by the equipment.

**Subsection 184(4) added: O.I.C. 2000-130, N.S. Reg. 52/2000.**

### **Work procedures**

**185** Where unconsolidated material is being worked or removed, an employer shall ensure that the vertical height of the unconsolidated material is not more than 1.5 m above the maximum reach of the equipment being used to work or remove the unconsolidated material, unless the work is done in accordance with written specifications and a written safe work procedure certified by an engineer, following consultation with the committee or representative, if any.

**Section 185 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**186** (1) Where material in a surface mine is being worked by means of powered mobile equipment, an employer shall ensure that the working face is sloped to a maximum grade of one unit of vertical rise for every equal unit of horizontal run during periods of inactivity that exceed a period of 4 months.

- (2) Where material in a surface mine is being worked by means of powered mobile equipment, an employer shall ensure that
- (a) the working face extends not more than 1.5 m above the maximum reach of the equipment in use; or
  - (b) the work is performed in accordance with written specifications and a written safe work procedure certified by an engineer, following consultation with the committee or representative, if any.

**Clause 186(2)(b) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

**Section 186 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.**

**187** Where undercutting or undermining is performed at the working face of a surface mine by means of powered mobile equipment, an employer shall ensure that the undercutting or undermining is

- (a) restricted to the depth of the bucket of the powered mobile equipment; and
- (b) permitted only when
  - (i) the approach by the operator of the powered mobile equipment is at a 90° angle to the working face; and

- (ii) the work is performed in accordance with specifications and a written safe work procedure certified by a competent person in consultation with the committee, or representative, if any.

Subclause 187(b)(ii) amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

Section 187 amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

**188** Where unconsolidated material in a surface mine is being worked by means other than powered mobile equipment, an employer shall ensure that

- (a) the working face is sloped at its angle of repose;
- (b) the vertical portion of the working face does not exceed a maximum grade of one unit of vertical rise for every equal unit of horizontal run; or
- (c) the work is performed in accordance with written specifications and a written safe work procedure certified by an engineer, following consultation with the committee or representative, if any.

Clause 188(c) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

Section 188 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

**189** Where unconsolidated material is being worked at a working face, an employer shall ensure that no person comes closer to the working face than 1.3 times the height of the working face, unless

- (a) the working face is sloped at its angle of repose;
- (b) the working face is benched to limit the vertical height of the working face to not more than 1.2 m and the grade above the horizontal portion does not exceed one unit of vertical rise for every equal unit of horizontal run; or
- (c) the work is performed in accordance with written specifications and a written safe work procedure certified as adequate by an engineer, following consultation with the committee or representative, if any.

Clause 189(c) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

Section 189 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

## **Part 16 - Equipment for Firefighters**

### **Application and interpretation**

**190** (1) This Part does not apply to an underground mine.

- (2) Where there is a conflict between this Part and another Section of these regulations, this Part prevails.

Subsection 190(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Protective headwear**

**191** (1) When engaged in structural fire-fighting, a firefighter shall use protective headwear that complies with or exceeds the latest version of NFPA standard NFPA 1971, “Standard on Protective Ensemble for Fire Fighting”.

Subsection 191(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(2) An employer shall ensure that attachments to and on the protective headwear referred to in subsection (1) are made only in the manner specified by the manufacturers of the headwear.

### **Protective footwear**

**192** When engaged in structural fire-fighting, a firefighter shall use protective footwear that

(a) complies with or exceeds the latest version of NFPA standard NFPA 1971, “Standard on Protective Ensemble for Fire Fighting”, or the standard for Grade 1 footwear, with sole puncture protection and electric shock resistant soles in the latest version of CSA standard CSA Z195, “Protective Footwear”;

Clause 192(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) is water-resistant for at least 12.7 cm above the bottom of the heel; and

(c) has a slip-resistant outer sole.

Section 192 amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2004-14, N.S. Reg. 4/2004.

### **Protective handwear**

**193** When engaged in structural fire-fighting, a firefighter shall wear protective handwear that complies with or exceeds the latest version of NFPA standard NFPA 1971, “Standard on Protective Ensemble for Fire Fighting”.

Section 193 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

### **Protective coat and trousers**

**194** When engaged in structural fire-fighting, a firefighter shall wear a protective coat and trousers that

(a) comply with or exceed the latest version of NFPA standard NFPA 1971, “Standard on Protective Ensemble for Fire Fighting”, [or] CGSB standard CGSB 155.1, “Fire Fighter’s Protective Clothing for Protection Against Heat and Flame”; and

Clause 194(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) fit properly in sleeve length, coat length, chest girth, waist girth, trouser inseam length and crotch rise so as to prevent unsafe situations resulting from the interference of one piece of clothing or equipment with another.

## **Respiratory protective equipment**

**195** (1) A firefighter who may be exposed to an oxygen deficient atmosphere or to harmful concentrations of air contaminants when engaged in structural fire-fighting shall wear positive-pressure self-contained respiratory protective equipment that complies with or exceeds the latest version of NFPA standard NFPA 1981, “Standard on Open-Circuit Self-Contained Breathing Apparatus for the Fire Service”, together with a protective hood that complies with or exceeds the requirements in the latest version of NFPA standard NFPA 1971, “Standard for Protective Ensemble for Fire Fighting”.

Subsection 195(1) amended: O.I.C. 2004-14, N.S. Reg. 4/2004; O.I.C. 2013-65, N.S. Reg. 53/2013.

(2) An employer shall ensure that a firefighter who is wearing self-contained respiratory protective equipment when engaged in structural fire-fighting is accompanied by another firefighter similarly equipped and having the same air capacity.

Subsection 195(2) amended: O.I.C. 2004-14, N.S. Reg. 4/2004.

(3) An employer shall ensure that self-contained respiratory protective equipment used by a firefighter when engaged in structural fire-fighting is equipped with a personal distress alarm device that complies with or exceeds the latest version of NFPA standard NFPA 1982, “Standard on Personal Alert Safety Systems (PASS)”.

Subsection 195(3) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; O.I.C. 2004-14, N.S. Reg. 4/2004; O.I.C. 2013-65, N.S. Reg. 53/2013.

**196** An employer shall ensure that firefighters receive annual quantitative fit testing of their self-contained respiratory protective equipment.

Section 196 replaced: O.I.C. 2000-130, N.S. Reg. 52/2000.

## **Body harnesses and safety ropes**

**197** (1) In this Section and Sections 198 and 199,

(a) “body harness” means a harness consisting of leg and shoulder straps and an upper back suspension unit that will distribute and reduce the impact force of any fall; and

(b) “confined space” means a confined space as defined in subsection 129(1).

(2) A firefighter entering a confined space for the purposes of rescue shall wear a body harness that complies with or exceeds the latest version of NFPA standard NFPA 1983, “Standard on Fire Service Life Safety Rope and System Components”, and self-contained respiratory protective equipment that complies with or exceeds the latest version of NFPA standard NFPA 1981, “Standard on

Open-Circuit Self-Contained Breathing Apparatus for the Fire Service”.

**Subsection 197(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 198** (1) An employer shall ensure that ropes and associated body harnesses and hardware used by a firefighter for structural fire-fighting or rescue purposes comply with or exceed the latest version of NFPA standard NFPA 1983, “Standard on Fire Service Life Safety Rope and System Components”.

**Subsection 198(1) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) When working from an aerial device, as defined in subsection 201(1), a firefighter engaged in structural fire-fighting or rescue shall use a body harness that complies with or exceeds the latest version of NFPA standard NFPA 1983, “Standard on Fire Service Life Safety Rope and System Components”.

**Subsection 198(2) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (3) Despite subsection (1) or (2), or any provision of Part 21: Fall Protection or Part 23: Scaffolds and Other Elevated Work-platforms, of the *Workplace Health and Safety Regulations* made under the Act, in a situation where those Parts require the use of a body harness or associated ropes and hardware that complies with a different standard than those listed in subsection (1) or (2), it is permissible to use equipment that meets the applicable requirements of subsection (1) or (2) or those Parts.

**Subsection 198(3) replaced: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- 199** Where a body harness has been worn by a firefighter for structural firefighting or rescue, the employer shall ensure that the body harness is not worn again until it is inspected by a competent person to ensure all components are in an adequate condition.

**Subsection 199 amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Portable ladders**

- 200** (1) Where a portable ground ladder is used for structural fire-fighting, an employer shall ensure that it complies with or exceeds the latest version of NFPA standard NFPA 1931, “Standard on Design of and Design Verification Tests for Fire Department Ground Ladders”, and is used, maintained and tested in accordance with the latest version of NFPA standard NFPA 1932, “Standard on Use, Maintenance and Service Testing of Fire Department Ground Ladders”.

**Section 200 amended: O.I.C. 2000-130, N.S. Reg. 52/2000; re-designated as subsection 200(1) and amended: O.I.C. 2013-65, N.S. Reg. 53/2013.**

- (2) Where a portable ground ladder is used in subsection (1), an employer is exempt from the requirement in subsection 150(1).

**Subsection 200(2) added: O.I.C. 2013-65, N.S. Reg. 53/2013.**

### **Aerial devices**

**201** (1) In this Section, “aerial device” includes an aerial bucket, aerial ladder, elevating platform, aerial ladder platform or water tower that is designed to position personnel, handle materials, provide a means of exit or discharge water, as the case may be.

(2) Where an aerial device is used for structural fire-fighting, an employer shall ensure that it

(a) complies with or exceeds the latest version of NFPA standard NFPA 1914, “Standard for Testing Fire Department Aerial Devices”, or Underwriters’ Laboratories of Canada standard ULC S515, “Automobile Fire Fighting Apparatus”; or

Clause 201(2)(a) amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

(b) is certified in writing by an engineer as being safe to elevate a firefighter to a work site above ground when used for structural fire-fighting purposes.

### **Battery powered lights**

**202** An employer shall ensure that each fire truck is equipped with 2 portable intrinsically safe hand lights, each of which is powered with at least a 6-volt battery.

Section 202 amended: O.I.C. 2000-130, N.S. Reg. 52/2000.

### **Industrial firefighters**

**203** (1) Where an employer establishes an internal fire-fighting unit at its place of business, the employer shall ensure that industrial firefighters designated to take part in fire-fighting activity have received adequate training.

Subsection 203(2) repealed: O.I.C. 2013-65, N.S. Reg. 53/2013.

(3) An industrial firefighter shall not engage in structural fire-fighting beyond the incipient stages unless wearing and using the personal protective equipment required by Sections 191 to 199.

(4) An employer shall ensure that beyond the incipient stages of a fire, fire-fighting by industrial firefighters conforms to the latest version of NFPA standard NFPA 600, “Standard on Industrial Fire Brigades”.

Subsection 203(4) amended: O.I.C. 2000-130, N.S. Reg. 52/2000; amended: O.I.C. 2013-65, N.S. Reg. 53/2013.

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## Part 3: Workplace Hazardous Materials Information System

### Definitions for Part 3

#### 3.1 In this Part,

“bulk shipment” means a shipment of a hazardous product that is contained without intermediate containment or intermediate packaging in any of the following:

- (i) a vessel that has a water capacity equal to or greater than 450 L,
- (ii) a freight container, road vehicle, railway vehicle or portable tank,
- (iii) the hold of a ship,
- (iv) a pipeline;

“CAS registry number” means the identification number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society;

“container” includes a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or receptacle;

“education” means the delivery of general information on labels and safety data sheets and the purpose and significance of the information they contain to employees;

“fugitive emission” means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from any of the following and an employee may be readily exposed;

- (i) process equipment,
- (ii) emission control equipment,
- (iii) a product;

“hazard information” means information on the proper and safe use, storage and handling of a hazardous product and includes information relating to its health and physical hazards;

“*Hazardous Materials Information Review Act*” means the *Hazardous Materials Information Review Act* (Canada);

“hazardous product” means any product, mixture, material or substance that is classified in accordance with the *Hazardous Products Regulations* in a category or subcategory of a hazard class listed in Schedule 2 of that Act;

“*Hazardous Products Act*” means the *Hazardous Products Act* (Canada);

“*Hazardous Products Regulations*” means the *Hazardous Products Regulations* made under the *Hazardous Products Act*;

“hazardous waste” means a hazardous product that meets at least 1 of the following requirements:

- (i) it is generated as a by-product of a process and then recycled or recovered,
- (ii) it is acquired for recycling or recovery,
- (iii) it is intended for disposal;

“health professional” means

- (i) a physician who is registered and entitled under the laws of a province to practise medicine and who is practising medicine under those laws in that province, or
- (ii) a nurse who is registered or licensed under the laws of a province to practise nursing and who is practising nursing under those laws in that province;

“label” means a group of written, printed or graphic information elements that relate to a hazardous product and that is designed to be affixed to, printed on or attached to a hazardous product or the container for a hazardous product;

“laboratory sample” means a sample of a hazardous product that is packaged in a container that contains less than 10 kg of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used for any of the following purposes:

- (i) by the laboratory for testing other products, mixtures, materials or substances,
- (ii) education,
- (iii) a demonstration;

“manufactured article” means any article that is formed to a specific shape or design during manufacture, the intended use of which is dependent in whole or in part on its shape or design, and that, when being installed, if the intended use of the article requires it to be installed, and under normal conditions of use, will not release or otherwise cause an individual to be exposed to a hazardous product;

“product identifier” means, for a hazardous product, the brand, chemical, common, generic or trade name;

“readily available” means, in respect of information, present in an appropriate place that is accessible to an employee at all times and in at least 1 of the following forms:

- (i) a physical copy that can be handled,
- (ii) an electronic copy for which a back-up version is available;

“safety data sheet” means a document that contains, under the headings that are required to appear in the document by the *Hazardous Products Regulations*, information about a hazardous product, including the hazards associated with any use, handling or storage of the product in a workplace;

“significant new data” means new data about the hazard presented by a hazardous product that does any of the following:

- (i) changes the hazardous product's classification in a category or subcategory of a hazard class,
- (ii) results in the hazardous product's classification in another hazard class,
- (iii) changes the ways to protect against the hazard presented by the hazardous product;

“supplier label” means a label provided by a supplier that contains the information required by the *Hazardous Products Act*;

“supplier safety data sheet” means a safety data sheet provided by a supplier that contains the information required by the *Hazardous Products Act*;

“training” means the delivery of workplace- and job-specific information to an employee;

“workplace label” means a label that discloses all of the following:

- (i) a product identifier identical to that found on the safety data sheet for the hazardous product,
- (ii) information for the safe handling of the hazardous product conveyed in a manner appropriate to the workplace,
- (iii) that a safety data sheet, if supplied or produced, is available.

### **Application**

**3.2 (1)** The requirements under this Part for a supplier label and safety data sheet do not apply if the hazardous product is any of the following:

- (a) an explosive within the meaning of the *Explosives Act* (Canada);
- (b) a cosmetic, device, drug or food as defined in Section 2 of the *Food and Drugs Act* (Canada);
- (c) a pest control product as defined in subsection 2(1) of the *Pest Control Products Act* (Canada);
- (d) a nuclear substance as defined in Section 2 of the *Nuclear Safety and Control Act* (Canada) that is radioactive;
- (e) a consumer product as defined in Section 2 of the *Canada Consumer Product Safety Act*.

**(2)** This Part does not apply if the hazardous product is any of the following:

- (a) wood or a product made of wood;
- (b) a tobacco product as defined in Section 2 of the *Tobacco and Vaping Products Act* (Canada);
- (c) a manufactured article.

**(3)** This Part does not apply to a hazardous product that is being transported or handled under the requirements of the *Transportation of Dangerous Goods Act* (Canada).

- (4) This Part does not apply to hazardous wastes, except that an employer must ensure the safe storage and handling of hazardous waste through a combination of identification and employee training.

### **Prohibition**

- 3.3 (1)** An employer must ensure that the label, identifier, safety data sheet and employee training requirements of these regulations are complied with when using, storing or handling a hazardous product in a workplace.
- (2) Despite the requirement to provide information and training required for a hazardous product in a workplace under subsection (1), an employer may store a hazardous product in a workplace while actively seeking information required under these regulations if the employer ensures that the hazardous product or the container of the hazardous product has 1 of the following labels affixed to it:
- (a) a workplace label; or
  - (b) if the employer does not have the information required for a workplace label, a label disclosing that the product is
    - (i) hazardous, and
    - (ii) cannot be used or handled at the workplace until further information is obtained.

### **Employer's duty to inform employees**

- 3.4 (1)** An employer must ensure that an employee who works with a hazardous product or may be exposed to a hazardous product in the course of their work activities is informed about all of the following:
- (a) all hazard information received from a supplier for that hazardous product;
  - (b) any further hazard information the employer is aware of or ought to be aware of for the use, storage, handling and disposal of that hazardous product.
- (2) If a hazardous product is produced in a workplace, an employer must ensure that an employee who works with that hazardous product or may be exposed to that hazardous product in the course of their work activities is informed about all of the hazard information the employer is aware of or ought to be aware of for the use, storage and handling of that hazardous product.

### **Employee education and training**

- 3.5 (1)** An employer must ensure that an employee who works with, or may be exposed to, a hazardous product in the course of their work activities is educated in all of the following:
- (a) the content required on a supplier label and workplace label, and the purpose and significance of that information;
  - (b) the content required on a safety data sheet and the purpose and significance of the information on the safety data sheet.
- (2) An employer must ensure that an employee who works with, or may be exposed to, a hazardous product in the course of their work activities is trained in all of the following:
- (a) procedures for the safe use, storage, handling and disposal of a hazardous product;

- (b) procedures for the safe use, storage, handling and disposal of a hazardous product contained or transferred in any of the following:
  - (i) a pipe,
  - (ii) a piping system including valves,
  - (iii) a process vessel,
  - (iv) a reaction vessel,
  - (v) a tank car, tank truck, ore car, conveyor belt or similar conveyance;
- (c) procedures to be followed if an employee may be exposed to fugitive emissions;
- (d) procedures to be followed in case of an emergency involving a hazardous product;
- (e) how to locate a safety data sheet at the workplace and the format it may be found in.
- (3)** An employer must ensure that the employee education and training required by subsections (1) and (2) are developed and implemented
  - (a) for that employer's workplace; and
  - (b) in consultation with the committee, or representative, if any.
- (4)** An employer must ensure, so far as is reasonably practicable, that
  - (a) the employee education and training required by subsections (1) and (2) enable an employee to protect the employee's own health and safety and the health and safety of others at the workplace; and
  - (b) the knowledge of an employee is periodically evaluated using written tests, practical demonstrations or other suitable means.
- (5)** An employer must review the education and training required under this Section at least annually, or more frequently if required by a change in work conditions or available hazard information, and in consultation with the committee or representative, if any, to ensure the education and training continue to comply with relevant legislation and regulations.
- (6)** If a change is made to the education or training as a result of the review under subsection (5), an employee affected by the change must be provided with additional education or training about the change.

## **Labels**

### **Supplier label**

- 3.6 (1)** Unless exempted from labelling requirements in the *Hazardous Products Regulations* and these regulations, an employer must ensure that all of the following received at a workplace has a supplier label that meets the requirements set out in subsection (2):

- (a) a hazardous product;
  - (b) the container in which a hazardous product is packaged.
- (2) A supplier label must be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged in a manner that complies with the *Hazardous Products Regulations*.
  - (3) Except as provided in Sections 3.16 and 3.17, if any amount of a hazardous product remains in a workplace in the container in which it was received from the supplier, an employer must not remove, deface, modify or alter a supplier label.
  - (4) An employer must update a supplier label as soon as significant new data is provided to the employer from the supplier.
  - (5) Except as provided in subsection (6), if a label affixed to a hazardous product or a container of a hazardous product becomes illegible or is inadvertently removed from the hazardous product or container, the employer must replace the label with either a supplier label or a workplace label.
  - (6) The label of a hazardous product in a container that has a capacity of 3 ml or less may be removed under normal conditions of use if the label interferes with the normal use of the product.
  - (7) If a hazardous product is imported and received at a workplace without a supplier label, as permitted under Section 5.15 of the *Hazardous Products Regulations*, or with a supplier label that does not comply with the *Hazardous Products Regulations*, the employer must affix a label that meets the requirements of the *Hazardous Products Regulations*.
  - (8) An employer who receives a hazardous product without packaging or a hazardous product transported as a bulk shipment, and to which a supplier label has not been affixed as permitted under subsection 5.5(2) of the *Hazardous Products Regulations*, must do 1 of the following:
    - (a) affix a label with the information required for a supplier label to the container of the hazardous product, or
    - (b) if the product is to be used solely in the workplace, affix a workplace label to the hazardous product.

### **Workplace label for employer-produced products**

- 3.7** (1) For the purpose of subsection (2), “produces” does not include the production of a fugitive emission.
- (2) If an employer produces a hazardous product in a workplace, the employer must ensure that the hazardous product or the container of the hazardous product has a workplace label affixed to it.
  - (3) Subsection (2) does not apply when the hazardous product is in a container that is intended to contain the hazardous product for sale or disposition and the container is or is about to be appropriately labelled for sale or disposition.
  - (4) The employer must update a workplace label as soon as significant new data are available to the employer.

### **Workplace label for decanted products**

- 3.8** (1) Except as set out in subsection (2), if a hazardous product in a workplace is in a container other than the container in which it was received from a supplier, the employer must ensure that the container has a workplace label affixed to it.
- (2) Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label affixed to it if either of the following conditions are met:
- (a) all of the hazardous product is required for immediate use; or
  - (b) the hazardous product meets all of the following requirements:
    - (i) it is under the control of and is used exclusively by the employee who filled the portable container,
    - (ii) it is used only during the shift in which the portable container was filled,
    - (iii) the content of the container holding the hazardous product is clearly identified.

### **Identification of hazardous product in piping systems and vessels**

**3.9** An employer must ensure the safe use, storage and handling of a hazardous product through employee training and the use of colour coding, labels, placards or another mode of identification when the hazardous product in a workplace is contained or transferred in any of the following:

- (a) a pipe;
- (b) a piping system including valves;
- (c) a process vessel;
- (d) a reaction vessel;
- (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance.

### **Placard identifiers**

- 3.10** (1) For the purpose of this Section, “posting a placard” means posting a placard that meets all of the following requirements:
- (a) except as exempted in Sections 3.16 and 3.17, it discloses the information required on a workplace label;
  - (b) it is of a size and in a location that the information on the placard is conspicuous and clearly legible to employees;
  - (c) it is located close enough to the hazardous product it relates to for employees to appreciate it relates to that product.
- (2) Despite the labelling requirements for a hazardous product in Sections 3.6, 3.7 and 3.8, an employer may comply with Sections 3.6, 3.7 and 3.8 by posting a placard if the hazardous product meets at least 1 of the following requirements:
- (a) it is not in a container;

- (b) it is in a container intended for export;
  - (c) it is in a container intended for sale or disposition and will be appropriately labelled in the employer's normal course of business and without undue delay;
  - (d) it is in a container intended for use in the workplace and the container meets all of the following requirements:
    - (i) the container is consumed in a production process,
    - (ii) except as exempted in Sections 3.16 and 3.17, the container or the hazardous product is identified through the use of colour coding, labels or another mode of identification clearly legible to employees.
- (3) Despite the labelling requirements for a hazardous product in Sections 3.7 and 3.8, and without limiting subsection (2), an employer may comply with Sections 3.7 and 3.8 for a container of a hazardous product intended for use in a workplace by posting a placard if all of the following requirements are met:
- (a) the hazardous product is located in an area to which the general public and unauthorized employees are not permitted access;
  - (b) the container of the hazardous product is identified through the use of colour coding, labels or another mode of identification clearly legible to employees;
  - (c) subject to subsection (4), and unless the hazardous product is required for immediate use or is under the exclusive control of a single employee and handled in accordance with subclauses 3.8(2)(b)(i) to (iii), the hazardous product is not removed from the placarded area until it has a workplace label affixed to it.
- (4) If a hazardous product is moved directly and expeditiously from a container or source that complies with the labelling or placarding requirements of these regulations to an area where a placard is posted, despite Sections 3.7 and 3.8, the employer may, during the time that the hazardous product is being moved, identify the hazardous product through a combination of employee training and the use of colour coding, labels, placards or another mode of identification clearly legible to employees.

