



ADMINISTRATIVE PENALTIES 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. Descriptive headings have been included to help the reader. For an accurate reference, please refer to the Royal Gazette.

Occupational Health and Safety Administrative Penalties Regulations
made under subsection 82(1) of the
Occupational Health and Safety Act
S.N.S. 1996, c. 7
O.I.C. 2009-406 (September 29, 2009, effective January 15, 2010), N.S. Reg.
291/2009

Citation

- 1 These regulations may be cited as the Occupational Health and Safety Administrative Penalties Regulations.

Definitions

- 2 In these regulations,

“Act” means the Occupational Health and Safety Act;

“administrative penalty” means an administrative penalty imposed by the Administrator under these regulations;

“Administrator” means the Administrator designated under Section 3;

“Department” means the Department of Labour and Workforce Development.

Administrator designated for regulations

- 3 The Minister may designate an employee of the Department as an Administrator to administer these regulations.

Notice of administrative penalty

- 4 (1) The Administrator may require a person who has contravened a provision of the Act or its regulations to pay an administrative penalty by serving a notice of administrative penalty on the person.
- (2) A notice of administrative penalty must be in writing and must contain all of the following information:
- (a) the name of the person required to pay the administrative penalty;
 - (b) the provision of the Act or regulations that was contravened;
 - (c) the particulars of the contravention;
 - (d) the amount of the administrative penalty;
 - (e) when and how the administrative penalty must be paid;
 - (f) the process for filing an appeal.

Amount of administrative penalty

5 Subject to any adjustments made under Sections 6 and 7, the amounts set for administrative penalties are as set out in the following table, in Column B for a contravention that resulted in injury or that the Administrator considers had the potential to result in immediate injury, and in Column A for any other contravention:

Class of Person	Administrative Penalty	
	Column A	Column B (for contravention with injury)
employer, contractor, constructor, supplier, provider of an occupational health or safety service, architect or professional engineer	\$500	\$1000
employee who has supervision responsibilities, owner or self-employed person	\$250	\$500
employee	\$100	\$200

Adjustment to administrative penalty by Administrator

- 6 (1) The Administrator may increase or decrease the administrative penalty in Section 5 based on the following factors:
- (a) the efforts to prevent the contravention from occurring;
 - (b) whether or not the person on whom the administrative penalty is imposed derives any economic benefit from the contravention;
 - (c) the harm the contravention causes to any person.
- (2) Unless an administrative penalty is doubled under Section 7, the maximum administrative penalty that may be imposed is as set out in the following table:

Class of Person	Maximum Administrative Penalty
employer, contractor, constructor, supplier, provider of occupational health or safety service, architect or professional engineer	\$2000
employee who has supervision responsibilities, owner or self-employed person	\$1000
employee	\$500

Administrative penalty doubled for previous contravention

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

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

Administrative penalty imposed for each day

8 An Administrator may impose an administrative penalty for each day a contravention continues.

Payment of penalty

- 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 under Section 11 is not required to be paid until an appeal panel decides the matter, but if the appeal panel decides that a penalty must be paid, it must be paid no later than 30 days after the appeal panel's decision.

Failure to pay administrative penalty

10 If an administrative penalty is not paid by the deadlines in Section 9, the amount of the administrative penalty is a debt due to the Crown in right of Nova Scotia.

Filing appeal

- 11** A person may appeal an administrative penalty by filing a notice of appeal with the Deputy Minister of the Department no later than 21 days after the person is served with a notice of administrative penalty.

Appeal panel

- 12** (1) The Minister must designate an appeal panel to hear an appeal.
- (2) An appeal panel designated under subsection (1) must be composed of 1 person from the list established by the Governor in Council under subsection 68(2) of the Act.

Conducting appeal

- 13** (1) An appeal panel may conduct an oral hearing or conduct a hearing through written submissions.
- (2) An appeal panel may revoke, decrease or confirm an administrative penalty.

Person who pays penalty not charged with offence

- 14** A person who pays an administrative penalty for a contravention cannot be charged with an offence for the same contravention.