### **Hazardous laboratory sample**

- 3.11 (1)** If a laboratory sample of a hazardous product is exempted from specific labelling requirements by subsection 5(5) or 5(6) of the *Hazardous Products Regulations*, a label must be provided by the supplier and affixed to, printed on or attached to the container of the product received at the workplace.
- (2) A label in subsection (1) complies with the requirements of Section 3.6 for a supplier label if it discloses all of the following:
- (a) the chemical name or generic chemical name of any material or substance in the hazardous product that is classified individually under the *Hazardous Products Act* and the *Hazardous Products Regulations*
    - (i) in any category or subcategory of a health hazard class and that is present above the relevant concentration limit, if known by the supplier, or

- (ii) that is present at a concentration that results in the mixture being classified in a category or subcategory of any health hazard class, if known by the supplier;
  - (b) the statement “Hazardous Laboratory Sample. For hazard information or in an emergency, call/ Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d’urgence, composez” followed by an emergency telephone number to obtain the information required on the safety data sheet of the hazardous product.
- (3)** If a hazardous product is in a container other than the container in which it was received from a supplier, or is produced in the workplace, the employer is exempt from the requirement of Section 3.8 if the hazardous product meets all of the following requirements:
- (a) it is a laboratory sample;
  - (b) it is intended by the employer solely for use, analysis, testing or evaluation in a laboratory;
  - (c) it is clearly identified through a combination of the following methods that comply with subsection (4):
    - (i) a mode of identification visible to employees at the workplace,
    - (ii) employee education and training required by these regulations.
- (4)** The mode of identification and employee education and training required under clause (3)(c) must enable an employee to readily identify and obtain either of the following types of information as required in the circumstances:
- (a) information required on a safety data sheet;
  - (b) a label or document disclosing the information referred to in clauses (2)(a) and (b) for the hazardous product or sample.
- (5)** If a hazardous product is produced in a laboratory, the employer is exempt from the labelling requirements of Sections 3.7 and 3.8 if the hazardous product meets all of the following requirements:
- (a) it is intended by the employer solely for evaluation, analysis or testing for research and development;
  - (b) it is not removed from the laboratory;
  - (c) it is clearly identified through a combination of the following methods that comply with subsection (6):
    - (i) a mode of identification visible to employees at the workplace,
    - (ii) employee education and training required by these regulations.
- (6)** The mode of identification and employee education and training methods required under clause (5) (c) must enable an employee to readily identify and obtain at least 1 of the following:
- (a) information required on a safety data sheet;

- (b) any other information that is necessary to ensure the safe use, storage and handling of the hazardous product.

## Safety data sheets

### Supplier safety data sheets

- 3.12 (1)** Except as provided in subsection (6), an employer who acquires a hazardous product for use, handling or storage at a workplace must obtain a supplier safety data sheet that complies with the requirements of the *Hazardous Products Regulations* for that hazardous product.
- (2) Except as provided in subsection (3), if a safety data sheet for a hazardous product that is used in the workplace is 3 or more years old, the employer must, if possible, obtain from the supplier an up-to-date supplier safety data sheet for the hazardous product in the workplace.
- (3) Subsection (2) does not apply if the supplier advises the employer that
- (a) the new safety data sheet does not apply to the original product; or
  - (b) there has been no change to the information on the original safety data sheet.
- (4) If an employer is unable to obtain a safety data sheet as required by subsection (2), the employer must add any significant new data applicable to that hazardous product that the employer is aware of, or ought to be aware of, to the existing supplier safety data sheet.
- (5) An employer may provide a safety data sheet in a different format than the format provided by the supplier or that contains additional hazard information if the safety data sheet provided by the employer meets all of the following requirements:
- (a) except as provided in Sections 3.16 and 3.17, it does not contain less information than the supplier safety data sheet or it contains less information and this is accepted by the committee, or representative, if any;
  - (b) the supplier safety data sheet is available at the workplace and the safety data sheet provided by the employer indicates that fact.
- (6) If a supplier is exempted by the *Hazardous Products Regulations* from the requirement to provide a safety data sheet for a hazardous product, an employer is exempt from the requirement to obtain or provide a safety data sheet for that hazardous product.
- (7) Except as provided in Sections 3.16 and 3.17, if a hazardous product is received at a laboratory and the supplier has provided a safety data sheet, an employer must ensure that a copy of the safety data sheet is readily available for viewing by an employee who may be exposed to the hazardous product and by the committee, or representative, if any.
- (8) Except as provided in Sections 3.16 and 3.17, if a hazardous product is received or produced at a laboratory and an employer has produced a safety data sheet, the employer must ensure that the safety data sheet is readily available for viewing by an employee who may be exposed to the hazardous product, and by the committee, or representative, if any.

### Employer safety data sheets

- 3.13 (1)** If an employer produces a hazardous product in the workplace, the employer must prepare a safety data sheet for the product that discloses the information required under the *Hazardous Product Regulations*, except as provided in Sections 3.16 and 3.17 and Part 5 of the *Hazardous Products Regulations*.
- (2)** Subsection (1) does not apply to the production of a fugitive emission or an intermediate product undergoing reaction within a reaction or process vessel.
- (3)** An employer must update the safety data sheet referred to in subsection (1) as soon as practical but no later than 90 days after the date that new hazard information becomes available to the employer.

#### **Availability of safety data sheets**

- 3.14 (1)** An employer must consult the committee, or representative, if any, respecting the most appropriate means to make a safety data sheet required by Section 3.12 or 3.13 readily available in the workplace.
- (2)** An employer must ensure that a copy of the safety data sheet is made readily available to an employee who may be exposed to a hazardous product and the committee, or representative, if any.

### **Trade Secrets and Confidential Business Information**

#### **Claim of exemption to disclose information**

- 3.15 (1)** An employer who is required, either directly or indirectly, under the provisions of the *Hazardous Products Act*, the *Hazardous Products Regulations* or these regulations, to disclose any of the information set out in subsection (2) on a label or safety data sheet may claim an exemption if the employer considers it to be confidential business information.
- (2)** The information for which an exemption may be claimed under subsection (1) includes all of the following:
- (a)** for a material or substance that is a hazardous product
    - (i)** the chemical name of the material or substance,
    - (ii)** the CAS registry number, or any other unique identifier, of the material or substance, and
    - (iii)** the chemical name of any impurity, stabilizing solvent or stabilizing additive that is present in the material or substance, that is classified in a category or subcategory of a health hazard class under the *Hazardous Products Act* and that contributes to the classification of the material or substance in the health hazard class under that Act;
  - (b)** for an ingredient contained in a mixture that is a hazardous product
    - (i)** the chemical name of the ingredient,
    - (ii)** the CAS registry number, or any other unique identifier, of the ingredient, and
    - (iii)** the concentration or concentration range of the ingredient;
  - (c)** for a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or an ingredient in the mixture;

- (d) the product identifier of a hazardous product, such as its chemical, common, generic, trade or brand name;
  - (e) information about a hazardous product, other than the product identifier, that constitutes a means of identification;
  - (f) information that could be used to identify a supplier of a hazardous product.
- (3) A claim under subsection (1) may be made under
- (a) subsection 61(1) of the Act; or
  - (b) the *Hazardous Materials Information Review Act*.

#### **Claims for exemption under subsection 61(1) of Act**

- 3.16** (1) If an employer claims an exemption from a requirement to disclose confidential information under subsection 61(1) of the Act, the employer may delete from a label or safety data sheet the information that is the subject of the claim but may not delete hazard information.
- (2) An employer who has deleted information from a label or safety data sheet under subsection (1) must replace the deleted information with
- (a) the words “trade secret”; and
  - (b) an emergency telephone number for the employer that will enable a treating health professional to obtain information that is in the possession of the employer respecting the specific chemical identity of the hazardous product for the purpose of rendering medical treatment to a person in an emergency.

#### **Claims for exemption under *Hazardous Materials Information Review Act***

- 3.17** (1) If an employer claims an exemption from a requirement to disclose confidential business information under the *Hazardous Materials Information Review Act*, the information is exempt from disclosure from the time a claim is filed until the final disposition of the claim and, if the claim is found to be valid, for a period of 3 years from the date that the claim is determined.
- (2) An employer who claims an exemption under the *Hazardous Materials Information Review Act* may delete, for the time period set out in subsection (1), the information claimed to be confidential business information from a label or safety data sheet required under Sections 3.6, 3.12 and 3.13, but may not delete hazard information from the label or safety data sheet.
- (3) An employer who claims an exemption under the *Hazardous Materials Information Review Act* must abide by the process and any decisions issued under the *Hazardous Materials Information Review Act* and its regulations.
- (4) An employer who claims an exemption from a requirement to disclose information about a hazardous product on a safety data sheet or label under the *Hazardous Materials Information Review Act* must disclose on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged, the date that the claim for exemption was filed and the registry number assigned to the claim under the *Hazardous Materials Information Review Act*.
- (5) The requirements under subsection (4) apply until at least 1 of the following conditions is met:

- (a) in the case of an order issued under subsection 14(1) of the *Hazardous Materials Information Review Act*, the end of the period that begins on the final disposition of the claim for exemption and does not exceed the period specified in the order;
  - (b) in any other case, the end of the period not exceeding 30 days after the final disposition of the claim for exemption.
- (6) An employer who receives notice of a decision made under the *Hazardous Materials Information Review Act* that their claim or a portion of their claim for exemption from a requirement to disclose information about a hazardous product on a safety data sheet or label is valid must, for the sale or importation of the hazardous product, provide all of the following information on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged:
- (a) a statement that an exemption has been granted;
  - (b) the date of the decision granting the exemption;
  - (c) the registry number assigned to the claim under the *Hazardous Materials Information Review Act*.
- (7) If an employer produces a hazardous product in the workplace and files a claim for exemption under paragraph 11(2)(a) or subparagraph 11(2)(b)(i) or (ii) of the *Hazardous Materials Information Review Act*, the employer is compliant with subsection 3.13(1) if the employer prepares a safety data sheet for that hazardous product that discloses at least 1 of the following in place of the information elements listed in paragraphs 3(1)(a), (b), (c) and (d) or paragraphs 3(2)(a), (b) and (c) of Schedule 1 to the *Hazardous Products Regulations*:
- (a) for a hazardous product that is a material or substance, the generic chemical name of the material or substance;
  - (b) for a hazardous product that is a mixture, the generic chemical name of each material or substance in the mixture
    - (i) that, individually, is classified in a category or subcategory of a health hazard class under the *Hazardous Products Act* and is present above the relevant concentration limit, or
    - (ii) that is present at a concentration that results in the mixture being classified in a category or subcategory of a health hazard class under the *Hazardous Products Act*.
- (8) If an employer produces a hazardous product in the workplace and files a claim for exemption under subparagraph 11(2)(b)(iii) of the *Hazardous Materials Information Review Act*, the employer is compliant with subsection 3.13(1) if the employer prepares a safety data sheet for that hazardous product that does not disclose the information element listed in paragraph 3(2)(d) of Schedule 1 to the *Hazardous Products Regulations*.
- (9) If an employer produces a hazardous product in the workplace and files a claim for exemption under paragraph 11(2)(d) of the *Hazardous Materials Information Review Act*, the employer is compliant with subsection 3.13(1) if the employer prepares a safety data sheet for that hazardous product that discloses, in place of the product identifier, a code name or code number for the product.

## **Disclosure of information in medical emergencies**

- 3.18 (1)** An employer must provide information, including confidential business information, about a hazardous product that is present or was present in the workplace to a health professional who requests information about the hazardous product for the purpose of rendering medical treatment to a person in an emergency.
- (2)** Information that, by virtue of an exemption under the *Hazardous Materials Information Review Act* or these regulations, is not required to be provided on the safety data sheet but has been provided by an employer to any health professional who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, an individual in a medical emergency must be kept confidential, except for the purpose for which it was provided, if the health professional has been informed by the employer that the information is to be kept confidential.
- (3)** If confidential business information, including a specific chemical identity, is disclosed to address a medical emergency under subsection (1) and the employer requires a confidentiality agreement as permitted by subsection 61(2) of the Act, the confidentiality agreement may do all of the following:
- (a)** require the health professional and the employee to keep the confidential business information, including the specific chemical identity, confidential;
  - (b)** provide for appropriate legal remedies in the event of a breach of the confidentiality agreement.

#### **Disclosure of source of toxicological data**

**3.19** Subject to the *Hazardous Materials Information Review Act*, an employer who manufactures a hazardous product in a workplace must, at the request of an officer, an employee who may be exposed to the hazardous product or the committee or representative, if any, disclose as quickly as possible the source of any toxicological data used in preparing the safety data sheet required under Section 3.12.

#### **Transition period**

**3.20 (1)** In this Section,

“former regulations” means the *Workplace Hazardous Materials Information System Regulations*, N.S. Reg. 196/1988.

- (2)** When this Part comes into force, an employer who meets the requirements of the former regulations is deemed to be in compliance with the requirements of this Part for a period of 6 months immediately after the date this Part comes into force.
- (3)** Despite the 6-month transition period referred to in subsection (2), a hazardous product present in a workplace when this Part comes into force that is labelled in accordance with the former regulations is deemed to be in compliance with the labelling requirements of this Part and may continue to be used for a period of 3 years immediately after the date this Part comes into force if employees are educated and trained in accordance with the former regulations.
- (4)** Despite the duty imposed on self-employed persons to comply with these regulations under subsection 1.4(1), a self-employed person is not required to comply with the requirements of this Part until 6 months immediately after the date this Part comes into force.

**Workplace Health and Safety Regulations**  
**made under Section 82 of the**  
**[Occupational Health and Safety Act](#)**  
**[S.N.S. 1996, c. 7](#)**  
**O.I.C. 2013-65 (effective June 12, 2013), N.S. Reg. 52/2013**  
**amended to O.I.C. 2025-239 (effective September 1, 2025), N.S. Reg. 163/2025**

**Part 1: Interpretation and Application**

**Citation**

**1.1** These regulations may be cited as the *Workplace Health and Safety Regulations*.

**Definitions for these regulations**

**1.2** In these regulations,

“Act” means the [Occupational Health and Safety Act](#);

“adequate” means sufficient to protect a person from injury or damage to health;

“ANSI” means the American National Standards Institute;

“anchorage” means a secure connecting point capable of safely withstanding the impact forces, as prescribed in these regulations or an applicable standard, applied by a fall-protection system;

“approved” means approved by the Department or by an agency or authority designated or selected by the Department to make approvals;

“competent person” means a person who is

(i) qualified because of their knowledge, training and experience to do the assigned work in a manner that ensures the health and safety of every person in the workplace, and

(ii) knowledgeable about the provisions of the Act and regulations that apply to the assigned work, and about potential or actual danger to health or safety associated with the assigned work,

“CSA” means the Canadian Standards Association;

“certified” means meeting the requirements of a standard as attested to by a certification organization accredited by the Standards Council of Canada or an engineer;

“Department” means the Department of Labour and Advanced Education;

“designated” means, in relation to an employer, appointed in writing by the employer;

“emergency services agency” means an agency operating within the Province for the purpose of responding to emergencies, including

(i) a municipal police force required to be maintained under the [Police Act](#), including the Royal Canadian Mounted Police,

(ii) fire departments,

(iii) ambulance services;

“engineer” means a person who is registered as a member or licensed to practise under the [Engineering Profession Act](#) and is competent to do the work being performed;

“latest version” means, in relation to a standard or other publication, the latest edition of the standard or publication as supplemented, amended, added to, replaced or superseded;

“manufacturer’s specifications” means

(i) the written instructions of a manufacturer of a machine, material, tool or equipment that outline the manner in which the machine, material, tool or equipment is to be erected, installed, assembled, started, operated, used, handled, stored, stopped, adjusted, carried, maintained, repaired, inspected, serviced, tested, cleaned or dismantled, and

(ii) a manufacturer’s instruction, operating or maintenance manual and drawings respecting a machine, tool or equipment;

“temporary highway workplace” means a temporary workplace on a highway, as defined in Part 24;

“work area” means a location at a workplace where an employee or self-employed person is working or may be required to work.

### **Application of these regulations**

**1.3** These regulations apply to all workplaces to which the [Occupational Health and Safety Act](#) applies, unless otherwise expressly provided in the Act or these regulations.

### **Duties of parties**

**1.4 (1)** A duty imposed by these regulations on an employer is also imposed on any contractor, constructor, supplier, employee, owner or self-employed person, to the extent of the contractor’s, constructor’s, supplier’s, employee’s, owner’s or self-employed person’s authority and ability to discharge the duty in the circumstances.

**(2)** For the purpose of applying Section 23 of the Act and determining the person with the greatest degree of control,

(a) the person with the greatest authority and ability to ensure that a duty is discharged or a requirement is met is presumed to be the person with the greatest degree of control over the matter that is the subject of the duty or the requirement; and

(b) a provision in a lease or other agreement relating to property rights that gives a specified owner authority to control an aspect of lands or premises that are used as a workplace is *prima facie* evidence that the specified owner has the greatest degree of control over that aspect of the land or premises.

### **Conflict with these regulations**

**1.5 (1)** If there is any conflict between these regulations and a manufacturer's specifications or a standard incorporated by reference into these regulations, these regulations prevail.

**(2)** Despite a requirement in these regulations to comply with a standard or other publication incorporated by reference into these regulations, an express requirement of these regulations that varies from the standard or publication prevails over the standard or publication.

### **Compliance with standards incorporated by reference**

**1.6 (1)** Except as otherwise specified in these regulations, an object that is required by these regulations to comply with the latest version of a standard must conform to the physical specifications contained in the latest version of the standard unless there is no evidence raising a reasonable doubt as to whether the object is adequate and the object meets 1 of the following:

(a) the object conforms to the physical specifications contained in the latest version of the standard as of the object's date of manufacture;

(b) no version of the standard existed at the object's date of manufacture but the object conforms to generally accepted engineering principles prevailing at the object's date of manufacture.

**(2)** Except as otherwise provided in these regulations, any activity in relation to an object, including inspection, maintenance and use, that is required by these regulations to comply with the latest version of a standard must comply with the latest version of the standard unless it is established that compliance with 1 of the following is more likely to ensure adequate performance of the object:

(a) an earlier version of the standard;

(b) generally accepted engineering principles prevailing at the object's date of manufacture.

**(3)** If these regulations require that an object or activity comply with the specifications of a standard, whether a specific edition or the latest version, then a person must comply with the standard and use that object or do that activity in accordance with the standard unless these regulations specifically provide otherwise.

**(4)** An employer must ensure that a person using an object or performing an activity required to comply with the specifications of a standard, whether a specific edition or the latest version, is trained in accordance with the standard, and the person must undergo the training, unless these regulations specifically provide otherwise.

**(5)** For the first 4 calendar months after a standard or publication is issued, including the month it is issued, a person is in compliance with these regulations if they comply with

(a) the version or edition of the standard or publication required by these regulations; or

(b) the version or edition of the standard or publication issued immediately before the version or edition required by these regulations.

### **Compliance with policies, procedures, plans and codes of practice**

**1.7 (1)** An employer must ensure that any written policy, procedure, plan or code of practice is adequate and implemented.

**(2)** Each person required to perform a function under a written policy, procedure, plan or code of practice must be trained generally in respect of the policy, procedure, plan or code of practice, and trained in particular in the requirements relating to their functions.

**(3)** A person must comply with all written policies, procedures, plans and codes of practice established for the purposes of the Act and these regulations, including undergoing any training required.

### **Communicating and updating policies, procedures, plans and codes of practice**

**1.8 (1)** In addition to any specific requirements under the Act, an employer must ensure that all policies, procedures, plans and codes of practice are

(a) made available at the applicable work area at all times;

(b) reviewed with any affected persons, including any person planning work, before work is undertaken;

(c) updated whenever conditions affecting work change.

**(2)** Before any work is undertaken, an employer must ensure that the necessary information, instruction, training, supervision, facilities and equipment are provided to implement any part of a policy, procedure, plan or code of practice applicable to a workplace.

### **Consulting with Committee on policies and procedures**

**1.9** An employer establishing or reviewing a written policy, procedure, plan or code of practice for the purpose of the Act or these regulations must do so in consultation with the committee or representative, if any.

## **Manufacturer's specifications and standards for equipment and components**

**1.10 (1)** Except as otherwise provided in these regulations, an employer must

(a) ensure that any equipment, components of equipment or components of a system are erected, installed, assembled, used, handled, stored, adjusted, maintained, repaired, inspected, serviced, tested, cleaned and dismantled in accordance with the manufacturer's specifications for the equipment, components or system; and

(b) comply with and ensure compliance with the applicable standards for the equipment, components or system as specified in these regulations.

**(2)** Except as otherwise provided in these regulations, a person must use equipment, components of equipment or components of a system in accordance with

(a) the manufacturer's specifications for the equipment, components or system; and

(b) any applicable standards for the equipment, components or system specified in these regulations.

## **Engineer's certification required for other use of equipment or components**

**1.11 (1)** An employer must obtain a written certification from an engineer in accordance with subsection (2) that certifies that the employer's intended use of equipment, components of equipment or components of a system provides an adequate level of safety for all persons at or near the workplace in all of the following circumstances:

(a) the employer intends to use the equipment, components of equipment or components of a system for a purpose or in a manner that is

(i) not specifically permitted by the manufacturer's specifications,

(ii) not specifically permitted by an applicable standard referred to in these regulations;

(b) the employer intends to use equipment, components of equipment or components of a system for which no manufacturer's specifications exist or are provided.

**(2)** An engineer must do all of the following before certifying equipment, components of equipment or components of a system under subsection (1):

(a) ensure that the use of the equipment, components of equipment or components of a system as intended by the employer is in accordance with generally accepted engineering practices;

(b) identify, as part of the written certification, any measures to be taken to provide an adequate level of safety.

(3) An engineer must sign any written certification they prepare under this Section.

### **Inspection and re-certification of equipment**

**1.12 (1)** An employer must ensure that any equipment used is inspected

(a) by the user, before each use; and

(b) by a competent person, annually, or more frequently as specified in any applicable Part of these regulations.

(2) An employer must ensure that any manufacturer's specifications that provide instructions on how to conduct an inspection under subsection (1) are followed.

(3) An employer must ensure that used equipment is re-certified in accordance with 1 of the following:

(a) the manufacturer's specifications;

(b) an engineer's certification, if an engineer's certification was obtained under [Section 1.11](#).

(4) A person must perform any inspections required by this Section and as specified in any applicable Part of these regulations.

### **Equipment protected from damage or exposure**

**1.13** An employer must ensure that equipment that may be exposed to heat, abrasion or corrosion is either

(a) made of material that is able to withstand the exposure without being damaged; or

(b) protected from the exposure.

### **Taking equipment out of service**

**1.14 (1)** An employer must ensure that equipment is taken out of service if any of the following apply:

(a) the equipment is defective;

(b) the equipment has come into contact with

(i) excessive heat, or

(ii) a chemical or other substance that may corrode or otherwise damage the equipment or a component of the equipment;

(c) for fall-protection and rope access equipment, the equipment has been used to stop a fall.

(2) A person must not use any equipment described in subsection (1).

(3) An employer must ensure that equipment that is taken out of service under subsection (1) is not returned to service until it is inspected, repaired as necessary and re-certified by

(a) the manufacturer; or

(b) if certification by the manufacturer is not possible or reasonably practicable, an engineer.

(4) The following must be done for equipment that is taken out of service:

(a) if the equipment is awaiting inspection, repair or re-certification, it must be

(i) immediately removed from the work area,

(ii) clearly identified as taken out of service, and

(iii) stored separately from equipment that has not been taken out of service;

(b) if the equipment is not awaiting inspection, repair or re-certification, it must be destroyed immediately.

### Employer to keep records

**1.15 (1)** Except as specified in subsection (2) or otherwise specified in these regulations, an employer must keep a record referred to in these regulations for at least 5 years after the date the record was made.

(2) An employer must keep records set out in the following table for the periods of time specified:

Record	Minimum length of time kept
inspection reports or orders received from the Division	2 years after the date the report or order is received
written procedures, plans or codes of practice	2 years after the date the procedure, plan or code of practice is replaced or cancelled
records made by the employer of inspection, maintenance or repair work	2 years after the date the record is made

### **Emergency services agencies exemptions for fall protection and rope access work**

**1.16** An employer who is an emergency services agency is not required to establish a specific written fall-protection safe-work plan or rope access safe-work plan for a specific work area when responding to an emergency if they

(a) have established the following applicable procedures for the work:

- (i) a fall protection safe-work procedure under [Section 21.3](#),
- (ii) a code of practice for rope access work under [Section 22.5](#); and

(b) they train to and comply with the procedures in clause (a) and standard protocols for emergency services work applicable to a work area where a person is at a risk of falling.

### **Emergency services agencies exemptions for temporary highway workplaces**

**1.17** Emergency services agency personnel are exempt from complying with a safe-work procedure for a temporary highway workplace required by [Section 24.2](#) and the requirements for employees on foot in [Section 24.5](#) when it is not reasonably practicable for them to do so because of the nature of their particular duties at any given time.

## **Part 2: Occupational Health**

### **Definitions for Part 2**

**2.1** In this Part,

“physical agent”, in relation to threshold limit values for occupational exposure, means an agent of acoustic, electromagnetic, ergonomic, mechanical or thermal nature;

“threshold limit values” means the threshold limit values established by the *TLVs and BEIs* that represent

(i) for chemical substances, the airborne concentrations of chemical substances and conditions under which it is believed that nearly all healthy workers may be repeatedly exposed, day after day, over a working lifetime, without adverse health effects,

(ii) for physical agents, the levels of exposure and conditions under which it is believed that nearly all healthy workers may be repeatedly exposed, day after day, without adverse health effects,

“*TLVs and BEIs*” means the latest version of the publication of the American Conference of Governmental Industrial Hygienists of threshold limit values and biological exposure indices.

## **Conflicts with Part 2**

**2.2** This Part prevails if there is any conflict between this Part and any of the following:

- (a) another provision of these regulations;
- (b) any other regulations made under the Act.

## **Threshold limit values**

**2.3** An employer must comply with, and ensure compliance with, the threshold limit values for exposure to all of the following, as listed in the *TLVs and BEIs*:

- (a) gases;
- (b) vapours;
- (c) mists;
- (d) fumes;
- (e) smoke;
- (f) dust;
- (g) chemical substances;
- (h) physical agents.

## **Part 3: Workplace Hazardous Materials Information System**

### **Definitions for Part 3**

**3.1** In this Part,

“bulk shipment” means a shipment of a hazardous product that is contained without intermediate containment or intermediate packaging in any of the following:

- (i) a vessel that has a water capacity equal to or greater than 450 L,
- (ii) a freight container, road vehicle, railway vehicle or portable tank,
- (iii) the hold of a ship,
- (iv) a pipeline;

“CAS registry number” means the identification number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society;

“container” includes a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or receptacle;

“education” means the delivery of general information on labels and safety data sheets and the purpose and significance of the information they contain to employees;

“fugitive emission” means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from any of the following and an employee may be readily exposed;

- (i) process equipment,
- (ii) emission control equipment,
- (iii) a product;

“hazard information” means information on the proper and safe use, storage and handling of a hazardous product and includes information relating to its health and physical hazards;

“*Hazardous Materials Information Review Act*” means the [Hazardous Materials Information Review Act](#) (Canada);

“hazardous product” means any product, mixture, material or substance that is classified in accordance with the [Hazardous Products Regulations](#) in a category or subcategory of a hazard class listed in Schedule 2 of that Act;

“*Hazardous Products Act*” means the [Hazardous Products Act](#) (Canada);

“*Hazardous Products Regulations*” means the [Hazardous Products Regulations](#) made under the [Hazardous Products Act](#);

“hazardous waste” means a hazardous product that meets at least 1 of the following requirements:

- (i) it is generated as a by-product of a process and then recycled or recovered,
- (ii) it is acquired for recycling or recovery,
- (iii) it is intended for disposal;

“health professional” means

(i) a physician who is registered and entitled under the laws of a province to practise medicine and who is practising medicine under those laws in that province, or

(ii) a nurse who is registered or licensed under the laws of a province to practise nursing and who is practising nursing under those laws in that province;

“label” means a group of written, printed or graphic information elements that relate to a hazardous product and that is designed to be affixed to, printed on or attached to a hazardous product or the container for a hazardous product;

“laboratory sample” means a sample of a hazardous product that is packaged in a container that contains less than 10 kg of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used for any of the following purposes:

- (i) by the laboratory for testing other products, mixtures, materials or substances,
- (ii) education,
- (iii) a demonstration;

“manufactured article” means any article that is formed to a specific shape or design during manufacture, the intended use of which is dependent in whole or in part on its shape or design, and that, when being installed, if the intended use of the article requires it to be installed, and under normal conditions of use, will not release or otherwise cause an individual to be exposed to a hazardous product;

“product identifier” means, for a hazardous product, the brand, chemical, common, generic or trade name;

“readily available” means, in respect of information, present in an appropriate place that is accessible to an employee at all times and in at least 1 of the following forms:

- (i) a physical copy that can be handled,
- (ii) an electronic copy for which a back-up version is available;

“safety data sheet” means a document that contains, under the headings that are required to appear in the document by the [Hazardous Products Regulations](#), information about a hazardous product, including the hazards associated with any use, handling or storage of the product in a workplace;

“significant new data” means new data about the hazard presented by a hazardous product that does any of the following:

- (i) changes the hazardous product’s classification in a category or subcategory of a hazard class,
- (ii) results in the hazardous product’s classification in another hazard class,
- (iii) changes the ways to protect against the hazard presented by the hazardous product;

“supplier label” means a label provided by a supplier that contains the information required by the [Hazardous Products Act](#);

“supplier safety data sheet” means a safety data sheet provided by a supplier that contains the information required by the [Hazardous Products Act](#);

“training” means the delivery of workplace- and job-specific information to an employee;

“workplace label” means a label that discloses all of the following:

- (i) a product identifier identical to that found on the safety data sheet for the hazardous product,
- (ii) information for the safe handling of the hazardous product conveyed in a manner appropriate to the workplace,
- (iii) that a safety data sheet, if supplied or produced, is available.

### **Application**

**3.2 (1)** The requirements under this Part for a supplier label and safety data sheet do not apply if the hazardous product is any of the following:

- (a) an explosive within the meaning of the [Explosives Act](#) (Canada);
- (b) a cosmetic, device, drug or food as defined in [Section 2](#) of the [Food and Drugs Act](#) (Canada);
- (c) a pest control product as defined in [subsection 2\(1\)](#) of the [Pest Control Products Act](#) (Canada);
- (d) a nuclear substance as defined in [Section 2](#) of the [Nuclear Safety and Control Act](#) (Canada) that is radioactive;
- (e) a consumer product as defined in [Section 2](#) of the [Canada Consumer Product Safety Act](#).

**(2)** This Part does not apply if the hazardous product is any of the following:

- (a) wood or a product made of wood;
- (b) a tobacco product as defined in [Section 2](#) of the [Tobacco and Vaping Products Act](#) (Canada);
- (c) a manufactured article.

**(3)** This Part does not apply to a hazardous product that is being transported or handled under the requirements of the [Transportation of Dangerous Goods Act](#) (Canada).

**(4)** This Part does not apply to hazardous wastes, except that an employer must ensure the safe storage and handling of hazardous waste through a combination of identification and employee training.

### **Prohibition**

**3.3 (1)** An employer must ensure that the label, identifier, safety data sheet and employee training requirements of these regulations are complied with when using, storing or handling a hazardous product in a workplace.

**(2)** Despite the requirement to provide information and training required for a hazardous product in a workplace under subsection (1), an employer may store a hazardous product in a workplace while actively seeking information required under these regulations if the employer ensures that the hazardous product or the container of the hazardous product has 1 of the following labels affixed to it:

(a) a workplace label; or

(b) if the employer does not have the information required for a workplace label, a label disclosing that the product is

(i) hazardous, and

(ii) cannot be used or handled at the workplace until further information is obtained.

### **Employer's duty to inform employees**

**3.4 (1)** An employer must ensure that an employee who works with a hazardous product or may be exposed to a hazardous product in the course of their work activities is informed about all of the following:

(a) all hazard information received from a supplier for that hazardous product;

(b) any further hazard information the employer is aware of or ought to be aware of for the use, storage, handling and disposal of that hazardous product.

**(2)** If a hazardous product is produced in a workplace, an employer must ensure that an employee who works with that hazardous product or may be exposed to that hazardous product in the course of their work activities is informed about all of the hazard information the employer is aware of or ought to be aware of for the use, storage and handling of that hazardous product.

### **Employee education and training**

**3.5 (1)** An employer must ensure that an employee who works with, or may be exposed to, a hazardous product in the course of their work activities is educated in all of the following:

(a) the content required on a supplier label and workplace label, and the purpose and significance of that information;

(b) the content required on a safety data sheet and the purpose and significance of the information on the safety data sheet.

**(2)** An employer must ensure that an employee who works with, or may be exposed to, a hazardous product in the course of their work activities is trained in all of the following:

(a) procedures for the safe use, storage, handling and disposal of a hazardous product;

(b) procedures for the safe use, storage, handling and disposal of a hazardous product contained or transferred in any of the following:

(i) a pipe,

(ii) a piping system including valves,

(iii) a process vessel,

(iv) a reaction vessel,

(v) a tank car, tank truck, ore car, conveyor belt or similar conveyance;

(c) procedures to be followed if an employee may be exposed to fugitive emissions;

(d) procedures to be followed in case of an emergency involving a hazardous product;

(e) how to locate a safety data sheet at the workplace and the format it may be found in.

**(3)** An employer must ensure that the employee education and training required by subsections (1) and (2) are developed and implemented

(a) for that employer's workplace; and

(b) in consultation with the committee, or representative, if any.

**(4)** An employer must ensure, so far as is reasonably practicable, that

(a) the employee education and training required by subsections (1) and (2) enable an employee to protect the employee's own health and safety and the health and safety of others at the workplace; and

(b) the knowledge of an employee is periodically evaluated using written tests, practical demonstrations or other suitable means.

**(5)** An employer must review the education and training required under this Section at least annually, or more frequently if required by a change in work conditions or available hazard information, and in consultation with the committee or representative, if any, to ensure the education and training continue to comply with relevant legislation and regulations.

**(6)** If a change is made to the education or training as a result of the review under subsection (5), an employee affected by the change must be provided with additional education or training about the change.

## Labels

### Supplier label

**3.6 (1)** Unless exempted from labelling requirements in the [Hazardous Products Regulations](#) and these regulations, an employer must ensure that all of the following received at a workplace has a supplier label that meets the requirements set out in subsection (2):

(a) a hazardous product;

(b) the container in which a hazardous product is packaged.

**(2)** A supplier label must be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged in a manner that complies with the [Hazardous Products Regulations](#).

**(3)** Except as provided in [Sections 3.16](#) and [3.17](#), if any amount of a hazardous product remains in a workplace in the container in which it was received from the supplier, an employer must not remove, deface, modify or alter a supplier label.

**(4)** An employer must update a supplier label as soon as significant new data is provided to the employer from the supplier.

**(5)** Except as provided in subsection (6), if a label affixed to a hazardous product or a container of a hazardous product becomes illegible or is inadvertently removed from the hazardous product or container, the employer must replace the label with either a supplier label or a workplace label.

**(6)** The label of a hazardous product in a container that has a capacity of 3 ml or less may be removed under normal conditions of use if the label interferes with the normal use of the product.

**(7)** If a hazardous product is imported and received at a workplace without a supplier label, as permitted under [Section 5.15](#) of the [Hazardous Products Regulations](#), or with a supplier label that does not comply with the [Hazardous Products Regulations](#), the employer must affix a label that meets the requirements of the [Hazardous Products Regulations](#).

**(8)** An employer who receives a hazardous product without packaging or a hazardous product transported as a bulk shipment, and to which a supplier label has not been affixed as permitted under [subsection 5.5\(2\)](#) of the *Hazardous Products Regulations*, must do 1 of the following:

(a) affix a label with the information required for a supplier label to the container of the hazardous product, or

(b) if the product is to be used solely in the workplace, affix a workplace label to the hazardous product.

### **Workplace label for employer-produced products**

**3.7 (1)** For the purpose of subsection (2), “produces” does not include the production of a fugitive emission.

**(2)** If an employer produces a hazardous product in a workplace, the employer must ensure that the hazardous product or the container of the hazardous product has a workplace label affixed to it.

**(3)** Subsection (2) does not apply when the hazardous product is in a container that is intended to contain the hazardous product for sale or disposition and the container is or is about to be appropriately labelled for sale or disposition.

**(4)** The employer must update a workplace label as soon as significant new data are available to the employer.

### **Workplace label for decanted products**

**3.8 (1)** Except as set out in subsection (2), if a hazardous product in a workplace is in a container other than the container in which it was received from a supplier, the employer must ensure that the container has a workplace label affixed to it.

**(2)** Subsection (1) does not apply to a portable container that is filled directly from a container that has a supplier label or workplace label affixed to it if either of the following conditions are met:

(a) all of the hazardous product is required for immediate use; or

(b) the hazardous product meets all of the following requirements:

(i) it is under the control of and is used exclusively by the employee who filled the portable container,

(ii) it is used only during the shift in which the portable container was filled,

(iii) the content of the container holding the hazardous product is clearly identified.

### **Identification of hazardous product in piping systems and vessels**

**3.9** An employer must ensure the safe use, storage and handling of a hazardous product through employee training and the use of colour coding, labels, placards or another mode of identification when the hazardous product in a workplace is contained or transferred in any of the following:

- (a) a pipe;
- (b) a piping system including valves;
- (c) a process vessel;
- (d) a reaction vessel;
- (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance.

### **Placard identifiers**

**3.10 (1)** For the purpose of this Section, “posting a placard” means posting a placard that meets all of the following requirements:

- (a) except as exempted in [Sections 3.16](#) and [3.17](#), it discloses the information required on a workplace label;
- (b) it is of a size and in a location that the information on the placard is conspicuous and clearly legible to employees;
- (c) it is located close enough to the hazardous product it relates to for employees to appreciate it relates to that product.

**(2)** Despite the labelling requirements for a hazardous product in [Sections 3.6](#), [3.7](#) and [3.8](#), an employer may comply with Sections 3.6, 3.7 and 3.8 by posting a placard if the hazardous product meets at least 1 of the following requirements:

- (a) it is not in a container;
- (b) it is in a container intended for export;
- (c) it is in a container intended for sale or disposition and will be appropriately labelled in the employer’s normal course of business and without undue delay;
- (d) it is in a container intended for use in the workplace and the container meets all of the following requirements:
  - (i) the container is consumed in a production process,
  - (ii) except as exempted in [Sections 3.16](#) and [3.17](#), the container or the hazardous product is identified through the use of colour coding, labels or another mode of identification clearly legible to employees.

**(3)** Despite the labelling requirements for a hazardous product in [Sections 3.7](#) and [3.8](#), and without limiting subsection (2), an employer may comply with Sections 3.7 and 3.8 for a container of a hazardous product intended for use in a workplace by posting a placard if all of the following requirements are met:

(a) the hazardous product is located in an area to which the general public and unauthorized employees are not permitted access;

(b) the container of the hazardous product is identified through the use of colour coding, labels or another mode of identification clearly legible to employees;

(c) subject to subsection (4), and unless the hazardous product is required for immediate use or is under the exclusive control of a single employee and handled in accordance with [subclauses 3.8\(2\)\(b\)\(i\)](#) to (iii), the hazardous product is not removed from the placarded area until it has a workplace label affixed to it.

**(4)** If a hazardous product is moved directly and expeditiously from a container or source that complies with the labelling or placarding requirements of these regulations to an area where a placard is posted, despite [Sections 3.7](#) and [3.8](#), the employer may, during the time that the hazardous product is being moved, identify the hazardous product through a combination of employee training and the use of colour coding, labels, placards or another mode of identification clearly legible to employees.

### **Hazardous laboratory sample**

**3.11 (1)** If a laboratory sample of a hazardous product is exempted from specific labelling requirements by [subsection 5\(5\)](#) or [5\(6\)](#) of the [Hazardous Products Regulations](#), a label must be provided by the supplier and affixed to, printed on or attached to the container of the product received at the workplace.

**(2)** A label in subsection (1) complies with the requirements of [Section 3.6](#) for a supplier label if it discloses all of the following:

(a) the chemical name or generic chemical name of any material or substance in the hazardous product that is classified individually under the [Hazardous Products Act](#) and the [Hazardous Products Regulations](#)

(i) in any category or subcategory of a health hazard class and that is present above the relevant concentration limit, if known by the supplier, or

(ii) that is present at a concentration that results in the mixture being classified in a category or subcategory of any health hazard class, if known by the supplier;

(b) the statement “Hazardous Laboratory Sample. For hazard information or in an emergency, call/Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d’urgence, composez” followed by an emergency

telephone number to obtain the information required on the safety data sheet of the hazardous product.

**(3)** If a hazardous product is in a container other than the container in which it was received from a supplier, or is produced in the workplace, the employer is exempt from the requirement of [Section 3.8](#) if the hazardous product meets all of the following requirements:

(a) it is a laboratory sample;

(b) it is intended by the employer solely for use, analysis, testing or evaluation in a laboratory;

(c) it is clearly identified through a combination of the following methods that comply with subsection (4):

(i) a mode of identification visible to employees at the workplace,

(ii) employee education and training required by these regulations.

**(4)** The mode of identification and employee education and training required under clause (3)(c) must enable an employee to readily identify and obtain either of the following types of information as required in the circumstances:

(a) information required on a safety data sheet;

(b) a label or document disclosing the information referred to in clauses (2)(a) and (b) for the hazardous product or sample.

**(5)** If a hazardous product is produced in a laboratory, the employer is exempt from the labelling requirements of [Sections 3.7](#) and [3.8](#) if the hazardous product meets all of the following requirements:

(a) it is intended by the employer solely for evaluation, analysis or testing for research and development;

(b) it is not removed from the laboratory;

(c) it is clearly identified through a combination of the following methods that comply with subsection (6):

(i) a mode of identification visible to employees at the workplace,

(ii) employee education and training required by these regulations.

**(6)** The mode of identification and employee education and training methods required under clause (5)(c) must enable an employee to readily identify and obtain at least 1 of the following:

(a) information required on a safety data sheet;

(b) any other information that is necessary to ensure the safe use, storage and handling of the hazardous product.

## **Safety data sheets**

### **Supplier safety data sheets**

**3.12 (1)** Except as provided in subsection (6), an employer who acquires a hazardous product for use, handling or storage at a workplace must obtain a supplier safety data sheet that complies with the requirements of the [Hazardous Products Regulations](#) for that hazardous product.

**(2)** Except as provided in subsection (3), if a safety data sheet for a hazardous product that is used in the workplace is 3 or more years old, the employer must, if possible, obtain from the supplier an up-to-date supplier safety data sheet for the hazardous product in the workplace.

**(3)** Subsection (2) does not apply if the supplier advises the employer that

(a) the new safety data sheet does not apply to the original product; or

(b) there has been no change to the information on the original safety data sheet.

**(4)** If an employer is unable to obtain a safety data sheet as required by subsection (2), the employer must add any significant new data applicable to that hazardous product that the employer is aware of, or ought to be aware of, to the existing supplier safety data sheet.

**(5)** An employer may provide a safety data sheet in a different format than the format provided by the supplier or that contains additional hazard information if the safety data sheet provided by the employer meets all of the following requirements:

(a) except as provided in [Sections 3.16](#) and [3.17](#), it does not contain less information than the supplier safety data sheet or it contains less information and this is accepted by the committee, or representative, if any;

(b) the supplier safety data sheet is available at the workplace and the safety data sheet provided by the employer indicates that fact.

**(6)** If a supplier is exempted by the [Hazardous Products Regulations](#) from the requirement to provide a safety data sheet for a hazardous product, an employer is exempt from the requirement to obtain or provide a safety data sheet for that hazardous product.

**(7)** Except as provided in [Sections 3.16](#) and [3.17](#), if a hazardous product is received at a laboratory and the supplier has provided a safety data sheet, an employer must ensure that a copy of the safety data sheet is readily available for viewing by an employee who may be exposed to the hazardous product and by the committee, or representative, if any.

(8) Except as provided in [Sections 3.16](#) and [3.17](#), if a hazardous product is received or produced at a laboratory and an employer has produced a safety data sheet, the employer must ensure that the safety data sheet is readily available for viewing by an employee who may be exposed to the hazardous product, and by the committee, or representative, if any.

### **Employer safety data sheets**

**3.13 (1)** If an employer produces a hazardous product in the workplace, the employer must prepare a safety data sheet for the product that discloses the information required under the *Hazardous Product Regulations*, except as provided in [Sections 3.16](#) and [3.17](#) and Part 5 of the [Hazardous Products Regulations](#).

(2) Subsection (1) does not apply to the production of a fugitive emission or an intermediate product undergoing reaction within a reaction or process vessel.

(3) An employer must update the safety data sheet referred to in subsection (1) as soon as practical but no later than 90 days after the date that new hazard information becomes available to the employer.

### **Availability of safety data sheets**

**3.14 (1)** An employer must consult the committee, or representative, if any, respecting the most appropriate means to make a safety data sheet required by [Section 3.12](#) or [3.13](#) readily available in the workplace.

(2) An employer must ensure that a copy of the safety data sheet is made readily available to an employee who may be exposed to a hazardous product and the committee, or representative, if any.

## **Trade Secrets and Confidential Business Information**

### **Claim of exemption to disclose information**

**3.15 (1)** An employer who is required, either directly or indirectly, under the provisions of the *Hazardous Products Act*, the *Hazardous Products Regulations* or these regulations, to disclose any of the information set out in subsection (2) on a label or safety data sheet may claim an exemption if the employer considers it to be confidential business information.

(2) The information for which an exemption may be claimed under subsection (1) includes all of the following:

(a) for a material or substance that is a hazardous product

(i) the chemical name of the material or substance,

(ii) the CAS registry number, or any other unique identifier, of the material or substance, and

(iii) the chemical name of any impurity, stabilizing solvent or stabilizing additive that is present in the material or substance, that is classified in a category or subcategory of a health hazard class under the [Hazardous Products Act](#) and that contributes to the classification of the material or substance in the health hazard class under that Act;

(b) for an ingredient contained in a mixture that is a hazardous product

(i) the chemical name of the ingredient,

(ii) the CAS registry number, or any other unique identifier, of the ingredient, and

(iii) the concentration or concentration range of the ingredient;

(c) for a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or an ingredient in the mixture;

(d) the product identifier of a hazardous product, such as its chemical, common, generic, trade or brand name;

(e) information about a hazardous product, other than the product identifier, that constitutes a means of identification;

(f) information that could be used to identify a supplier of a hazardous product.

**(3)** A claim under subsection (1) may be made under

(a) subsection 61(1) of the Act; or

(b) the [Hazardous Materials Information Review Act](#).

### **Claims for exemption under subsection 61(1) of Act**

**3.16 (1)** If an employer claims an exemption from a requirement to disclose confidential information under subsection 61(1) of the Act, the employer may delete from a label or safety data sheet the information that is the subject of the claim but may not delete hazard information.

**(2)** An employer who has deleted information from a label or safety data sheet under subsection (1) must replace the deleted information with

(a) the words “trade secret”; and

(b) an emergency telephone number for the employer that will enable a treating health professional to obtain information that is in the possession of the employer respecting the specific chemical identity of the hazardous product for the purpose of rendering medical treatment to a person in an emergency.

**Claims for exemption under [Hazardous Materials Information Review Act](#)**

**3.17 (1)** If an employer claims an exemption from a requirement to disclose confidential business information under the [Hazardous Materials Information Review Act](#), the information is exempt from disclosure from the time a claim is filed until the final disposition of the claim and, if the claim is found to be valid, for a period of 3 years from the date that the claim is determined.

**(2)** An employer who claims an exemption under the [Hazardous Materials Information Review Act](#) may delete, for the time period set out in subsection (1), the information claimed to be confidential business information from a label or safety data sheet required under [Sections 3.6, 3.12 and 3.13](#), but may not delete hazard information from the label or safety data sheet.

**(3)** An employer who claims an exemption under the [Hazardous Materials Information Review Act](#) must abide by the process and any decisions issued under the [Hazardous Materials Information Review Act](#) and its regulations.

**(4)** An employer who claims an exemption from a requirement to disclose information about a hazardous product on a safety data sheet or label under the [Hazardous Materials Information Review Act](#) must disclose on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged, the date that the claim for exemption was filed and the registry number assigned to the claim under the [Hazardous Materials Information Review Act](#).

**(5)** The requirements under subsection (4) apply until at least 1 of the following conditions is met:

(a) in the case of an order issued under [subsection 14\(1\)](#) of the [Hazardous Materials Information Review Act](#), the end of the period that begins on the final disposition of the claim for exemption and does not exceed the period specified in the order;

(b) in any other case, the end of the period not exceeding 30 days after the final disposition of the claim for exemption.

**(6)** An employer who receives notice of a decision made under the [Hazardous Materials Information Review Act](#) that their claim or a portion of their claim for exemption from a requirement to disclose information about a hazardous product on a safety data sheet or label is valid must, for the sale or importation of the hazardous product, provide all of the following information on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged:

(a) a statement that an exemption has been granted;

(b) the date of the decision granting the exemption;

(c) the registry number assigned to the claim under the [Hazardous Materials Information Review Act](#).

**(7)** If an employer produces a hazardous product in the workplace and files a claim for exemption under [paragraph 11\(2\)\(a\)](#) or [subparagraph 11\(2\)\(b\)\(i\)](#) or [\(ii\)](#) of the [Hazardous Materials](#)

[Information Review Act](#), the employer is compliant with [subsection 3.13\(1\)](#) if the employer prepares a safety data sheet for that hazardous product that discloses at least 1 of the following in place of the information elements listed in paragraphs 3(1)(a), (b), (c) and (d) or paragraphs 3(2)(a), (b) and (c) of Schedule 1 to the [Hazardous Products Regulations](#):

(a) for a hazardous product that is a material or substance, the generic chemical name of the material or substance;

(b) for a hazardous product that is a mixture, the generic chemical name of each material or substance in the mixture

(i) that, individually, is classified in a category or subcategory of a health hazard class under the [Hazardous Products Act](#) and is present above the relevant concentration limit, or

(ii) that is present at a concentration that results in the mixture being classified in a category or subcategory of a health hazard class under the [Hazardous Products Act](#).

**(8)** If an employer produces a hazardous product in the workplace and files a claim for exemption under subparagraph 11(2)(b)(iii) of the [Hazardous Materials Information Review Act](#), the employer is compliant with [subsection 3.13\(1\)](#) if the employer prepares a safety data sheet for that hazardous product that does not disclose the information element listed in paragraph 3(2)(d) of Schedule 1 to the [Hazardous Products Regulations](#).

**(9)** If an employer produces a hazardous product in the workplace and files a claim for exemption under [paragraph 11\(2\)\(d\)](#) of the [Hazardous Materials Information Review Act](#), the employer is compliant with [subsection 3.13\(1\)](#) if the employer prepares a safety data sheet for that hazardous product that discloses, in place of the product identifier, a code name or code number for the product.

### **Disclosure of information in medical emergencies**

**3.18 (1)** An employer must provide information, including confidential business information, about a hazardous product that is present or was present in the workplace to a health professional who requests information about the hazardous product for the purpose of rendering medical treatment to a person in an emergency.

**(2)** Information that, by virtue of an exemption under the [Hazardous Materials Information Review Act](#) or these regulations, is not required to be provided on the safety data sheet but has been provided by an employer to any health professional who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, an individual in a medical emergency must be kept confidential, except for the purpose for which it was provided, if the health professional has been informed by the employer that the information is to be kept confidential.

**(3)** If confidential business information, including a specific chemical identity, is disclosed to address a medical emergency under subsection (1) and the employer requires a confidentiality agreement as permitted by subsection 61(2) of the Act, the confidentiality agreement may do all of the following:

(a) require the health professional and the employee to keep the confidential business information, including the specific chemical identity, confidential;

(b) provide for appropriate legal remedies in the event of a breach of the confidentiality agreement.

### **Disclosure of source of toxicological data**

**3.19** Subject to the [Hazardous Materials Information Review Act](#), an employer who manufactures a hazardous product in a workplace must, at the request of an officer, an employee who may be exposed to the hazardous product or the committee or representative, if any, disclose as quickly as possible the source of any toxicological data used in preparing the safety data sheet required under [Section 3.12](#).

### **Transition period**

**3.20 (1)** In this Section,

“former regulations” means the [Workplace Hazardous Materials Information System Regulations](#), N.S. Reg. 196/1988.

(2) When this Part comes into force, an employer who meets the requirements of the former regulations is deemed to be in compliance with the requirements of this Part for a period of 6 months immediately after the date this Part comes into force.

(3) Despite the 6-month transition period referred to in subsection (2), a hazardous product present in a workplace when this Part comes into force that is labelled in accordance with the former regulations is deemed to be in compliance with the labelling requirements of this Part and may continue to be used for a period of 3 years immediately after the date this Part comes into force if employees are educated and trained in accordance with the former regulations.

(4) Despite the duty imposed on self-employed persons to comply with these regulations under [subsection 1.4\(1\)](#), a self-employed person is not required to comply with the requirements of this Part until 6 months immediately after the date this Part comes into force.

## **Part 4: First Aid**

### **Definitions for Part 4**

**4.1** In this Part,

“advanced workplace first aid certificate” means a document issued by a training agency certifying that a person

(i) has successfully completed an advanced level of workplace first aid training, and

(ii) holds the applicable valid qualifications for an advanced workplace first aider as set out in the CSA first aid training standard;

“basic workplace first aid certificate” means a document issued by a training agency certifying that a person

(i) has successfully completed a basic level of workplace first aid training, and

(ii) holds the applicable valid qualifications for a basic workplace first aider as set out in the CSA first aid training standard;

“close workplace” means a workplace where the surface travel time is no more than 20 minutes;

“CSA first aid training standard” means the latest version of CSA standard CSA Z1210, “First aid training for the workplace –Curriculum and quality management for training agencies”;

“distant workplace” means a workplace where the surface travel time is more than 20 minutes but less than 40 minutes;

“emergency care facility” means a healthcare facility that meets all of the following criteria:

(i) it is equipped to provide immediate treatment of injuries and illnesses,

(ii) it has a medical practitioner, registered and licensed to practice [practise] medicine under the [Medical Act](#), on call;

“emergency health services” means the co-ordinated delivery of services provided by registered pre-hospital first responders and by paramedics and other medical professionals under the [Emergency Health Services Act](#) to prevent and manage medical, trauma and health conditions;

“first aid kit” means a first aid kit that conforms to the latest version of CSA standard CSA Z1220, “First aid kits for the workplace”;

“first aid room” means a room at a workplace that is used exclusively for administering first aid;

“hospital” means a hospital, as defined in the [Hospitals Act](#), that provides emergency services during all hours of operation;

“intermediate workplace first aid certificate” means a document issued by a training agency certifying that a person

(i) has successfully completed an intermediate level of workplace first aid training, and

(ii) holds the applicable valid qualifications for an intermediate workplace first aider as set out in the CSA first aid training standard;

“isolated workplace” means a workplace where the surface travel time is 40 minutes or more;

“long-term care facility” means any of the following, as defined in the [Homes for Special Care Act](#):

- (i) nursing home,
- (ii) residential care facility;

“medical professional” means any of the following:

- (i) a medical practitioner who is registered and licensed to practice [practise] medicine under the [Medical Act](#),
- (ii) a nurse practitioner who is registered and licensed to engage in the practice of a nurse practitioner under the [Nursing Act](#),
- (iii) a registered nurse who is registered and licensed to engage in the practice of a registered nurse under the [Nursing Act](#),
- (iv) a licensed practical nurse who is registered and licensed to engage in the practice of a licensed practical nurse under the [Nursing Act](#),
- (v) a paramedic who is licensed to practice [practise] paramedicine under the [Paramedics Act](#);

“office” means a workplace that meets all of the following criteria:

- (i) the only work carried out at the workplace is of an administrative, professional or clerical nature,
- (ii) the work carried out at the workplace does not require substantial physical exertion or exposure to processes, substances or other conditions that are potentially hazardous to the health and safety of persons at or near the workplace;

“surface travel time” means the time required, under normal travel conditions,

- (i) to transport an injured employee from the place where they are injured to a hospital or an emergency care facility, or
- (ii) for emergency health services to arrive at the place where an employee is injured and attend to the injured employee;

“training agency” means an agency, organization or person that is approved to provide first aid training under [Section 4.5](#);

“workplace first aider” means a designated employee who holds a valid workplace first aid certificate;

“workplace first aid certificate” means any of the following:

- (i) basic workplace first aid certificate,
- (ii) intermediate workplace first aid certificate,
- (iii) advanced workplace first aid certificate.

### **Duty to report injuries**

**4.2** An employee at a workplace must report all injuries to the employer without undue delay.

### **Duty of workplace first aiders**

**4.3** A workplace first aider must provide first aid within the scope of their training to any injured employee without undue delay.

### **Providing first aid supplies, services and workplace first aiders at workplace**

**4.4 (1)** Except as provided in subsection (3), an employer must, at the employer's expense, provide and maintain the first aid supplies, services and workplace first aiders required by this Part at each of its workplaces.

**(2)** To enable a designated employee to act as a workplace first aider at its workplace, an employer must pay for all of the following:

(a) the cost of the employee's first aid course;

(b) the employee's wages and benefits while taking the first aid course, at the same rates and amounts that they would receive in the ordinary course of their employment.

**(3)** Two or more employers may enter into a written agreement to collectively provide and maintain the first aid supplies, services and workplace first aiders required by this Part and must keep and make any agreement entered into available at each workplace covered by the agreement.

### **Training agencies**

**4.5** A training agency is approved to provide first aid training if the training agency complies with the minimum requirements for a workplace first aid program as established in the latest version of CSA first aid training standard.

### **Workplace first aid certificates**

**4.6 (1)** A copy of all valid workplace first aid certificates must be maintained by all of the following:

(a) the employer of the certificate holder;

(b) the training agency that issued the certificate.

(2) Unless the training agency that issues a certificate establishes a shorter period, a workplace first aid certificate expires 3 years from the date it is issued.

**Determining number of employees per shift**

4.7 In consultation with the committee or representative, if any, an employer must include all persons employed on any 1 shift in determining the total number of employees employed on that shift, including full-time, part-time and casual employees.

**Minimum number of workplace first aiders**

4.8 (1) Except as provided in [Section 4.16](#), an employer must ensure that the minimum number of workplace first aiders are present in each of its workplaces during working hours, in accordance with this Section.

(2) The following number of workplace first aiders, with the workplace first aid certificate indicated, are required for a close workplace:

Close Workplaces		
Number of Employees per Shift	Number of Workplace First Aiders and Certificate Required	
	Offices	Other Workplaces
1	-	-
2–25	1 basic	1 basic
26–50	1 basic	1 intermediate
51–99	1 basic	2 intermediate
100–199	2 basic	2 intermediate
200 or more	3 basic	3 intermediate

(3) The following number of workplace first aiders, with the workplace first aid certificate indicated, are required for distant workplaces:

Distant Workplaces		
Number of Employees per Shift	Number of Workplace First Aiders and Certificate Required	
	Offices	Other Workplaces
1	-	1 basic
2–25	1 basic	1 intermediate
26–50	1 basic	1 intermediate

51–99	1 basic	2 intermediate
100–199	2 basic	1 intermediate 1 advanced
200 or more	3 basic	2 intermediate 1 advanced

(4) The following number of workplace first aiders, with the workplace first aid certificate indicated, are required for isolated workplaces:

Isolated Workplaces		
Number of Employees per Shift	Number of Workplace First Aiders and Certificate Required	
	Offices	Other Workplaces
1	1 basic	1 intermediate
2–25	1 basic	1 intermediate
26–50	1 basic	1 advanced
51–99	2 basic	2 advanced
100–199	2 basic	3 advanced
200 or more	3 basic	4 advanced

#### Type, size and number of first aid kits

4.9 (1) Except as provided in [Section 4.16](#), an employer must provide and maintain first aid kits in the type, size and number according to the type of workplace and number of employees, as set out in the following table:

Minimum First Aid Kits Required		
Close and Distant Workplaces		
Number of Employees per Shift	Offices	Other Workplaces
1	1 Type 1	1 Type 1
2–25	1 Type 2 (small)	1 Type 2 (small)
26–50	2 Type 2 (small)	2 Type 2 (small)
51–99	3 Type 2 (small)	3 Type 2 (small)
100 or more	6 Type 2 (small)	6 Type 2 (small)
Isolated Workplaces		
Number of Employees per Shift	Offices	Other Workplaces

1	1 Type 1	1 Type 1
2–25	1 Type 2 (small)	1 Type 3 (small)
26–50	2 Type 2 (small)	1 Type 2 (small) 1 Type 3 (small)
51–99	3 Type 2 (small)	2 Type 2 (small) 1 Type 3 (small)
100 or more	6 Type 2 (small)	4 Type 2 (small) 2 Type 3 (small)

(2) The first aid kits required by subsection (1) may be substituted with kits of different sizes based on the following equivalencies:

Smaller first aid kits	Equivalent larger first aid kits
2 small first aid kits	1 medium first aid kit
4 small first aid kits or 2 medium first aid kits	1 large first aid kit

#### **Location and accessibility of supplies and workplace first aider**

**4.10 (1)** An employer must ensure that first aid services and supplies are readily accessible during all working hours.

(2) If more than 1 first aid kit is required at a workplace, the kits must be distributed in the workplace so that they can be quickly accessed in a medical emergency.

(3) To the extent reasonably practicable, an employer must post all of the following information on signs throughout its workplace where they can easily be seen by all persons at the workplace:

(a) the location of first aid supplies;

(b) the name and location or phone number of the workplace's workplace first aiders.

#### **Condition of supplies**

**4.11** First aid supplies must be kept in a visible location and maintained in accordance with all of the following:

(a) they meet the requirements of this Part;

(b) they are clean and dry;

(c) they are checked regularly for quantity and expiry.

**When first aid room required at workplace**

**4.12** Except as provided in [Section 4.16](#), an employer must provide at least 1 first aid room for each workplace that meets all of the following criteria:

- (a) it is not an office;
- (b) there are 200 or more employees regularly employed on any 1 shift at the workplace.

**First aid room requirements**

**4.13 (1)** A first aid room must meet all of the following requirements:

- (a) it must be easily accessible to employees during all working hours;
- (b) it must be large enough to accommodate the supplies and services required by this Part;
- (c) it must have an entrance that can easily accommodate a stretcher;
- (d) it must be well-lighted, heated and ventilated;
- (e) it must be equipped with an efficient means of communicating between the first aid room and all workplace areas served by the first aid room;
- (f) it must have emergency telephone numbers prominently posted and accessible;
- (g) it must be equipped with all of the equipment and furniture, material and supplies and dressings set out in subsection (3).

**(2)** A first aid room must be kept clean and in a sanitary condition.

**(3)** The minimum equipment and furniture, material and supplies and dressings (individually wrapped) required for a first aid room are as set out in the following table:

<b>Equipment and supplies</b>	<b>Minimum required in room</b>
Equipment and furniture	<ul style="list-style-type: none"><li>• 1 sink with running water</li><li>• 1 refuse pail with a cover</li><li>• 1 chair with arm rests that ensure that the chair is suitable to treat injured employees</li><li>• 1 bed, covered with a plastic sheet</li><li>• pillows and blankets</li><li>• 1 cabinet suitable for storing dressings and instruments</li></ul>

Material and supplies	<ul style="list-style-type: none"> <li>• 1 first aid guide</li> <li>• 12 assorted safety pins</li> <li>• 1 wash basin</li> <li>• 1 package of paper towels</li> <li>• hand soap</li> <li>• 1 package of disposable paper cups</li> <li>• 1 kidney basin</li> <li>• 1 set of assorted splints</li> <li>• 1 portable medium size Type 2 first aid kit</li> <li>• 1 flashlight for use outside the room at the scene of an accident</li> <li>• 20 pairs of disposable latex gloves or gloves made of material that provides an equivalent level of protection against the spread of infections or contagious conditions</li> <li>• instructions on how to record first aid treatments</li> <li>• 1 pencil</li> <li>• the material and supplies of a large size Type 2 first aid kit</li> </ul>
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#### **Creating and maintaining first aid records of injured persons**

**4.14** The employer of an injured person who is administered first aid at a workplace must create a written record of the injury, including all of the following information:

- (a) the name of the injured person;
- (b) the date and time of the injury;
- (c) the location and nature of the injuries on the person's body;
- (d) the time when first aid was administered;
- (e) the first aid treatment provided;
- (f) the name of the person who provided the first aid, and the workplace first aid certificate that they hold;
- (g) the name of the person to whom the injury was reported.

#### **Transporting injured persons from workplace**

**4.15 (1)** An employer is responsible for providing a safe and timely means of transporting an injured person from the workplace to a hospital or an emergency care facility.

(2) If an injured person being transported to a hospital or an emergency care facility may require the assistance of another person, at least 1 person, in addition to the driver or operator of the vehicle, boat or aircraft must accompany the injured person.

#### **Exceptions for hospitals, emergency care facilities or long-term care facilities**

**4.16 (1)** At any of the following workplaces, an employer may substitute a medical professional who maintains current training in cardio-pulmonary resuscitation for a workplace first aider required to be at the workplace under this Part:

- (a) a hospital;
- (b) an emergency care facility;
- (c) a long-term care facility.

(2) At any of the workplaces listed in subsection (1), an employer may substitute medical supplies maintained at the workplace for the first aid kits required by Section 4.9 if the supplies include at least all of the items required by that Section.

(3) At any of the workplaces listed in subsection (1), an employer is not required to strictly comply with the requirements for first aid rooms in [Section 4.13](#) if first aid supplies and facilities equivalent to those set out in that Section are available to employees at the workplace.

#### **First aid supplies for vehicles, boats and aircrafts**

**4.17 (1)** In this Section,

“vehicle” includes any motor vehicle, boat or aircraft.

(2) Except as provided in subsection (3), an employer must ensure that a vehicle that is regularly used to transport employees is equipped with a size small Type 2 first aid kit.

(3) For a vehicle that is regularly used to transport only the driver of the vehicle, the driver’s employer must ensure that the vehicle has at least a Type 1 first aid kit.

#### **Isolated workplace first aid plans**

**4.18 (1)** Except as provided in [Section 4.19](#), an employer must maintain a written isolated workplace first aid plan for each of its isolated workplace[s].

(2) A committee or representative, if 1 exists, must be consulted in the development of a workplace’s isolated workplace first aid plan.

(3) An employer’s isolated workplace first aid plan must set out a comprehensive plan for ensuring compliance with this Part at each isolated workplace, and must specify all of the following:

- (a) the method for transporting injured employees from each isolated workplace;
- (b) the means of communicating with and from each isolated workplace.

**(4)** An isolated workplace first aid plan for an isolated workplace must reflect the nature of the work being performed at the isolated workplace.

**(5)** All persons at an isolated workplace must comply with any isolated workplace plan for the workplace.

**When no isolated workplace first aid plan required**

**4.19** An employer is not required to have an isolated workplace first aid plan if any of the following apply over a 4-week period:

- (a) no employee spends more than 10% of their time at the isolated workplace;
- (b) any of the employees spend more than 10% but less than 25% of their time at the isolated workplace, and the safety of the isolated workplace is adequately assured including meeting all of the following criteria:
  - (i) an injured person can be transported from the isolated workplace to the closest emergency care facility within a reasonable time,
  - (ii) there is a means of transport at the isolated workplace for an injured worker,
  - (iii) there is a means of summoning assistance available at the isolated workplace,
  - (iv) the workplace is an office.

**Transition—first aid certificates and first aid kits under former regulations**

**4.20 (1)** In this Section,

“former regulations” means the [Occupational Health and Safety First Aid Regulations](#), N.S. Reg. 155/1996.

**(2)** A first aid certificate obtained under the former regulations is deemed to be equivalent to a workplace first aid certificate, as set out in the following table, and is valid until the certificate expires.

<b>First Aid Certificate Equivalencies</b>	
<b>Former Regulations</b>	<b>This Part</b>
emergency first aid certificate	basic workplace first aid certificate

standard first aid certificate	intermediate workplace first aid certificate
advanced first aid certificate	advanced workplace first aid certificate

**(3)** An employer who meets the first aid kit requirements of the former regulations is deemed to be in compliance with the first aid kit requirements of this Part for a period of 12 months immediately after this Part comes into force.

**Part 5: Sanitation and Accommodations**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

**Part 6: Personal Protective Equipment**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

**Part 7: Handling and Storage of Materials**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

**Part 8: Tools**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

**Part 9: Mechanical Safety and Robotics**

(This heading is here as a placeholder only. There is no content for this Part yet.)

**Part 10: Cranes, Hoists and Mobile Equipment**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

**Part 11: Lock-out**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 12: Premises and Building Safety**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 13: Construction and Demolition**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 14: Excavations and Trenches**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 15: Electrical Safety**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 16: Welding, Cutting, Burning and Soldering**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

#### **Part 17: Equipment for Firefighters**

##### **Definition for Part 17**

**17.1** In this Part,

“firefighter” means

- (i) an employee who provides fire suppression services to the public from a fire department within a municipality or local service district, or
- (ii) an industrial firefighter.

### **Conflicts with [Occupational Safety General Regulations](#)**

**17.2** If Part 16 - Equipment for Firefighters of the [Occupational Safety General Regulations](#) made under the Act requires the use of a body harness, elevating work-platform or other device for fire-fighting or equipment for a firefighter that complies with a different standard than a standard listed in these regulations, equipment that meets the requirements of these regulations or Part 16 of the *Occupational Safety General Regulations* may be used.

### **Part 18: Blasting Safety**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Blasting Safety Regulations](#) made under the Act.)

### **Part 19: Confined Spaces**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

### **Part 20: Surface Mine Workings**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Safety General Regulations](#) made under the Act.)

### **Part 21: Fall Protection**

#### **Definitions for Part 21**

**21.1** In this Part,

“arborist” means a person trained and employed, in whole or in part, to climb trees for an economic or scientific purpose, including any of the following:

- (i) detecting and treating disease, infections or infestations,
- (ii) pruning, spraying or trimming,
- (iii) repairing damaged trees,
- (iv) assessing growth or harvesting potential;

“body belt” means a body support device that encircles the body at or about the waist;

“energy absorber” means a component of a fall-protection system consisting of a device that dissipates kinetic energy and does not return it to the fall-arrest system or into a person’s body;

“fall distance” means the vertical distance a person may fall, measured from the surface where the weight of a person is supported to the surface the person could fall onto;

“fall-arrest system” means a fall-protection system consisting of an assembly of components that arrests a person’s fall when properly assembled, used together and connected to a suitable anchorage;

“fall-protection system” means any secondary system that is intended to prevent a person from falling or arrests a fall that occurs, and includes guardrails, temporary flooring, travel-restraint systems, personnel safety nets and fall-arrest systems;

“full-body harness” means a body-holding device, similar to a parachute harness, that transfers suspension forces or impacts during a fall arrest to a person’s pelvis or skeleton;

“guardrail” means a fall-protection system consisting of vertical and horizontal members that

(i) are capable of withstanding concentrated forces, as prescribed in these regulations or an applicable standard,

(ii) warn of a fall hazard, and

(iii) reduce the risk of a fall;

“horizontal lifeline” means a flexible line made from wire, fibre rope, wire rope, or rod, with end terminations at both ends, that extends horizontally from one end anchorage to another;

“lanyard” means a flexible line or strap used to secure a full-body harness to an energy absorber, fall-arrester, lifeline or anchorage;

“lifeline” means a component of a fall-protection system consisting of a vertical lifeline or a horizontal lifeline;

“personnel safety net” means a fall-protection system that uses at least 1 net to stop a person who is falling before the person makes contact with a lower level or obstruction;

“elevating work-platform” means a mobile horizontal working surface that provides access and support to a person at a workplace, and that is elevated and lowered by means of a mechanism that complies with Part 23: Scaffolds and Other Elevated Work-platforms;

“safe surface” means an area that meets all of the following criteria:

(i) it is large enough and strong enough to adequately support a person who falls,

(ii) it is level enough to prevent a further fall by a person who has fallen,

“self-retracting device” means a device that arrests a person’s fall by performing a tethering function while allowing vertical movement below the device to the maximum working length of the device;

“temporary flooring” means a fall-protection system consisting of a horizontal working surface that is designed, constructed and installed to provide access to areas that do not have permanent flooring by protecting a person from falling through an unprotected opening;

“travel restraint system” means a fall-protection system that will prevent a person from reaching an unprotected edge or opening;

“vertical lifeline” means a flexible lifeline with an end termination on the top end that is connected to an anchorage or anchorage connector and hangs vertically from where it is connected;

“work-platform” means a raised temporary horizontal working surface that provides access and support to a person at a workplace;

“work-positioning system” means an assembly of components that, when properly assembled and used together, supports a person in a position or location so that the person’s hands are free in the work position, but does not include a boatswain’s chair, ladder, rope access or scaffold.

## **When Fall Protection is Required**

### **Fall protection required**

**21.2 (1)** Except as provided in subsections (3) to (5), fall protection is required if a person is at risk of falling from a work area where the fall distance is

- (a) 3 m or more above the nearest safe surface or water;
- (b) less than 3 m and the work area is above 1 of the following:
  - (i) a surface or thing that could cause injury to the person on contact that is worse than an injury from landing on a solid, flat surface,
  - (ii) exposed hazardous material, such as in an open tank, pit or vat.

**(2)** If fall protection is required, an employer must ensure that at least 1 of the following means of fall protection is used, as appropriate in the circumstances:

- (a) a guardrail;
- (b) temporary flooring;
- (c) a personnel safety net;
- (d) a travel restraint system;

(e) a fall-arrest system.

**(3)** Fall protection is not required for a person who is entering or exiting a work area by a safe means of access and egress.

**(4)** Fall protection is required only where reasonably practicable and to the extent reasonably practicable in any of the following circumstances:

(a) if work must be performed on or from a vehicle, rail car or other mobile equipment;

(b) if it is not reasonably practicable to perform work other than from a ladder and it is not reasonably practicable for the person performing the work to maintain adequate contact with the ladder while performing the work;

(c) if the density of tree branches prevents an arborist from crotching.

**(5)** If it is not reasonably practicable to use fall protection in the circumstances described in subsection (4), an employer must ensure that an alternate control measure is used to reduce, to the extent reasonably practicable, the risk of a fall.

## **Fall-Protection Plans and Procedures**

### **Written fall-protection safe-work procedure**

**21.3 (1)** Except as provided in subsection (2), an employer must establish a written fall-protection safe-work procedure for the type of work to be performed in any work area where fall protection is required and the maximum fall distance is less than 7.5 m.

**(2)** A written fall-protection safe-work procedure is not required under subsection (1) if any of the following conditions apply:

(a) all persons performing the work are protected by a permanent guardrail;

(b) the work is performed from a work-platform described in Sections 23.12 to 23.15 of Part 23: Scaffolds and Other Elevated Work-platforms and all persons performing the work are using adequate fall protection.

**(3)** A fall-protection safe-work procedure must be based on a hazard assessment of the work typically performed by the employer and must include all of the following information:

(a) the nature of the work to be performed;

(b) the typical duration of the work;

(c) a description of the work;

- (d) a list of the primary tools or equipment used in the work;
- (e) reference to applicable health and safety legislation and regulations;
- (f) a list of potential fall hazards of the work and their associated risks;
- (g) the risk controls to be used to prevent injury to persons coming in contact with known hazards;
- (h) the effect of weather conditions;
- (i) the name of the person or position that has supervisory responsibility for the work, whether the person is present at the work area or not;
- (j) the training and qualifications required for persons who will perform the work, as determined by the employer;
- (k) a method for communicating the fall-protection safe-work procedure to any person who may be affected by the procedure.

#### **Written fall-protection safe-work plan**

**21.4 (1)** Except as provided in subsection (2), an employer must establish a specific written fall-protection safe-work plan for a specific work area where fall protection is required and the fall distance is 7.5 m or more.

**(2)** A specific written fall-protection safe-work plan is not required under subsection (1) if any of the following conditions apply:

- (a) all persons performing the work are protected by a permanent guardrail;
- (b) the work is performed from a work-platform described in Sections 23.12 to 23.15 of Part 23: Scaffolds and Other Elevated Work-platforms and all persons performing the work are using adequate fall protection;
- (c) the work is performed by an emergency services agency in accordance with [Section 1.16](#).

**(3)** A fall-protection safe-work plan must be established based on a hazard assessment of the specific work to be performed in the work area and must include all of the following information:

- (a) the nature of the work to be performed;
- (b) the anticipated duration of the work;
- (c) a description of the work;
- (d) a list of the primary tools or equipment to be used in the work;

- (e) reference to applicable health and safety legislation and regulations;
- (f) a list of potential fall hazards of the work and their associated risks;
- (g) the fall-protection system or systems to be used at the work area;
- (h) any anchorages to be used during the work;
- (i) if a fall-arrest system is to be used, confirmation that the clearance distances below the work area are sufficient to prevent a person from striking
  - (i) the nearest safe surface or water,
  - (ii) a surface or thing that could cause injury to the person on contact, or
  - (iii) exposed hazardous material, such as an open tank, pit or vat;
- (j) a procedure to address the risks associated with the potential for swing as a result of anchorage placement when a person is using a fall-arrest system;
- (k) the procedures to be used to assemble, maintain, inspect, use and disassemble a fall-protection system, as applicable;
- (l) schedules for inspecting any fall-protection systems and the names of any persons responsible for carrying out the inspections;
- (m) adequate written rescue procedures to be used if a person falls and requires rescue, including if a person is suspended by a fall-arrest system or personnel safety net;
- (n) the effect of weather conditions;
- (o) the name of a designated competent person to supervise the work area;
- (p) the training and qualifications required for persons who will perform the work, as determined by the employer;
- (q) a method for communicating the fall-protection safe-work plan to any person who may be affected by the plan.

**(4)** If a workplace has more than 1 work area for which a fall-protection safe-work plan is required, an employer may create a separate plan for each specific work area or one overall plan for the workplace that includes all of the requirements necessary for each specific plan.

## **Fall-Protection Systems**

## **Guardrails**

**21.5 (1)** An employer must ensure that a guardrail that is used as a means of fall protection is installed at all of the following places in a work area:

- (a) around any uncovered opening in any surface;
- (b) at the perimeter or other open side of a work area.

**(2)** A guardrail must be designed and installed in compliance with the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”.

**(3)** If there is a risk of falling at a doorway or the opening of a building floor, roof, walls or shaft, an employer must ensure that a guardrail is

- (a) installed in accordance with this Section; and
- (b) marked with a warning sign that indicates the presence of a doorway or other opening.

## **Temporary flooring**

**21.6** An employer must ensure that temporary flooring that is used as a means of fall protection is able to withstand 4 times the maximum load likely to be on it and is installed so that it meets all of the following:

- (a) it extends over the entire work area with the exception of any openings necessary for the carrying out of work;
- (b) it is securely fastened to prevent lateral and upward movement.

## **Personnel safety nets**

**21.7 (1)** An employer must ensure that a personnel safety net used as a means of fall protection is designed, manufactured, installed, used, inspected, tested and made of materials in accordance with the latest version of ANSI standard A10.11, “American National Standard for Construction and Demolition Operations – Personnel and Debris Nets”.

**(2)** Despite any requirements set out in the standard required by subsection (1), a personnel safety net must be erected and installed in accordance with all of the following:

- (a) it must be erected and installed under the supervision of a competent person;
- (b) it must be positioned as close as reasonably practicable, but no more than 9 m below the work area and extend at least 2.4 m on all sides beyond the work area;
- (c) it must be positioned and maintained so that when arresting the fall of a person, the maximum deflection of the personnel safety net does not permit any portion of the person to contact another surface;

(d) it must be free of debris, obstructions or intervening objects that may be struck by a person who falls from a workplace into the net.

### **Travel restraint systems**

**21.8** An employer must ensure that a personal travel restraint system that is used as a means of fall protection to restrict movement meets the requirements of the latest version of CSA standard CSA Z259.16, “Design of active fall-protection systems”.

### **Fall-arrest systems**

**21.9** An employer must ensure that a fall-arrest system that is used as a means of fall-protection is erected, installed, assembled, used, handled, stored, adjusted, maintained, repaired, inspected, serviced, tested, cleaned and dismantled in accordance with the manufacturer’s specifications and designed in accordance with the requirements of the latest version of CSA standard CSA Z259.16, “Design of active fall-protection systems”.

### **Fall-arrest for arborists**

**21.10 (1)** An arborist using a fall-arrest system as a means of fall protection must ensure that the fall-arrest system includes all of the following:

(a) a work-positioning system and a travel restraint system, the design, markings and instructions of which comply with the latest version of CSA standard CSA Z259.1, “Body Belts and Saddles for Work Positioning and Travel Restraint”;

(b) if reasonably practicable, a second climbing rope or safety strap that is manufactured for the purpose of tree climbing and that meets all of the following criteria:

- (i) it provides additional stability,
- (ii) it provides back-up fall protection,
- (iii) it is capable of withstanding the greater of the following:
  - (A) 2 times the maximum load likely to be on it,
  - (B) a load of 22 kN.

**(2)** An arborist must do all of the following before climbing in a work area:

- (a) visually assess the structural stability of the tree;
- (b) select and assess the safest path of ascent;
- (c) select an appropriate crotch position as a work area.

**(3)** While working in a tree with a fall-arrest system, and [an] arborist must do all of the following:

(a) wherever practicable, work from a crotch position with the fall-arrest system secured to an anchorage above the crotch position;

(b) when changing crotch positions, remain secured by the fall-arrest system to the anchorage for the previous crotch position until secured by the fall-arrest system to the anchorage for the next crotch position;

(c) not change crotch positions without selecting the next crotch position in advance;

(d) not climb above an anchorage unless secured by another fall-arrest system secured at or above the level of the arborist;

(e) ensure that slack only occurs in ropes or lines that are part of the fall-arrest system, if it is

(i) essential to the performance of the work, and

(ii) no greater than is consistent with the safe performance of the work;

(f) when transferring from an elevating work-platform to a tree, remain attached to an anchorage on the work-platform by way of a fall-arrest system until secured to an anchorage on the tree by way of a fall-arrest system;

(g) not work in crews of fewer than 2;

(h) have at least 1 crew member remain on the ground at the work area.

### **Work-positioning systems**

**21.11 (1)** Unless otherwise prescribed in these regulations, an employer must ensure a work-positioning system is used in combination with a fall-arrest system in all of the following circumstances:

(a) the centre of gravity of the person using the work-positioning system extends beyond the edge from which a person could fall;

(b) the state or condition of the work surface creates a slipping or tripping hazard.

**(2)** A person must not use, and an employer must ensure a person does not use, a work-positioning system as a means of fall arrest.

### **Equipment**

### **Full-body harnesses**

**21.12** An employer must ensure that a person who is using a personal fall-arrest system wears a full-body harness and that the full-body harness is used and certified in compliance with the latest version of CSA standard CSA Z259.10, “Full Body Harnesses”.

### **Body belts**

**21.13 (1)** An employer must ensure that the design, markings and instructions of body belts used comply with the latest version of CSA standard CSA Z259.1, “Body Belts and Saddles for Work Positioning and Travel Restraint”.

(2) An employer must ensure that body belts are not used as a component of a fall-arrest system.

(3) A person must not use a body belt as a component of a fall-arrest system.

### **Energy absorbers and lanyards**

**21.14 (1)** An employer must ensure that a lanyard or an energy absorber used in a fall-arrest system is used and certified in compliance with the latest version of CSA standard CSA Z259.11, “Energy Absorbers and Lanyards”.

(2) An employer must ensure that a lanyard used in a fall-arrest system is equipped with an energy absorber, unless all of the following conditions are met:

(a) the combined free-fall distance and the energy absorber deceleration distance exceed the distance between the work area and a safe surface or hazard;

(b) the fall-arrest system is designed by a competent person to limit the free fall to less than 1.22 m and 8 kN arresting force;

(c) the fall-arrest system does not permit the user to contact an unsafe surface.

### **Anchorage**

**21.15** An employer must ensure that all anchorages used as components of a fall-protection system are capable of withstanding the following forces in any direction in which the force may be applied:

(a) 22 kN, for non-engineered anchorage;

(b) 2 times the maximum arresting force anticipated, for an engineered anchorage.

### **Horizontal and vertical lifelines**

**21.16 (1)** An employer must ensure that a horizontal lifeline used as a component of a fall-protection system meets all of the following:

(a) it is designed and installed in compliance with the latest version of CSA standard CSA Z259.16, “Design of Active Fall-Protection Systems;

(b) it is used, certified and made of material in compliance with the latest version of CSA standard CSA Z259.13, “Flexible Horizontal Lifeline Systems”.

(2) An employer must ensure that a vertical lifeline used as a component of a fall-protection system is used and certified in accordance with the latest version of CSA standard CSA Z259.2.1, “Fall Arresters, Vertical Lifelines and Rails”.

### **Self-retracting devices**

**21.17 (1)** An employer must ensure the design, markings and instructions for a self-retracting device used as a component of a personal fall-arrest system comply with the latest version of CSA standard CSA Z259.2.2, “Self-Retracting Devices for Personal Fall-Arrest Systems”.

(2) An employer must ensure a self-retracting device used as a component of a fall-protection system is

(a) anchored above the user’s head unless the manufacturer’s specifications allow using a different anchorage location; and

(b) used in a manner that

(i) minimizes the hazards of swinging, and

(ii) if the user falls, limits the distance they drop during the swing to 1.2 m.

### **Connecting components**

**21.18 (1)** An employer must ensure all connecting components for a fall-arrest system are used and certified in compliance with the latest version of CSA standard CSA Z259.12, “Connecting Components for Personal Fall-Arrest Systems (PFAS)”.

(2) An employer must ensure any carabiners and snap hooks used as components of a fall-arrest system are

(a) self-closing and self-locking; and

(b) only capable of being opened by a minimum of 2 consecutive and deliberate manual actions.

(3) An employer must ensure that each component of a fall-protection system is compatible with all of the following, as indicated in the manufacturer’s specifications and instructions for use of their equipment:

(a) each other component and that the safe function of any component does not interfere with the safe function of another component;

(b) the work conditions and conditions of the physical environment under which the equipment is to be used.

## **Fall-Protection Training**

### **Fall-protection training required**

**21.19 (1)** An employer must ensure that a person takes and successfully completes training on fall protection at all of the following times:

(a) before they do any of the following:

- (i) use fall protection,
- (ii) work in, supervise or plan the work for a work area where fall protection is required; and

(b) once at least every 3 years.

**(2)** A person must not use fall protection or work in, supervise or plan the work for a work area where fall protection is required before successfully completing training as required by this Section.

**(3)** In order to successfully complete training, a person must be deemed competent to inspect and use fall protection by 1 of the following persons who conducted the training:

- (a) their employer;
- (b) a training organization.

**(4)** Training must be instructed by a competent person.

**(5)** The person conducting the training must identify a method of evaluating the person taking the training and determining whether a person successfully completes the training.

### **Fall-protection training topics**

**21.20** Training on fall protection must include all of the following, as applicable to the nature of the work:

- (a) a review of all applicable health and safety legislation, regulations and standards;
- (b) identification of fall hazards;
- (c) a review of the hierarchy of controls that may be used to eliminate or minimize risk of injury from a fall;

(d) the different methods of fall protection and the most suitable application of the methods;

(e) fall-protection and safe-work procedures;

(f) instruction on assessing and selecting specific anchors that may be used for various applications;

(g) instruction on selecting and correctly using fall-protection components, including connecting hardware;

(h) information about the effect of a fall on the human body, including all of the following:

(i) free fall,

(ii) swing fall,

(iii) maximum arresting force, and

(iv) the purpose of energy absorbers,

(i) pre-use inspections of equipment and systems;

(j) emergency response procedures to be used if a fall occurs;

(k) practice in all of the following:

(i) inspecting, fitting, adjusting and connecting fall-protection systems and components,

(ii) the emergency response procedures required by clause (j).

### **Record of fall-protection training**

**21.21 (1)** A record of fall-protection training required under [Section 21.19](#) for each participant who successfully completes the training must be maintained by all of the following:

(a) the employer;

(b) any training organization that conducts the training.

**(2)** A record of training under this Section must include all the following information:

(a) the name of the participant;

(b) the date or dates of training;

(c) the name of the instructor;

- (d) the name of the employer;
- (e) the name of the training organization, if training is not conducted by the employer;
- (f) a description of the training;
- (g) the expiry date before which training must be renewed.

**(3)** Each person who takes fall-protection training required by [Section 21.19](#) must be given a copy of their record maintained under this Section.

### **Fall-protection training certificate or card**

**21.22 (1)** A person who conducts training must give each person who successfully completes the fall-protection training required by Section 21.20 a training certificate or card, signed by the instructor, with all of the following clearly indicated on it:

- (a) the name of the participant;
- (b) the date or dates of training;
- (c) the name of the employer and the training organization, if training is not conducted by the employer;
- (d) the type of training;
- (e) the expiry date for the training certificate or card before which training must be renewed.

**(2)** A person must have their fall-protection training certificate or card available at the workplace at all times.

## **Part 22: Work Requiring Rope Access**

### **Definitions for Part 22**

**22.1** In this Part,

“CEN” means the European Committee for Standardization;

“dynamic rope” means rope specifically designed to absorb energy and minimize the impact force in a fall by extending in length;

“code of practice” means a code of practice for rope access adopted in accordance with [subsection 22.5\(1\)](#);

“*International Code of Practice*” means the latest version of the *International Code of Practice* published by the Industrial Rope Access Trade Association;

“kermantel rope” means textile rope consisting of a core enclosed by a sheath;

“low stretch rope” means textile rope with lower elongation and less energy absorbing characteristics than dynamic rope;

“rope access” means a method of using ropes, in combination with other devices, for 1 of the following while further protected by a safety line, in which both the working line and safety line are connected to the user’s harness and separately secured to a reliable anchorage in such a way that a fall is prevented or arrested:

- (i) descending or ascending a working line to get to or from the work area,
- (ii) work positioning;

“rope access system” means a system used to position a person to conduct rope access;

“rope access technician” means a person, including a supervisor, who is trained and competent to perform the specific rope access tasks that are being undertaken;

“safety line” means an anchor line provided as a safeguard to protect against falls if the primary support anchorage or positioning mechanism fails;

“working line” means an anchor line used primarily for access, egress, work positioning and work restraint, but does not include a lifeline as defined in Part 21: Fall Protection.

### **Application of Part 22**

**22.2** This Part applies to any workplace where rope access methods are used to perform work or to train for work.

### **Conflict with Part 22**

**22.3** This Part prevails if there is any conflict between this Part and any of the following:

- (a) another Part of these regulations except Part 2: Occupational Health;
- (b) a code of practice.

### **Manufacturer’s specifications and standards for rope access and equipment**

**22.4** An equivalent CSA standard may be substituted for an ANSI or CEN standard required by this Part.

### **Code of practice must be adopted for rope access work**

**22.5 (1)** An employer must ensure that work is not conducted using rope access unless the employer has adopted 1 of the following as a code of practice for the work:

(a) the *International Code of Practice* as modified by this Part;

(b) a written safe-work procedure under subsection (2) that is approved in writing by the Director and provides for an adequate level of safety.

**(2)** A written safe-work procedure adopted for the purposes of clause (1)(b) must be based on a hazard assessment of the work typically performed by the employer and must include all of the following:

(a) the type and scope of hazard assessment that will be undertaken to identify potential hazards, including how it will be conducted;

(b) appropriate methods that will be used for controlling and eliminating typical hazards;

(c) the training a rope access technician will receive before beginning rope access work and how the training ensures the rope access technician is competent to conduct the work;

(d) how the rope access system and other equipment, including personal protective equipment, will be selected to ensure it is appropriate for its intended application;

(e) how selected equipment will be maintained and inspected;

(f) the name of a competent person or persons who will supervise the work area and the qualifications that make them competent to supervise the work;

(g) the process to be followed in establishing a rope access safe-work plan in accordance with [Section 22.9](#), including any consultation to be undertaken in developing the plan;

(h) the processes that will be put in place for

(i) rescue operations and other emergencies, including the equipment and personnel that will be available, and

(ii) protecting third parties.

#### **Application of *International Code of Practice***

**22.6 (1)** In the *International Code of Practice*,

(a) “should” must be read as expressing a mandatory requirement that must be satisfied in order to comply with the Code;

(b) “work site” has the same meaning as “work area” as defined in Part 1: Interpretation and Application.

(2) Subject to subsection (3), an employer who adopts the *International Code of Practice* as their code of practice must comply with the Code in accordance with subsection (1) unless a requirement in the Code is specifically imposed on another party, in which case that party must comply with the requirement.

(3) Unless otherwise specified in this Part, the following provisions of the *International Code of Practice* do not apply to an employer who adopts the Code as their code of practice:

- (a) [Section 2.3](#): “Selection of Rope Access Technicians”;
- (b) Section 2.7.1.3: “Standards”;
- (c) Part 3: “Informative Annexes”;
- (d) Part 4: “Legislation”;
- (e) Part 5: “Bibliography, further reading and useful addresses”.

#### **Work restricted to rope access technicians**

**22.7** An employer must ensure that only rope access technicians engage in rope access work at a workplace.

#### **Rope access technician must be competent person**

**22.8 (1)** An employer must ensure that a rope access technician engaged in rope access work is a competent person for the intended activity in accordance with the employer’s code of practice.

(2) An employer must keep a record that documents how a rope access technician qualifies as a competent person under the regulations, and must ensure a copy of the record is available at the workplace at all times.

#### **Rope access safe-work plan required in work areas with risk of fall**

**22.9 (1)** Except as provided in [Section 1.16](#) for an emergency services agency, if a rope access technician is at risk of falling from any height in a specific work area, an employer must develop a specific written rope access safe-work plan for the work area.

(2) A rope access safe-work plan must be based on a hazard assessment of the specific work area and must include all of the following information:

- (a) a list of the potential hazards associated with the work to be performed and their associated risks;
- (b) how the hazards will be eliminated or controlled;
- (c) the rope access system to be used at the work area;

(d) the procedures to be used to assemble, maintain, inspect, use and disassemble the rope access system;

(e) a list of persons who will be working in the work area, including each person's name and their duties;

(f) the appropriate personal protective equipment to be used to perform the work;

(g) an emergency response plan, including rescue operations, to be followed at the work area;

(h) an access and rigging plan for how to rig the ropes and gain access to the work position.

### **Rope access technician must keep logbook**

**22.10 (1)** A rope access technician must keep a hard copy logbook that meets all of the following criteria:

(a) it has the name of the rope access technician written on it;

(b) it is permanently bound;

(c) it has consecutively numbered pages.

**(2)** A rope access technician must keep their logbook at a work area at all times when they are at the work area.

**(3)** A rope access technician must make and sign an entry in their logbook as soon as reasonably practicable after doing rope access work and before leaving a work area.

**(4)** Each entry in a rope access technician's logbook must include all of the following information:

(a) the date of the work;

(b) the geographic location of the work;

(c) the name of their employer;

(d) the name of the supervisor for the work;

(e) the type of rope access equipment used;

(f) the time the work began;

(g) the duration of the work;

(h) the type of work performed;

(i) any accident, near miss or unusual incident that occurred and has the potential to affect health or safety;

(j) any factors that they consider relevant to their health or safety.

**(5)** A rope access technician must keep their logbook for at least 2 years after the date of the last entry in the logbook.

**(6)** An employer must ensure a rope access technician keeps a logbook in accordance with this Section.

### **Equipment must comply with code of practice or standards**

**22.11** An employer must ensure that equipment used in rope access is designed, installed, maintained and used in accordance with standards referenced in their code of practice or in accordance with the following standards that apply to the equipment being used:

(a) the latest version of CSA standard CSA Z259.1, “Body Belts and Saddles for Work Positioning and Travel Restraint”;

(b) the latest version of CSA standard CSA Z259.10, “Full Body Harnesses”;

(c) the latest version of CSA standard CSA Z259.11, “Energy Absorbers and Lanyards”;

(d) the latest version of CSA standard CSA Z259.12, “Connecting Components for Personal Fall Arrest Systems (PFAS)”;

(e) CEN standard EN 567: 1997, “Mountaineering Equipment – Rope clamps – Safety requirements and test methods”;

(f) CEN standard EN 353-2:2002, “Personal protective equipment against falls from height – Part 2: Guided type fall arresters including a flexible anchor line”;

(g) CEN standard EN 341: 1997, “Personal protective equipment against falls from height – Descender devices”.

### **Standards for ropes used in rope access system**

**22.12 (1)** An employer must ensure that low stretch or static rope used in a rope access system is a Type A rope classified and approved by CEN standard EN 1892: 1998, “Personal protective equipment for the prevention of falls from a height – low stretch Kernmantel ropes”.

**(2)** An employer must ensure that high stretch or dynamic rope used in a rope access system is approved to CEN Standard EN 892: 2004, Mountaineering equipment – Dynamic mountaineering ropes – Safety requirements and test methods”.

### **Compatible components of rope access system**

**22.13** An employer must ensure that each component of a rope access system is compatible with all of the following, as indicated in the manufacturer's specifications and instructions for use of their equipment:

- (a) each other component, and that the safe function of any component does not interfere with the safe function of another component;
- (b) the work conditions and conditions of the physical environment under which the equipment is to be used.

### **Anchorage in rope access system**

**22.14** An employer must ensure that all anchorages used as a component of a rope access system are capable of withstanding the following forces in any direction in which the force may be applied:

- (a) 22 kN, for non-engineered anchorage;
- (b) 2 times the maximum arresting force anticipated, for an engineered anchorage.

### **Protective headwear**

**22.15 (1)** An employer must ensure that a rope access technician wears protective headwear whenever there is a foreseeable danger of injury to the rope access technician's head while performing rope access work.

**(2)** Protective headwear required by subsection (1) must be appropriate to the hazards and must meet the requirements of at least 1 of the following:

- (a) the latest version of CSA standard CSA Z94.1, "Industrial Protective Headwear";
- (b) the latest version of ANSI standard ANSI Z89.1, "American National Standard for Industrial Head Protection";
- (c) CEN standard EN 12492, "Mountaineering equipment – Helmets for mountaineers – Safety requirements and test methods".

**(3)** A rope access technician must wear protective headwear in accordance with this Section.

### **Working lines and safety lines**

**22.16 (1)** An employer must ensure that working lines and safety lines used in a rope access system meet all of the following conditions:

- (a) the working line and safety line of the system must be the same diameter;

(b) a safety, secondary, belay or backup line of the system must be used when the working line is the primary means of support;

(c) the working line and safety line of the system must each be provided with a separate anchorage connection and be separately fixed to the rope access technician's harness.

(2) Clauses (1)(a) and (b) do not prohibit both the working line and safety line from being attached to a single harness attachment point.

(3) A rope access technician may connect the safety line to the sternal or frontal attachment point of the rope access technician's full-body harness in accordance with the harness manufacturer's specifications.

## **Part 23: Scaffolds and Other Elevated Work-platforms**

### **Definitions for Part 23**

**23.1** In this Part,

“boatswain's chair” means a simple body support device used for work positioning that typically incorporates a rigid seat and a suspension bridle and is suspended from an anchorage;

“bracket scaffold” means a scaffold consisting of a work-platform that is supported by metal brackets and attached to a structural wall but does not include a side bracket or end bracket;

“crane-supported work-platform” means a work-platform suspended from the cable of a hoist or crane, or attached directly to the boom of a crane by mechanical fasteners;

“elevating work-platform” means a type of integral chassis aerial platform that has an adjustable position platform that is supported from ground level;

“ITSDF” means the Industrial Truck Standards Development Foundation;

“ladderjack scaffold” means a scaffold erected by means of attaching 1 or more brackets to 1 or more ladders to support a work-platform;

“lift truck” means a lift truck as defined in the latest version of ANSI standard ANSI/ITSDF B56.1, “Safety Standard for Low Lift and High Lift Trucks”;

“lift truck work-platform” means a work-platform designed to be mounted on a high lift truck, or other elevating device, to provide a safe-working area for a person elevated by and working from the platform's surface;

“pumpjack scaffold” means a scaffold consisting of a work-platform supported by vertical poles and adjustable support brackets;

“rolling scaffold” means an assembled scaffold

(i) supported by wheels, and

(ii) moved manually,

“scaffold” means a temporary elevated or hanging platform and its structural members that are used to support persons and materials, or both;

“standard”, in relation to a component of access scaffolding equipment, means a vertical scaffold member that supports the weight of a scaffold;

“suspended platform” means an access system that meets all of the following criteria, and includes but is not limited to permanently installed suspended equipment, temporary suspended equipment, a boatswain’s chair, stages running on an incline and suspended work cages:

(i) it is suspended from overhead and arranged for hoisting, and may traverse the exterior or interior side of a building or structure, and

(ii) it consists of a platform and means of suspension, lateral restraint, hoisting and anchoring;

“transom”, in relation to a component of access scaffolding equipment, means a horizontal scaffold member capable of supporting a platform or a lifting beam;

“work-platform” means a temporary horizontal working surface that provides access and support for a person at the workplace.

### **Engineer’s certification of scaffolding**

**23.2** In addition to any certification required under [Section 1.11](#), an employer must ensure that the design and installation of a scaffold used in a workplace are certified by an engineer if

(a) required by the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”; or

(b) the scaffold is a wooden scaffold that is taller than 10 m high measured from the height of the highest work-platform.

### **Standards for scaffolds**

**23.3 (1)** An employer must ensure that a scaffold that is required to safely perform work is erected, installed, assembled, used, handled, stored, adjusted, maintained, repaired, inspected or dismantled in accordance with the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”.

**(2)** An employer must ensure that a scaffold is

(a) designed to support and capable of holding at least 4 times the load that is likely to be on it; and

(b) not used for a load that is heavier than 25% of the load that it is designed for.

### **Scaffolding equipment prohibited**

**23.4** A person must not use, and an employer must ensure a person does not use, any of the following equipment at a workplace:

(a) wooden pumpjack scaffold poles;

(b) wooden carpenter's brackets;

(c) ladderjack scaffolds.

### **Pumpjack scaffolds**

**23.5 (1)** An employer must ensure that any pumpjack scaffold system used is metal.

**(2)** A pumpjack scaffold must be installed and used so that all of the following conditions are met:

(a) the load on the pumpjack scaffold is less than 122 kg per square metre (25 lbs. per square foot) and no more than 2 persons are between supporting poles at a time;

(b) the height of the scaffold is no higher than 13.7 m;

(c) unless otherwise specified in the manufacturer's specifications, it has bracing every 4.6 m, starting at the base of the scaffold.

**(3)** A person must use pumpjack scaffolds in accordance with this Section.

### **Bracket scaffolds**

**23.6 (1)** An employer must ensure that a bracket scaffold meets all of the following conditions:

(a) brackets on a bracket scaffold must be spaced no more than 3 m apart;

(b) a loaded bracket scaffold must be securely attached to a structural wall that is able to withstand the force applied in accordance with the manufacturer's specifications by

(i) bolting the bracket scaffold to the wall, or

(ii) welding the bracket scaffold to steel structures attached to the wall;

(c) a bracket scaffold must be capable of supporting at least 4 times the load that is likely to be on it.

(2) A person must use bracket scaffolds in accordance with subsection (1).

### **Roofing brackets**

**23.7 (1)** An employer must ensure roofing brackets meet all of the following conditions:

- (a) they must be securely fastened to the roof;
- (b) they must have a span of no greater than 3 m;
- (c) they must be capable of supporting at least 4 times the load that is likely to be on them.

(2) A person must use roof brackets in accordance with subsection (1).

### **Safe-use practices for scaffolds**

**23.8** An employer must ensure compliance with the safe-use practices for scaffolds set out in the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”, including the falling object protection precautions if there is danger of objects falling from the scaffold and striking a person below.

### **Inspections of scaffolds**

**23.9 (1)** An employer must ensure that a scaffold used at a workplace is inspected daily by a competent person or engineer.

(2) The results of any inspection of a scaffold must be communicated to the users by methods described in the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”.

### **Materials to be used in scaffold work-platforms**

**23.10 (1)** Except as otherwise provided in these regulations, an employer must ensure that materials to be used in a work-platform as part of a scaffold comply with the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”.

(2) If sawn lumber is used for scaffold planks, an employer must ensure that it meets 1 of the following specifications:

(a) the planks are No. 1 grade or Select Structural Spruce-Pine-Fir (S-P-F) grade and sized 51 mm thick and 254 mm wide;

(b) the planks are No. 2 grade or better and sized no smaller than 38 mm thick and 235 mm wide rough sawn lumber, and are doubled up and fastened one on top of the other.

**(3)** An employer must ensure that material used as scaffold planks, other than sawn lumber, complies with the CSA standard CSA Z797:18 (R2023), “Code of practice for access scaffold”.

### **Suspended work-platforms**

**23.11 (1)** An employer must ensure that a suspended work-platform is

(a) inspected and operated in accordance with the latest version of CSA standard CSA Z91, “Health and Safety Code for Suspended Equipment Operations”; and

(b) designed, constructed, installed, maintained, and inspected in accordance with the latest version of CSA standard CSA Z271, “Safety Code for Suspended Platforms”.

**(2)** If there is danger of objects falling from the scaffold and striking a person below, an employer must ensure that falling object protection precautions are taken in accordance with the latest version of CSA standard CSA Z271, “Safety Code of Suspended Platforms”.

**(3)** If a suspended work-platform is out of level by greater than 10%, an employer must ensure that

(a) no work is conducted on the platform; and

(b) the platform is moved only to adjust it to level.

### **Lift truck work-platform**

**23.12 (1)** An employer must ensure that a lift truck work-platform is designed, maintained, inspected and operated in accordance with the latest version of ANSI standard ANSI/ITSDF B56.1, “Safety Standard for Low Lift and High Lift Trucks”.

**(2)** While a person is on a lift truck work-platform, the lift truck used to lift a person must be operated only under the following conditions:

(a) it must be operated by a competent person who must be continuously at the controls;

(b) it must not be moved laterally over large distances;

(c) it or the platform may be moved slowly to make minor adjustments only.

### **Elevating work-platforms**

**23.13 (1)** An employer must ensure that portable, self-propelled and self-propelled boom-supported elevating work-platforms are designed, constructed, erected, maintained, inspected, monitored and used in accordance with the latest version of the following applicable standards:

(a) CSA standard CSA B354.1, “Portable Elevating Work Platforms”;

(b) CSA standard CSA B354.2, “Self-Propelled Elevating Work Platforms”;

(c) CSA standard CSA B354.4, “Self-Propelled, Boom-Supported Elevating Work Platforms”;

(d) CSA standard CSA C225, “Vehicle Mounted Aerial Devices”.

**(2)** An employer must ensure that elevating work-platforms used for fire-fighting are designed, constructed, erected, maintained, inspected, monitored and used in accordance with the latest version of the following applicable standards:

(a) NFPA standard NFPA 1901, “Standard for Automotive Fire Apparatus”;

(b) NFPA standard NFPA 1911, “Standard for the Inspection, Maintenance, Testing and Retirement of In Service Automotive Fire Apparatus”.

**(3)** An employer must ensure that a record of inspections, tests, repairs, modifications and maintenance activities required by the applicable standards in subsections (1) and (2) includes the name and signature of the person or persons who performed the required activities.

**(4)** Whether or not guardrails are also installed, before operating the equipment in subsection (1) or (2), an employer must ensure, in accordance with Part 21: Fall Protection, that fall-arrest equipment is worn and anchored to a suitable anchorage.

#### **Crane-supported work-platforms**

**23.14 (1)** An employer must ensure that a crane-supported work-platform is designed, maintained, inspected and used in accordance with the latest version of CSA standard CSA Z150, “Safety Code on Mobile Cranes”.

**(2)** An operator of a crane or hoist used to suspend a work-platform must have an effective means of constant communication with a person on the platform.

#### **Mast-climbing work-platforms**

**23.15** An employer must ensure that a mast-climbing work-platform is designed, constructed, erected, maintained, inspected and used in accordance with the latest version of CSA standard CSA B354.5, “Mast-climbing work platforms”.

#### **Lifting persons in certain equipment prohibited**

**23.16** Except as expressly permitted in these regulations or in some other enactment, a person must not be lifted or held aloft in equipment that is not specifically designed for that purpose, including loader buckets or backhoes.

### **Part 24: Temporary Workplaces on Highways**

## **Definitions for Part 24**

**24.1** In this Part,

“code of practice” means a code of written work procedures adopted in accordance with [Section 24.3](#) for construction, maintenance or utility work conducted at a temporary highway workplace;

“high-visibility safety apparel” means brightly coloured and retroreflective apparel worn to enhance conspicuousness;

“highway” means

- (i) a public highway, street, lane, road or bridge, and
- (ii) private property that is designed to be and is accessible to the general public for the operation of a vehicle,

“safe-work procedure” means a written work procedure adopted in accordance with [Section 24.4](#) for work conducted at a temporary highway workplace other than construction, maintenance or utility work;

“temporary highway workplace” means a workplace that is

- (i) of a temporary nature, and
- (ii) located on or near a highway, and situated and equipped so that
  - (A) it is a potential impediment to vehicle traffic on the highway, or
  - (B) an approaching driver has to reduce their speed or alter the path of travel of their vehicle;

“*Temporary Workplace Traffic Control Manual*” means the latest version of the *Temporary Workplace Traffic Control Manual* published by the Department of Transportation and Infrastructure Renewal;

“vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power or used exclusively upon stationary rails or tracks.

## **Application of Part 24**

**24.2** This Part applies only to temporary highway workplaces.

### **Code of practice required for construction, maintenance or utility work**

**24.3 (1)** An employer must ensure that construction, maintenance or utility work is not conducted at a temporary highway workplace until the employer adopts 1 of the following as a code of practice for the work:

(a) the *Temporary Workplace Traffic Control Manual*;

(b) a written safe-work procedure, approved in writing by the Director, that provides for an adequate level of safety in relation to the general considerations for traffic control set out in the *Temporary Workplace Traffic Control Manual*, including all of the considerations set out in subsection (2).

**(2)** A written safe-work procedure adopted for the purposes of clause (1)(b) must clearly identify the measures to be taken to provide an adequate level of safety in relation to all of the following:

(a) the nature of the work to be performed at the temporary highway workplace;

(b) the physical area covered by the temporary highway workplace;

(c) the duration of the work;

**Text lettered as (b) in original, but relettered as (c) for the purposes of this consolidation.**

(d) how much the work area encroaches on the highway;

(e) the selection, use and placement of signs and devices to address

(i) how much traffic will be around the temporary highway workplace and how fast the traffic moves,

(ii) how much advance notice a vehicle driver requires when approaching a temporary highway workplace, and

(iii) how much distance a vehicle driver requires to adequately prepare for the temporary highway workplace;

(f) the number of temporary workplace personnel required and their responsibilities, positioning, training, clothing, equipment, communication and signalling;

(g) the effect that weather conditions could have on the temporary highway workplace;

(h) any reasonably foreseeable circumstances that could adversely affect the ability of approaching vehicle drivers to see a person at the temporary workplace.

**(3)** A code of practice approved under clause (1)(b) must include a completed workplace checklist that has enough detail to demonstrate that consideration has been given to the general principles of traffic control set out in the *Temporary Workplace Traffic Control Manual*.

#### **Safe-work procedure required for other work**

**24.4** Except as provided in [Section 1.17](#) for emergency services agencies, an employer must ensure that any work other than construction, maintenance or utility work is not conducted at a

temporary highway workplace until the employer adopts a written safe-work procedure for the type of work to be conducted that identifies the measures to be taken to provide an adequate level of safety in relation to all of the factors set out in [subsection 24.3\(2\)](#).

### **Requirements for employees on foot**

**24.5** Except as provided in [Section 1.17](#) for emergency services agencies, an employer who conducts work at a temporary highway workplace must ensure that all of the following requirements are met for an employee who is on foot at the temporary highway workplace:

(a) the employee must wear high-visibility safety apparel that is in accordance with all of the following:

(i) for the selection, use and care of the apparel, the latest version of CSA standard CSA Z96.1, “Guideline on selection, use and care of high-visibility safety apparel”,

(ii) for the design and performance of the apparel, the latest version of CSA standard CSA Z96, “High-visibility safety apparel”;

(b) when directing traffic at or near the temporary highway workplace, the employee must use a flashlight with a red cone or an equivalent light for use at all of the following times:

(i) from a half hour after sunset to a half hour before sunrise,

(ii) any time when visibility is so limited, by fog, rain, snow or other atmospheric conditions or by poor lighting, that a person is not clearly visible at a distance of 100 m;

(c) if the employee has a vehicle equipped with flashing lights, the employee must have the flashing lights turned on while working at the temporary highway workplace.

### **Part 25: Occupational Diving**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Occupational Diving Regulations](#) made under the Act.)

### **Part 26: Violence in the Workplace**

(This heading is here as a placeholder only. There is no content for this Part yet. For the current regulations on this subject matter, see the [Violence in the Workplace Regulations](#) made under the Act.)

### **Part 27: Harassment in the Workplace**

#### **Definitions for Part 27**

**27.1** In this Part,

“workplace harassment” means a single significant occurrence or a course of repeated occurrences of objectionable or unwelcome conduct, comment or action in the workplace, including bullying, that, whether intended or not, degrades, intimidates or threatens, and includes all of the following, but does not include any action taken by an employer or supervisor relating to the management and direction of an employee or the workplace:

(i) workplace harassment or bullying that is based on any personal characteristic, including, but not limited to a characteristic referred to in [clauses 5\(1\)\(h\) to \(v\) of the \*Human Rights Act\*](#),

(ii) inappropriate sexual conduct, including, but not limited to, sexual solicitation or advances, sexually suggestive remarks or gestures, circulating or sharing inappropriate images or unwanted physical contact.

### **Workplace harassment prevention policy**

**27.2 (1)** An employer must establish and implement a written workplace harassment prevention policy that includes all of the following:

(a) a statement that every employee is entitled to employment free of workplace harassment;

(b) a commitment by the employer to ensure, so far as is reasonably practicable, that no employee will be subjected to workplace harassment;

(c) a statement that all employees have an obligation not to engage in workplace harassment;

(d) a statement that employees are encouraged to report incidents of workplace harassment;

(e) information about all of the following procedures:

(i) how to recognize, prevent and respond to workplace harassment,

(ii) the procedure for reporting incidents of workplace harassment to the employer or a supervisor,

(iii) the procedure for making a workplace harassment complaint to a person other than the employer or supervisor, if the employer or supervisor is a subject of the complaint,

(iv) the procedure for investigating a complaint of workplace harassment,

(v) the procedure for informing the complainant and the subject of the complaint of the result of the investigation or any corrective action that has been or will be taken as a result of the investigation;

(f) a statement that the employer will not disclose any information obtained in relation to a complaint of workplace harassment, including personal information, unless the disclosure is

(i) required by law,

(ii) necessary for the purposes of investigating the complaint, or

(iii) necessary for the purposes of taking corrective action with respect to the complaint;

(g) a statement that the employer will not reprimand or seek reprisal against an employee who has made a workplace harassment complaint in good faith;

(h) a commitment by the employer to investigate all complaints of workplace harassment;

(i) a commitment by the employer to take appropriate corrective action respecting any person under the employer's direction who subjects an employee to workplace harassment;

(j) a statement that the employer's workplace harassment prevention policy is not intended to discourage, prevent or preclude a complainant from exercising other legal rights under any other law.

**(2)** An employer must ensure that employees are trained in the workplace harassment prevention policy.

**(3)** An employer must review the workplace harassment prevention policy at least once every 3 years and update it, if necessary.

## **Part 28: Not Allocated**

(This heading is here as a placeholder only. There is no content for this Part yet.)

## **Part 29: Not Allocated**

(This heading is here as a placeholder only. There is no content for this Part yet.)

## **Part 30: Reviews and Appeals**

### **Definition for Part 30**

**30.1** In this Part,

“appeal” means an appeal of an order or decision filed under Section 69 of the Act or an appeal of an administrative penalty filed under Part 31: Administrative Penalties.

### **Application of Part 30**

**30.2** This Part applies with respect to all of the following:

- (a) all orders and decisions referred to in Sections 67 and 69 of the Act;
- (b) all administrative penalties imposed under Part 31: Administrative Penalties.

**Time period for Director to review officer's order or decision**

**30.3** A review or alteration by the Director of an order or decision of an officer under Section 67 of the Act or of an administrative penalty under [Section 31.8](#) may be carried out

- (a) for a matter that is not appealed, at any time within the 30 days after the date the order, decision or administrative penalty is served on the recipient;
- (b) for a matter that is appealed, no later than 10 days after the Director is notified by the Board under subsection 69(5) of the Act or [subsection 31.13\(2\)](#), as the case may be, that a notice of appeal of the order, decision or administrative penalty has been filed.

**Information required for notice of appeal**

**30.4** In addition to the information required by subsection 69(3) of the Act, a notice of appeal must be in writing and must include all of the following information about the person appealing:

- (a) name;
- (b) address;
- (c) telephone number.

**Onus on appellant**

**30.5** In any appeal, the onus is on the appellant to establish, on a balance of probabilities, that the order, decision or administrative penalty should not be confirmed.

**Technical irregularities and defects**

**30.6 (1)** No proceedings before the Board are invalid by reason of any defect in form or any technical irregularity.

**(2)** The Board must not revoke an order, decision or administrative penalty because of a defect in form or a technical irregularity, including a defect in the information provided as required by [Section 31.4](#) in a notice of administrative penalty, unless the person appealing the order, decision or administrative penalty establishes on a balance of probabilities that they were prejudiced by the defect or technical irregularity and the Board cannot cure the prejudice through an extension of time or any other procedural ruling that the Board could make.

**Record of decision**

**30.7 (1)** For each appeal hearing it conducts, the Board must maintain a record of its decision-making process to submit to the court in the event of an application for review of a decision of the Board under subsection 70(2) of the Act.

**(2)** A record of the Board’s decision-making process must consist of all of the following:

- (a) the Board’s decision;
- (b) all documents submitted to the Board with respect to the Board’s decision; and
- (c) all documents produced by the Board with respect to the Board’s decision.

**(3)** For greater certainty, notes made personally by any member of the Board in a hearing or in related preparations or deliberations are not part of the record of the Board’s decision-making process for the purposes of this Section.

## **Part 31: Administrative Penalties**

### **Definitions for Part 31**

**31.1** In this Part,

“administrative penalty” means an administrative penalty imposed under [Section 31.2](#);

“former regulations” means the [Occupational Health and Safety Administrative Penalties Regulations](#), N.S. Reg. 291/2009;

“presented for service”, in relation to either of the following documents, means given to an agent in order for the agent, on behalf of an officer, to serve the document on a person by a form of delivery set out in clause 40(2)(a) or (b) of the Act:

(i) a notice of administrative penalty being served in accordance with [subsection 31.3\(1\)](#),

(ii) a notice of an extension of the time period for service of a notice of administrative penalty being served in accordance with [subsection 31.3\(3\)](#);

“workplace inspection report” means a written report of a workplace inspection conducted by an officer.

### **Officer may impose administrative penalty**

**31.2 (1)** An officer may impose an administrative penalty on a person who has contravened a provision of the Act or a regulation made under the Act and has been issued an order with respect to the contravention.

(2) An administrative penalty is imposed on a person by serving the person or having the person served with a notice of administrative penalty.

#### **Time period for serving notice of administrative penalty**

**31.3 (1)** Except as permitted in subsection (2), a notice of administrative penalty must be personally served by an officer or presented for service no later than 14 days after the date the written order is issued respecting the contravention for which the administrative penalty is being imposed.

(2) If the Director considers it necessary to extend the time period for imposing an administrative penalty on a person, the Director must notify the person that an administrative penalty is being considered and may be imposed at a later date.

(3) A notice of an extension under subsection (2) must be personally served by an officer or presented for service no later than 14 days after the date the written order is issued respecting the contravention for which the administrative penalty is being considered.

#### **Content of notice of administrative penalty**

**31.4 (1)** A notice of administrative penalty must be in writing and must contain all of the following information:

- (a) the name of the person on whom the administrative penalty is imposed;
- (b) the provision of the Act or the regulation made under the Act that was contravened;
- (c) the substance of the contravention;
- (d) the identifying number assigned to the order and workplace inspection report respecting the contravention;
- (e) the amount of the administrative penalty;
- (f) when and how the administrative penalty must be paid;
- (g) the process for filing an appeal of the administrative penalty.

(2) Further particulars that support the substance of a contravention as indicated in accordance with clause (1)(c) may be set out in either or both of

- (a) an order respecting the contravention; or
- (b) a workplace inspection report respecting the contravention.

#### **Amount of administrative penalty**

**31.5 (1)** The amount of an administrative penalty is as set out in the following table:

Person On Whom Administrative Penalty Imposed	Administrative Penalty		
	1st	2nd	3rd or subsequent
employer, contractor, constructor, supplier, provider of occupational health or safety service, architect or professional engineer	\$500	\$1000	\$2000
employee who has supervision responsibilities, owner or self-employed person	\$250	\$500	\$1000
employee	\$100	\$200	\$500

**(2)** Subject to subsection (3), in determining whether an administrative penalty for a contravention is a 2nd, 3rd or subsequent penalty for the purpose of subsection (1), only an administrative penalty that was imposed within the 3-year period immediately before the date of the contravention is counted as a previous administrative penalty.

**(3)** The 3-year period referred to in subsection (2) must not include any period of time earlier than the date this Part comes into force.

#### **Administrative penalty imposed for each day**

**31.6** An officer may impose an administrative penalty for each day a contravention continues.

#### **Administrative penalty does not relieve person from duty to comply**

**31.7** The imposition of an administrative penalty does not relieve a person from their duty to comply with the order respecting the contravention for which the administrative penalty was imposed.

#### **Director may review administrative penalty**

**31.8 (1)** Subject to the time limit in [Section 30.3](#), the Director may, on the Director's own motion, review an administrative penalty and do any of the following after consulting with the officer who imposed the administrative penalty:

- (a) amend the administrative penalty for any reason, including any of the following:
  - (i) to correct a defect in form or a technical irregularity,
  - (ii) to correct a reference to a provision of the Act or a regulation made under the Act;

(b) substitute an administrative penalty in a lesser amount as set out in the table in [subsection 31.5\(1\)](#), if the Director considers that an administrative penalty is warranted but disagrees as to whether the administrative penalty that was imposed is the 2nd, 3rd or subsequent penalty, as the case may be;

(c) revoke the administrative penalty.

(2) On amending, substituting or revoking an administrative penalty, the Director must

(a) serve notice of the amendment, substitution or revocation on the person to [on] whom the administrative penalty was imposed; and

(b) if the Director has been notified by the Board as referred to in [clause 30.3\(b\)](#) that a notice of appeal of the administrative penalty has been filed, provide the Board with a copy of the notice served on the person under clause (a).

### **Paying administrative penalty**

**31.9 (1)** Except as provided in subsection (2), a person who is served a notice of administrative penalty must pay the administrative penalty no later than 30 days after the date the notice is served.

(2) An administrative penalty that is appealed is not required to be paid unless the Board decides that an administrative penalty must be paid, and in that case it must be paid no later than 30 days after the date of the Board's decision.

### **Failure to pay administrative penalty**

**31.10** If an administrative penalty is not paid by the applicable deadline in Section 31.9, the amount of the administrative penalty is a debt due to the Crown in right of Nova Scotia.

### **Person required to pay administrative penalty not charged with offence**

**31.11** A person who is required to pay an administrative penalty for a contravention must not be charged with an offence for the same contravention.

### **Collected penalty funds used for safety initiatives**

**31.12** All funds from penalties collected under this Part must be deposited into the Occupational Health and Safety Public Education Trust Fund and used for the purpose of occupational health and safety initiatives, including public education.

### **Appealing administrative penalty**

**31.13 (1)** A person on whom an administrative penalty is imposed may appeal the administrative penalty by filing a notice of appeal with the Board no later than 30 days after the date the person is served with the notice of administrative penalty.

(2) The Board must notify the Director in writing that a notice of appeal has been filed within a reasonable time after receiving the notice and before beginning the appeal hearing.

### **Extension for filing appeal of order when administrative penalty imposed**

**31.14 (1)** If a person is served with a notice of administrative penalty, the time period set out in subsection 69(2A) of the Act for filing a notice of appeal of the order respecting the contravention for which the administrative penalty is imposed is extended to no later than 30 days after the date the person is served with the notice of administrative penalty.

(2) The extension under subsection (1) for filing a notice of appeal of an order also applies if the administrative penalty is imposed after a time extension by the Director under [subsection 31.3\(2\)](#), unless the order has already been appealed and a decision has been rendered by the Board.

### **Appealing administrative penalty after amendment or substitution by Director**

**31.15 (1)** If an administrative penalty is appealed to the Board and the Director subsequently amends or substitutes an administrative penalty, the appeal will proceed as an appeal of the Director's decision.

(2) The appellant in an appeal described in subsection (1) may amend their notice of appeal if permitted to do so by the Board, and any amended notice of appeal must be submitted in the form and manner required by the Board.

(3) If an administrative penalty has not been appealed and the Director amends or substitutes an administrative penalty, the person on whom the amended or substituted penalty is imposed may appeal the administrative penalty as amended or substituted by the Director by filing a notice of appeal with the Board no later than 30 days after the date the person is served with notice of the amended or substituted administrative penalty.

(4) [Subsection 31.13\(2\)](#) and [Sections 31.16 to 31.21](#) apply with the necessary changes in detail to an appeal under subsection (3) of an administrative penalty that has been amended or substituted by the Director.

### **Notice of appeal of administrative penalty**

**31.16** A notice of appeal of an administrative penalty must be in writing and must include or be accompanied by all of the following:

- (a) the same information as required by [Section 30.4](#) for a notice of appeal under Part 30;
- (b) a copy of the notice of administrative penalty that is being appealed;
- (c) the grounds of the appeal;
- (d) the relief requested.

### **Board must conduct hearing**

**31.17 (1)** The Board must conduct a hearing of an appeal of an administrative penalty, either orally or through written submissions.

(2) The Director is a party to any appeal heard under this Part.

### **Power of Board on appeal**

**31.18** The Board must do 1 of the following on an appeal of an administrative penalty:

(a) confirm the administrative penalty;

(b) revoke the administrative penalty;

(c) substitute an administrative penalty in a lesser amount as set out in the table in [subsection 31.5\(1\)](#), if the Board considers that an administrative penalty is warranted but disagrees as to whether the administrative penalty that was imposed is the 2nd, 3rd or subsequent penalty, as the case may be.

### **Administrative penalty appeal must be heard with appeal of order**

**31.19** If a person appeals both an order and an administrative penalty respecting the contravention for which the order was issued, the Board must hear the appeals together, but must render separate decisions for the order and the administrative penalty.

### **Board must provide copy of decision**

**31.20** The Board must provide a copy of its decision in an appeal of an administrative penalty to the person who appealed the administrative penalty and to the Director.

### **Application of Part 30: Appeals to appeal of administrative penalty**

**31.21** Part 30: Appeals applies to an appeal of an administrative penalty under this Part.

### **Transition for administrative penalty appeals**

**31.22** An appeal of an administrative penalty must be heard and determined in accordance with the former regulations in either of the following circumstances:

(a) the appeal was initiated under the former regulations before this Part came into force and the appeal was not completed before this Part came into force;

(b) the appeal is initiated under the former regulations after the coming into force of this Part.

# Human Rights Act

CHAPTER 214 OF THE REVISED STATUTES, 1989

*as amended by*

1991, c. 12; 2007, c. 11; 2007, c. 14, s. 6; 2007, c. 41;  
2008, c. 59; 2012, c. 51; 2016, c. 4, s. 21



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CHAPTER 214 OF THE REVISED STATUTES, 1989  
 amended 1991, c. 12; 2007, c. 11; 2007, c. 14, s. 6; 2007, c. 41;  
 2008, c. 59; 2012, c. 51; 2016, c. 4, s. 21

**An Act to Amend the  
 Statute Law Relating to Human Rights**

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(The table of contents is not part of the statute)

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*Preamble repealed 1991, c. 12.*

### Short title

1 This Act may be cited as the *Human Rights Act*. R.S., c. 214, s. 1.

### Purpose of Act

2 The purpose of this Act is to

- (a) recognize the inherent dignity and the equal and inalienable rights of all members of the human family;
- (b) proclaim a common standard for achievement of basic human rights by all Nova Scotians;
- (c) recognize that human rights must be protected by the rule of law;
- (d) affirm the principle that every person is free and equal in dignity and rights;
- (e) recognize that the government, all public agencies and all persons in the Province have the responsibility to ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the status of all persons; and
- (f) extend the statute law relating to human rights and provide for its effective administration. 1991, c. 12, s. 1; 2008, c. 59, s. 1.

### Interpretation

3 In this Act,

- (a) “business or trade association” includes an organization of persons that by an enactment, agreement or custom has power to admit, suspend, expel or direct persons in relation to any business or trade;
- (b) “Commission” means the Nova Scotia Human Rights Commission;
- (c) “Director” means the Director of Human Rights appointed pursuant to this Act;
- (d) “employees’ organization” includes an organization of employees formed for purposes that include the regulation of relations between employees and employers;
- (e) “employer” includes a person who contracts with a person for services to be performed by that person or wholly or partly by another person;

(f) “employers’ organization” includes an organization of employers formed for purposes that include the regulation of relations between employers and employees;

(g) “employment agency” includes a person who undertakes, with or without payment, to procure employees for employers and a person who undertakes, with or without payment, to procure employment for persons;

(h) “family status” means the status of being in a parent-child relationship;

(ha) “harass” means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome;

(i) “marital status” means the status of being single, engaged to be married, married, separated, divorced, widowed or two people living in the same household as if they were married;

(j) “Minister” means the member of the Executive Council who is charged with the administration of this Act by the Governor in Council;

(k) “person” includes employer, employers’ organization, employees’ organization, professional association, business or trade association, whether acting directly or indirectly, alone or with another, or by the interposition of another;

(l) “physical disability or mental disability” means an actual or perceived

(i) loss or abnormality of psychological, physiological or anatomical structure or function,

(ii) restriction or lack of ability to perform an activity,

(iii) physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment, speech impairment or impediment or reliance on a service dog as defined in the *Service Dog Act*, a guide dog, a wheelchair or a remedial appliance or device,

(iv) learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(v) condition of being mentally impaired,

(vi) mental disorder, or

(vii) dependency on drugs or alcohol;

(m) “professional association” includes an organization of persons that by an enactment, agreement or custom has power to admit, suspend, expel or direct persons in the practice of an occupation or calling;

(n) “sex” includes pregnancy, possibility of pregnancy and pregnancy-related illness;

(o) “sexual harassment” means

(i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,

(ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or

(iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance. 1991, c. 12, s. 1; 2007, c. 41, s. 1; 2016, c. 4, s. 21.

## PART I

### DISCRIMINATION PROHIBITED

#### Meaning of discrimination

4 For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. 1991, c. 12, s. 1.

#### Prohibition of discrimination

5 (1) No person shall in respect of

(a) the provision of or access to services or facilities;

(b) accommodation;

(c) the purchase or sale of property;

(d) employment;

(e) volunteer public service;

(f) a publication, broadcast or advertisement;

(g) membership in a professional association, business or trade association, employers’ organization or employees’ organization,

discriminate against an individual or class of individuals on account of

- (h) age;
- (i) race;
- (j) colour;
- (k) religion;
- (l) creed;
- (m) sex;
- (n) sexual orientation;
- (na) gender identity;
- (nb) gender expression;
- (o) physical disability or mental disability;
- (p) an irrational fear of contracting an illness or disease;
- (q) ethnic, national or aboriginal origin;
- (r) family status;
- (s) marital status;
- (t) source of income;
- (u) political belief, affiliation or activity;
- (v) that individual's association with another individual or class of individuals having characteristics referred to in clauses (h) to (u).

**(2)** No person shall sexually harass an individual.

**(3)** No person shall harass an individual or group with respect to a prohibited ground of discrimination. 1991, c. 12, s. 1; 2007, c. 41, s. 2; 2012, c. 51, s. 2.

### Exceptions

**6** Subsection (1) of Section 5 does not apply

(a) in respect of the provision of or access to services or facilities, to the conferring of a benefit on or the providing of a protection to youth or senior citizens;

(b) in respect of accommodation, where the only premises rented consist of one room in a dwelling house the rest of which is occupied by the landlord or the landlord's family and the landlord does not advertise the room for rental by sign, through any news media or listing with any housing, rental or tenants' agency;

(c) in respect of employment, to

(i) a domestic employed and living in a single family home,

- (ii) an exclusively religious or ethnic organization or an agency of such an organization that is not operated for private profit and that is operated primarily to foster the welfare of a religious or ethnic group with respect to persons of the same religion or ethnic origin, as the case may be, with respect to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5 if that characteristic is a reasonable occupational qualification, or
- (iii) employees engaged by an exclusively religious organization to perform religious duties;
- (d) in respect of volunteer public service, to an exclusively religious or ethnic organization that is not operated for private profit and that is operated primarily to foster the welfare of a religious or ethnic group with respect to persons of the same religion or ethnic origin, as the case may be;
- (e) where the nature and extent of the physical disability or mental disability reasonably precludes performance of a particular employment or activity;
- (f) where a denial, refusal or other form of alleged discrimination is
  - (i) based upon a *bona fide* qualification,
  - (ia) based upon a *bona fide* occupational requirement; or
  - (ii) a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society;
- (g) to prevent, on account of age, the operation of a *bona fide* pension plan or the terms or conditions of a *bona fide* group or employee insurance plan;
- (h) *repealed 2007, c. 11, s. 1.*

or

- (i) to preclude a law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or classes of individuals including those who are disadvantaged because of a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5. 1991, c. 12, s. 1; 2007, c. 11, s. 1.

#### Further exception

**6A** Nothing in Section 5 prohibits a term of office based upon age if required by an enactment. 2007, c. 11, s. 2.

#### Publication

**7 (1)** Subject to Section 6, no person shall publish, display or broadcast, or permit to be published, displayed or broadcast, on lands or premises, in a newspaper, by radio or television or by means of any medium, a notice, sign, symbol, implement or other representation indicating discrimination or an intention

to discriminate against an individual or class of individuals because of a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5.

(2) Nothing in this Section is deemed to interfere with the free expression of opinion upon any subject in speech or in writing. 1991, c. 12, s. 1.

### **Employment**

8 (1) No employment agency shall accept an inquiry in connection with employment from an employer or a prospective employee that, directly or indirectly, expresses a limitation, specification or preference or invites information as to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5, and no employment agency shall discriminate against an individual on account of such a characteristic.

(2) No person shall use or circulate a form of application for employment or publish an advertisement in connection with employment or prospective employment or make an inquiry in connection with employment that, directly or indirectly, expresses a limitation, specification or preference or invites information as to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5.

(3) The exceptions referred to in Section 6 apply *mutatis mutandis* to subsections (1) and (2). 1991, c. 12, s. 1.

### **Exemption by Commission**

9 Notwithstanding anything in this Act, the Commission may exempt a program or activity from subsection (1) of Section 5, or a part thereof, where, in the opinion of the Commission, there is a *bona fide* reason to do so. 1991, c. 12, s. 1.

### **Void regulation**

10 (1) Where, in a regulation made pursuant to an enactment, there is a reference to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5 that appears to restrict the rights or privileges of an individual or a class of individuals to whom the reference applies, the reference and all parts of the regulation dependent on the reference are void and of no legal effect.

(2) This Section does not apply in respect of an exclusively religious or ethnic organization that is not operated for private profit and that is operated primarily to foster the welfare of a religious or ethnic group with respect to persons of the same religion or ethnic origin, as the case may be. 1991, c. 12, s. 1.

### **Prohibition of retaliation**

11 No person shall evict, discharge, suspend, expel or otherwise retaliate against any person on account of a complaint or an expressed intention to complain or on account of evidence or assistance given in any way in respect of the initiation, inquiry or prosecution of a complaint or other proceeding under this Act. 1991, c. 12, s. 1.

12 to 20      *repealed 1991, c. 12, s. 1.*

**Act binds Crown**

21      This Act binds Her Majesty in right of the Province and every servant and agent of Her Majesty. R.S., c. 214, s. 21.

PART II

HUMAN RIGHTS COMMISSION

**Nova Scotia Human Rights Commission**

22      (1)      The Nova Scotia Human Rights Commission heretofore constituted is continued.

(2)      The Commission shall consist of not fewer than three nor more than twelve members appointed by the Governor in Council, and the Governor in Council shall designate one of the members as Chair of the Commission.

(3)      Each commissioner holds office for the term prescribed in the commissioner's appointment and is eligible for re-appointment.

(4)      Each commissioner, not a member of the public service, shall be paid remuneration as the Governor in Council determines in addition to the commissioner's actual and reasonable travelling and living expenses when absent from the commissioner's place of residence in connection with the work of the Commission.

(5)      Whenever a commissioner ceases to hold office, the Governor in Council may appoint a person to fill the vacancy. R.S., c. 214, s. 22; 1991, c. 12, s. 2; 2007, c. 41, s. 3.

23      *repealed 1991, c. 12, s. 3.*

**Duties of Commission**

24      (1)      The Commission shall

- (a)      administer and enforce the provisions of this Act;
- (b)      develop a program of public information and education in the field of human rights to forward the principle that every person is free and equal in dignity and rights without regard to race, religion, creed, colour or ethnic or national origin;
- (c)      conduct research and encourage research by universities and other bodies in the general field of human rights;
- (d)      advise and assist government departments and co-ordinate their activities as far as these activities concern human rights;

- (e) advise the Government on suggestions, recommendations and requests made by private organizations and individuals;
- (f) co-operate with and assist any person, organization or body concerned with human rights, within or outside the Province;
- (g) report as required by the Minister on the business and activities of the Commission; and
- (h) consider, investigate or administer any matter or activity referred to the Commission by the Governor in Council or the Minister.

(2) The Commission shall report in each year to the Minister on the activities of the Commission during the preceding fiscal year ending in that year.

(3) The Minister shall lay the annual report before the Assembly if it is sitting or, if it is not sitting, with fifteen sitting days after it next sits. R.S., c. 214, s. 24; 1991, c. 12, s. 4.

#### **Approval of program**

25 The Commission may approve programs of Government, private organizations or persons designed to promote the welfare of any class of individuals, and any approved program is deemed not to be a violation of the prohibitions of this Act. R.S., c. 214, s. 25.

#### **Director of Human Rights**

26 (1) The Governor in Council shall appoint a Director of Human Rights who is the chief executive officer and a non-voting member of the Commission and who has the status of a deputy head, subject to the provisions of the *Civil Service Act* relating to a deputy or a deputy head.

(2) The Director shall perform duties and functions prescribed by this Act, by the Commission or by the regulations.

(3) The Chair of the Commission, in consultation with the members of the Commission, shall carry out an annual performance appraisal, in the prescribed form, of the Director and submit the appraisal to the Minister. R.S., c. 214, s. 26; 2007, c. 41, s. 4.

#### **Race Relations, Equity and Inclusion**

26A (1) There is hereby established a division within the Commission to be known as Race Relations, Equity and Inclusion under the direction of the Manager of Race Relations, Equity and Inclusion.

(2) Race Relations, Equity and Inclusion

- (a) shall develop and recommend programs and policies to promote racial harmony and to eliminate barriers to the full participation of members of racial minorities in society;

(b) shall assist Government, departments and agencies of Government, non-Government organizations and the private sector to develop policies on race relations;

(c) shall monitor implementation of policies on race relations adopted by Government or a department of Government, including the implementation of affirmative action and settlement agreements; and

(d) may, on application by any person, give such advice and assistance with respect to the adoption or carrying out of a program, plan or arrangement as will foster good relations between races and cultures.

**(3)** The Manager of Race Relations, Equity and Inclusion shall

(a) perform such functions and duties as are assigned to the Manager of Race Relations, Equity and Inclusion by the Commission; and

(b) report to the Commission on the activities of Race Relations, Equity and Inclusion. 1991, c. 12, s. 5; 2007, c. 41, s. 5; 2008, c. 59, s. 2.

#### **Personnel**

**27** Subject to Section 26, the officers and employees required for the proper conduct of business of the Commission may be appointed under the *Civil Service Act*. R.S., c. 214, s. 27.

#### **Expenditures**

**28 (1)** The Commission shall present a yearly budget to the Minister estimating the expenditures of the Commission on the various programs and activities.

**(2)** All costs, charges and expenses incurred by the Commission in administering this Act shall be paid out of money appropriated by the Legislature therefor. R.S., c. 214, s. 28.

### PART III

#### ADMINISTRATION

#### **Procedure on complaint**

**29 (1)** The Commission shall inquire into and endeavour to effect a settlement of any complaint of an alleged violation of this Act where

(a) the person aggrieved makes a complaint in writing on a form prescribed by the Director; or

(b) the Commission has reasonable grounds for believing that a complaint exists.

(2) Any complaint must be made within twelve months of the date of the action or conduct complained of, or within twelve months of the last instance of the action or conduct if the action or conduct is ongoing.

(3) Notwithstanding subsection (2), the Director may, in exceptional circumstances, grant a complainant an additional period of not more than twelve months to make a complaint if to do so would be in the public interest and, having regard to any prejudice to the complainant or the respondent, would be equitable.

(4) The Commission or the Director may dismiss a complaint at any time if

(a) the best interests of the individual or class of individuals on whose behalf the complaint was made will not be served by continuing with the complaint;

(b) the complaint is without merit;

(c) the complaint raises no significant issues of discrimination;

(d) the substance of the complaint has been appropriately dealt with pursuant to another Act or proceeding;

(e) the complaint is made in bad faith or for improper motives or is frivolous or vexatious;

(f) there is no reasonable likelihood that an investigation will reveal evidence of a contravention of this Act; or

(g) the complaint arises out of circumstances for which an exemption order has been made pursuant to Section 9. R.S., c. 214, s. 29; 2007, c. 41, s. 6.

#### **Power of investigator of complaint**

**30** The Director or officer acting under the authority of the Commission in the investigation of a complaint or other process under this Act may

(a) require any person to furnish any information or records that may be necessary to further the investigation or process; and

(b) enter at all reasonable times the premises to which a complaint or other process refers. R.S., c. 214, s. 30.

#### **Court order upon refusal**

**31 (1)** Where any person refuses to furnish information or records or to permit entry to premises at reasonable times as authorized by Section 30, the

Commission may apply on notice to a judge of the Supreme Court of Nova Scotia for an order directing that information or records be furnished or entry permitted.

(2) The judge may make such order as the judge thinks just and the order may be enforced as any other order or judgment of the Supreme Court. R.S., c. 214, s. 31; 2007, c. 41, s. 7.

#### **Referral of settlement to Commission for approval**

32 (1) When, at any stage after the filing of a complaint and before the commencement of a hearing before a board of inquiry, a settlement is agreed on by the parties, the terms of the settlement shall be referred to the Commission for approval or rejection.

(2) Where the Commission approves or rejects the terms of a settlement referred to in subsection (1), it shall so certify and notify the parties. 1991, c. 12, s. 6.

#### **Board of inquiry**

32A (1) The Commission may, at any stage after the filing of a complaint, appoint a board of inquiry to inquire into the complaint.

(2) A board of inquiry shall not be composed of more than three members.

(3) No member, officer or employee of the Commission, and no individual who has acted as an investigator in respect of the complaint in relation to which the board of inquiry is appointed, is eligible to be appointed to the board of inquiry.

(4) A member of a board of inquiry is entitled to be paid such remuneration and expenses for the performance of duties as a member of the board of inquiry as may be determined by the Governor in Council.

(5) Where a board of inquiry is composed of more than one member, the Commission shall designate one of the members to chair the board of inquiry. 1991, c. 12, s. 6; 2007, c. 41, s. 9.

#### **Parties to proceeding**

33 The parties to a proceeding before a board of inquiry with respect to any complaint are

- (a) the Commission;
- (b) the person named in the complaint as the complainant;
- (c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;
- (d) any person named in the complaint and alleged to have contravened this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after the person has been given an opportunity to be heard against joinder as a party. R.S., c. 214, s. 33.

### Public hearing

**34 (1)** A board of inquiry shall conduct a public hearing and has all the powers and privileges of a commissioner under the *Public Inquiries Act*.

**(2)** A member of a board of inquiry shall not communicate directly or indirectly in relation to the complaint, except regarding arrangements for a hearing, with any person or with any party or the party's representative unless all parties are given notice and an opportunity to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

**(3)** A board of inquiry shall give full opportunity to all parties to present evidence and make representations.

**(4)** Oral evidence taken before a board of inquiry at a hearing shall be recorded and copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

**(5)** Where the complaint referred to a board of inquiry is settled by agreement among all parties, the board shall report the terms of settlement in its decision with any comment the board deems appropriate.

**(6)** Where the complaint referred to a board of inquiry is not settled by agreement among all parties the board shall continue its inquiry.

**(7)** A board of inquiry has jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision.

**(8)** A board of inquiry may order any party who has contravened this Act to do any act or thing that constitutes full compliance with the Act and to rectify any injury caused to any person or class of persons or to make compensation therefor and, where authorized by and to the extent permitted by the regulations, may make any order against that party, unless that party is the complainant, as to costs as it considers appropriate in the circumstances.

**(9)** A board of inquiry shall file with the Commission the record of the proceedings, including the decision and any order of the board and the Commission may publish the decision and any order in any manner it considers appropriate. R.S., c. 214, s. 34; 2007, c. 41, s. 8.

**Final written decision**

**34A (1)** A board of inquiry shall render a final written decision respecting a complaint within six months of the conclusion of the hearing.

**(2)** Where the board of inquiry has not rendered a final written decision within six months of the conclusion of the hearing respecting the complaint, the board shall immediately advise the Chief Judge of the Provincial Court of the reasons for the delay and indicate when a final decision will be rendered.

**(3)** Where the board of inquiry has not rendered a final written decision within the time indicated in subsection (2), the Chief Judge of the Provincial Court may fix a time within which the board of inquiry shall render the final written decision or may revoke the appointment of the board of inquiry and appoint a new board of inquiry. 2007, c. 41, s. 10.

**Privileged information**

**35** No member of the Commission, nor the Director or any officer or employee provided for in Section 27, shall be required by any board of inquiry or any court to give evidence, or to provide access to Commission records, relating to the information obtained in investigation of a complaint under this Act. R.S., c. 214, s. 35.

**Appeal**

**36 (1)** Any party to a hearing before a board of inquiry may appeal from the decision or order of the board to the Nova Scotia Court of Appeal on a question of law in accordance with the rules of court.

**(2)** Where notice of an appeal is served pursuant to this Section, the Commission shall forthwith file with the Nova Scotia Court of Appeal the record of the proceedings in which the decision or order appealed from was made and that record shall constitute the record on the appeal.

**(3)** The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal pursuant to this Section.

**(4)** The Nova Scotia Court of Appeal shall hear and determine an appeal based upon the record on the appeal. R.S., c. 214, s. 36; 2007, c. 41, s. 11.

**Compliance with order required**

**37** Every person in respect of whom an order is made under this Act shall comply with the order. R.S., c. 214, s. 37.

**Offence and penalty**

**38** Every person who does anything prohibited by this Act or who refuses or neglects to comply with any order made under this Act is guilty of an offence and is liable on summary conviction to

- (a) if an individual, a fine not exceeding five hundred dollars; and
- (b) if a person other than an individual, a fine not exceeding one thousand dollars. R.S., c. 214, s. 38.

**Prosecution**

**39 (1)** No prosecution for an offence under this Act shall be instituted without the consent in writing of the Minister.

**(2)** No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

**(3)** In any prosecution under this Act, it is sufficient for conviction if a reasonable preponderance of evidence supports a charge that the accused has done anything prohibited by this Act or has refused or neglected to comply with an order made under this Act. R.S., c. 214, s. 39.

**Prosecution of organization or association**

**40** A prosecution for an offence under this Act may be brought against an employers' organization, employees' organization, professional association or business or trade association in the name of the organization or association, and for the purpose of any prosecution these are deemed to be corporations and any act or thing done or omitted by an officer or agent within the scope of the officer or agent's authority to act on behalf of the organization or association is deemed to be an act or thing done or omitted by the organization or association. R.S., c. 214, s. 40.

**Injunction**

**41 (1)** Where a person has been convicted of an offence under this Act, the Minister may apply by way of petition to a judge of the Supreme Court of Nova Scotia for an order enjoining the person from continuing the offence.

**(2)** The judge, in his discretion, may make such order and the order may be enforced in the same manner as any other order or judgment of the Supreme Court. R.S., c. 214, s. 41; 2007, c. 41, s. 12.

**Powers of Governor in Council, including regulations**

**42 (1)** The Governor in Council may undertake or cause to be undertaken such inquiries and other measures as appear advisable or desirable to promote the purposes of this Act.

**(2)** The Governor in Council may make regulations respecting any matter the Governor in Council deems necessary or advisable for the attainment of the objects and purposes of this Act and, in particular, may make regulations

- (a) providing for affirmative action programs or other special programs;

(aa) authorizing a board of inquiry to award costs and determining the amount or extent of those costs;

(b) defining any word or expression used in this Act and not defined herein.

(3) The exercise by the Governor in Council of the authority contained in subsection (2) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 214, s. 42; 1991, c. 12, s. 7; 2007, c. 41, s. 13.

#### **Undersea coal mines**

**43 (1)** Notwithstanding anything contained in this Act, the Governor in Council may, on the recommendation of the Minister, designate under this Section a coal mine wholly or partly located below the low-water mark in an area of the Province covered by seawater and matters or entities in respect of that coal mine, and for the purposes of matters or entities so designated,

(a) the *Canadian Human Rights Act* as amended from time to time applies; and

(b) except for this Section, this Act does not apply,

in respect of those matters or entities.

(2) Notwithstanding any enactment, a body or public officer provided for under the *Canadian Human Rights Act* and a court, public body or officer empowered by an Act of the Parliament of Canada with respect to the oversight or enforcement of federal regulatory enactments, has jurisdiction and authority for the purpose of this Section. 2007, c. 14, s. 6.

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## **VIOLENCE IN THE WORKPLACE REGULATIONS**

Regulations made pursuant to the

**Occupational Health and Safety Act  
Statutes Of Nova Scotia  
1996, Chapter 7**

Province of Nova Scotia  
Halifax, Nova Scotia

**NOTE**

This edition is prepared for convenience only. For an accurate reference, please refer to the Royal Gazette.

# Violence in the Workplace Regulations

made under Section 82 of the  
*Occupational Health and Safety Act*  
S.N.S. 1996, c. 7

O.I.C. 2007-200 (April 4, 2007, effective on and after April 1, 2008, except Sections 1 to 6 which are effective on and after October 1, 2007), N.S. Reg. 209/2007

## Citation

1 These regulations may be cited as the *Violence in the Workplace Regulations*.

## Definitions

2 In these regulations,

- (a) "Act" means the *Occupational Health and Safety Act*;
- (b) "adequate" means sufficient to protect a person from injury or damage to health;
- (c) "committee" means committee as defined in the Act;
- (d) "health care workplace" means any of the following:
  - (i) a district health authority under the *Health Authorities Act*,
  - (ii) a nursing home, a home for the aged, a residential care facility under the *Homes for Special Care Act* or any other long-term-care facility, and
  - (iii) a place where emergency health services or home care services are provided;
- (e) "representative" means representative as defined in the Act;
- (f) "violence" means any of the following:
  - (i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,
  - (ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.

## Violence as an occupational health and safety hazard

3 These regulations do not diminish the responsibility of all workplace parties to recognize violence as a occupational health and safety hazard in carrying out their precautions and duties under the Act.

## Application of these regulations

- 4 These regulations apply at any workplace where the primary business is any of the following:
- (a) health services, including services provided at a healthcare workplace;
  - (b) ambulance, emergency ambulance and emergency health services provided under the *Emergency Health Services Act*;
  - (c) medical services;
  - (d) dental services;
  - (e) veterinary services;
  - (f) blood collection services;
  - (g) testing and diagnostic services;
  - (h) pharmaceutical-dispensing services, including facilities operating under the *Pharmacy Act*;
  - (i) education services provided by institutions including any of the following:
    - (i) the Nova Scotia Community College,
    - (ii) a degree granting institution designated under the *Degree Granting Act*,
    - (iii) a private career college registered under the *Private Career Colleges Regulation Act*,
    - (iv) a school governed by the *Education Act*;
  - (j) policing services, detective services and other law enforcement services including services provided under the *Police Act*, the *Police Services Act* and the *Constables Act*;
  - (k) correctional services, including services provided at any of the following:
    - (i) a correctional facility as defined in the *Corrections Act*,
    - (ii) a facility under the *Correctional Services Act*,
    - (iii) a facility under the *Court Houses and Lockup Houses Act*,
    - (iv) a place or facility designated as a youth custody facility under subsection 85(2) of the *Youth Criminal Justice Act* (Canada),
    - (v) a place or facility designated as a place of temporary detention

under subsection 30(1) of the *Youth Criminal Justice Act* (Canada);

- (l) probation services provided by a probation officer or assistant probation officer appointed under the *Correctional Services Act*;
- (m) security and related services including, licensees under the *Private Investigators and Private Guards Act*;
- (n) crisis counseling and intervention services including, any services provided by an agency as defined in the *Children and Family Services Act*;
- (o) retail sales;
- (p) delivery services, including parcel delivery services;
- (q) financial services including, services provided by any of the following:
  - (i) facilities operating under the *Trust and Loan Companies Act*,
  - (ii) facilities operating under the *Credit Union Act*,
  - (iii) insurer licensed to carry on business under the *Insurance Act*,
  - (iv) a money lender under the *Money-lenders Act*;
- (r) sales of liquor or providing premises for consuming liquor including, premises licensed under the *Liquor Control Act*;
- (s) taxi services;
- (t) passenger transit services;
- (u) gaming activities conducted and managed under the *Gaming Control Act*;
- (v) services provided by or on behalf of the departments, offices and special operating agencies established under the *Public Service Act* that involve regular interaction with the public;
- (w) homemakers services as defined in the *Homemakers Services Act*.

### **Violence risk assessment**

- 5** (1) An employer must conduct a violence risk assessment for each of their workplaces in accordance with this Section to determine if there is a risk of violence in the workplace and prepare a written report concerning the violence risk assessment detailing the extent and nature of any risk identified by the assessment.
- (2) In conducting a violence risk assessment, an employer must take all of the

following into consideration:

- (a) violence that has occurred in the workplace in the past;
  - (b) violence that is known to occur in similar workplaces;
  - (c) the circumstances in which work takes place;
  - (d) the interactions that occur in the course of performing work;
  - (e) the physical location and layout of the workplace.
- (3) An employer must consult with any committee established at the workplace when conducting a violence risk assessment and must provide the committee with a copy of the written report of the assessment.
- (4) An employer must consult with any representative selected at the workplace when conducting a violence risk assessment and must provide the representative with a copy of the written report of the assessment.

#### **When new violence risk assessment required**

- 6** (1) An employer must conduct a new violence risk assessment for a workplace in any of the following circumstances:
- (a) the employer becomes aware of a type of violence occurring in similar workplaces that was not taken into consideration when the previous violence risk assessment was conducted;
  - (b) there is a significant change in any of the following:
    - (i) the circumstances in which work takes place,
    - (ii) the interactions that occur in the course of performing work,
    - (iii) the physical location or layout of the workplace;
  - (c) the employer plans to construct a new facility or renovate an existing facility;
  - (d) the employer is ordered to do so by an officer.
- (2) An employer must conduct a new violence risk assessment for each of their workplaces at least every 5 years.

#### **Workplace violence prevention plan**

- 7** (1) An employer must establish and implement a workplace violence prevention plan for each workplace for which a significant risk of violence is identified through a violence risk assessment or that an officer orders a plan for.
- (2) As part of a workplace violence prevention plan, an employer must do all of the following:

- (a) prepare a written workplace violence prevention statement;
  - (b) either
    - (i) take and document reasonable measures to minimize and, to the extent possible, eliminate the risk of violence in the workplace, or
    - (ii) adopt a code of practice on violence in the workplace published by the Director governing the primary business conducted at the employer's workplace;
  - (c) establish and document procedures for providing employees with the information and training required by Sections 10 and 11;
  - (d) establish and document procedures for reporting, documenting and investigating incidents of violence as required by Sections 12 and 13.
- (3) An employer must consult with any committee established at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (4) An employer must consult with any representative selected at the workplace when establishing, reviewing or revising a workplace violence prevention plan.
- (5) An employer must make a copy of the workplace violence prevention plan available for examination at the workplace by any employer, contractor, constructor, supplier, employee, owner or self-employed person in that workplace.

### **Review and revision of workplace violence prevention plan**

- 8** (1) If a new violence risk assessment indicates a significant change to the extent and nature of the risk of violence, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.
- (2) At least every 5 years, an employer who is required to establish and implement a workplace violence prevention plan must ensure that the plan is reviewed and, if necessary, revised.

### **Workplace violence prevention statement**

- 9** (1) An employer must prepare a workplace violence prevention statement that includes all of the following:
- (a) a statement of the employer's recognition that violence is an occupational health and safety hazard at the workplace;
  - (b) a statement of the employer's recognition of the physical and emotional harm resulting from violence;

- (c) a statement of the employer's recognition that any form of violence in the workplace is unacceptable;
  - (d) a statement of the employer's commitment to minimize and, to the extent possible, eliminate the risk of violence in the workplace.
- (2) An employer must post a copy of their workplace violence prevention statement in a prominent place or places in each of their workplaces so it can be easily accessed by employees, and must ensure that it remains posted.

### **Information that must be provided to employees**

- 10** (1) An employer must provide an employee who is exposed to a significant risk of violence in a workplace with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk.
- (2) Except as prohibited by law the duty to provide information to an employee under subsection (1) includes a duty to provide information related to a risk of violence from a person who has a history of violent behavior if that person is likely to be encountered by the employee.

### **Training and supervision for employees**

- 11** (1) In accordance with the procedure in an employer's workplace violence prevention plan, an employer must provide adequate training on all of the following for any employee who is exposed to a significant risk of violence:
- (a) the rights and responsibilities of employees under the Act;
  - (b) the workplace violence prevention statement;
  - (c) the measures taken by the employer to minimize or eliminate the risk of violence;
  - (d) how to recognize a situation in which there is a potential for violence and how to respond appropriately;
  - (e) how to respond to an incident of violence, including how to obtain assistance;
  - (f) how to report, document and investigate incidents of violence.
- (2) An employer must provide any employee who is required by the employer to perform a function under the workplace violence prevention plan with training on the plan generally and on the particular function to be performed by the employee.

### **Duty to report incidents of violence**

- 12** An employer, contractor, constructor, supplier, employee, owner or self-employed person in the workplace has a duty to report all incidents of violence in a workplace to the employer.

### **Documentation, investigation and actions to prevent reoccurrence**

- 13** (1) An employer must ensure that incidents of violence in a workplace are documented and promptly investigated to determine their causes and the actions needed to prevent reoccurrence in accordance with the procedures established under clause 7(2)(d).
- (2) An employer must ensure that notice of the actions taken to prevent reoccurrence of an incident of violence are given to all of the following:
- (a) any employee affected by the incident of violence;
  - (b) any committee established at the workplace;
  - (c) any representative selected at the workplace.

#### **Dealing with employees exposed to or affected by violence**

- 14** An employer must provide an employee who has been exposed to or affected by violence at the workplace with an appropriate debriefing and must advise the employee to consult a health professional of the employee's choice for treatment or counseling.

#### **Employers with multiple temporary workplaces**

- 15** Despite anything in these regulations, an employer who has employees performing work at multiple temporary workplaces is not required to conduct a violence risk assessment or prepare a workplace violence prevention plan for each individual workplace if the employer conducts a violence risk assessment and prepares a workplace violence prevention plan that covers similar workplaces collectively and takes into account the circumstances and interactions that an employee is likely to encounter in the performance of their work.

#### **Ability to meet duties collectively**

- 16** (1) Despite anything in these regulations, 2 or more employers may enter into a written agreement to collectively provide and maintain the statements, plans and services required under these regulations.
- (2) A copy of any agreement made under subsection (1) must be kept by each of the employers and must be provided to any of the following, engaged at the workplace of 1 of the employers, who request a copy:
- (i) an employee,
  - (ii) a contractor,
  - (iii) a constructor,
  - (iv) a supplier,
  - (v) an owner or self-employed person,
  - (vi) an officer.



**Labour and Advanced Education**  
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## **OCCUPATIONAL HEALTH AND SAFETY and SMOKE FREE PLACES POSTING REQUIREMENTS**

The following is the information that must be posted under the Occupational Health and Safety Act and Regulations. This information sheet is provided for the ease and convenience of the user and is not intended to replace the material noted. Note: posting requirements under the regulations are in addition to those needed under the Act, and apply if your business operates under those regulations. Posting requirements for the Smoke free Places Regulations are also included here.

We understand posting to mean physically placing the material so that it is easily visible in an area where employees have free and easy access. Posting a computer network or intranet is acceptable if employees have access, know where to find the information and the computer works.

A requirement to make information available does not mean posting. This information may be kept by a manager or supervisor and would be available upon request; for examples any regulations that apply to the worksite.

### **Occupational Health and Safety Act**

Material to be posted under the Act by the employer includes:

1. The names of the current occupational health and safety committee members or the representative and how they may be contacted. s37(a)
2. The minutes of the occupational health and safety committee meeting where there is one. s37(b)
3. A current copy of the Occupational Health and Safety Act. s38(b)(I). Access a copy of the [Act](#) .
4. The telephone number for reporting occupational health or safety concerns to the Occupational Health and Safety Division. s38(b)(iii).
5. A copy an occupational health and safety policy where is one required. s38(b)(iv)

6. Any order, compliance notice, notice of appeal, deviation or decision relating to the workplace and employer. s39(1)(d), s67(2), s69(4), s83(4), s83(11) and any code of practice required by the Act or the regulations, s38(b)(ii)

The following does not need to be posted but the employer will make it available at the workplace:

1. Any regulations that relate to the workplace. s38(a)(I). [OHS Regulations](#)
2. Any information and reports that an officer asks to be made available to employees. s38(a)(ii), and
3. A listing of chemical substances in the workplace. s59(3),

In addition to the Act, the following regulations have posting requirements an employer will need to follow if it applies to them.

### **Blasting Safety Regulations**

The employer is to post:

1. Warning signs are posted on all public roads into and out of a blasting operation. s14(2), (3), and (5)
2. The warning procedure and blasting signal code at fixed blasting operations. s67(2)

### **First Aid Regulations**

The employer is to post:

1. The location of first aid supplies and the location or phone number of the first aid attendant throughout the worksite so all persons at the worksite may easily see them signs. s9(2)
2. Emergency telephone numbers, where there is a first aid room at the workplace, FAR s17(2)(d).

## **Occupational Diving Regulations**

The employer is to post:

1. A notice, clearly setting out the boundaries of a dive site, on the bridge of each vessel at the dive site. s29(3)
2. Warning signs on any building or structure used to store oxygen at the dive site. s40(1)(b)
3. A contaminant management plan at the dive site where the dives are in a contaminated environment. s80(4)

## **Occupational Safety General Regulations**

The employer is to post:

1. The names of the gases stored and signs prohibiting smoking in any storage area for portable compressed gas cylinders. s87(4),
2. A readable statement of a hoist's rated load so the operator is able to see it when using the hoist. s73(7)
3. The maximum number of revolutions per minute of an abrasive wheel and a grinder on the wheel and grinder. s97(1)
4. A sign on the outside of a room where electrical components are rated at more than 750 v phase to phase, that legibly states "Danger - High Voltage". s128(1)
5. The current, valid certification at the entrance of a confined space for however long the confined space is occupied. s131(3)

## **Underground Mining Regulations**

Persons operating underground mines are directed to the regulations for the posting.

[Underground Mining Regulations](#)

## **Violence in the Workplace Regulations**

The employer is to:

1. Prominently post a copy of their workplace violence prevention statement, in each of their workplaces, so it can be easily accessed by employees. s9(2).

## **Posting Requirements under the Smoke-free Places Act**

### **Smoke-free Places Regulations**

The owner is to post:

1. A “Designated Smoking Room” sign near each entrance of a designated smoking room. s7(2)(a)

## **Additional Useful Information**

Follow this link if you would like information on the [Appeal Process](#)

Follow this link if you would like information regarding [Deviations from Regulations](#) s 83. This is the [Application Form for a Deviation](#).