

# Nova Scotia Occupational Health and Safety Bulletin

## Occupational Health and Safety Act Amendments, Spring 2017 Update

Worker safety should be everyone's top priority. However, there are some companies and individuals who repeatedly ignore or break safety laws, putting workers at risk of serious injury.

On June 12, 2017, amendments to the Nova Scotia Occupational Health and Safety (OHS) Act will come into effect to

- clarify the definition of an injury or serious incident and how to report it
- extend the authority of the OHS director to deal with repeat offenders who continue to put others at risk of serious injury
  - court injunction to prevent future work
  - order future worksite information
  - multiple worksite stop work orders

The following is a summary of the four amendments.

### 1. Serious Injury Definition Updated

We heard that people did not always report injuries or workplace incidents as they were unsure of what to report and how to report it. As a result, we've better defined what a serious injury or incident is and how it must be reported.

A serious injury or incident is now defined as one that endangers life or causes permanent injury.

#### You must report

- **Fatalities—immediately**
- **Serious injury—as soon as possible, within 24 hours**
  - Unconsciousness
  - Fracture of the skull, spine, pelvis, arm, leg, ankle, wrist or a major part of the hand or foot
  - Loss or amputation of a leg, arm, hand, foot, finger, or toe
  - Third-degree burn
  - Loss of sight in one or both eyes
  - Asphyxiation or poisoning
  - Any injury that requires admission to hospital
  - Any injury that endangers life
- **Serious incident—as soon as possible, within 24 hours**
  - An accidental explosion
  - A major structural failure or collapse of a building or other structure
  - A major release of a hazardous substance
  - A fall from a work area where fall protection is required by the regulations

Injuries and illnesses can be reported by email, phone, or mail.

**Email:** [ohsdivision@novascotia.ca](mailto:ohsdivision@novascotia.ca)  
**Phone:** 1-800-952-2687

**Mail:** OHS Division  
103 Garland Ave, 3<sup>rd</sup> floor  
Dartmouth, NS, B3B 0A6



## 2. Court Injunction Allowed

The OHS Director can apply to the Nova Scotia Supreme Court for an injunction to keep the worst repeat offenders from working in an industry. When the Director requests a court injunction, it is because an individual has

- a history of fatalities and/or serious injuries on their work sites
- repeat safety violations of a serious nature

The Director also takes into consideration whether the individual has a history of consistently successfully implementing safety measures in the workplace.

An injunction could be ordered to stop such an employer from working in a field or sector for a set period of time, with conditions set by the court. They can get back into the field if they show a commitment to work safely.

## 3. Order Future Worksite Information

Employers can be ordered to report all future work locations and activities. The OHS Director can issue a workplace information order that requires an employer to advise us of all their upcoming work locations so we can find the worksites to conduct inspections.

The director will do this if an employer has repeatedly been non-compliant with occurrences of serious injury or fatality.

The Director also takes into consideration whether the individual shows an interest and makes an effort towards becoming compliant.

The workplace information order is effective for a minimum of three months and includes direction on the frequency of reporting and the information that must be provided to the OHS Division.

## 4. Multisite Stop Work Orders Allowed

If the OHS Director has reasonable grounds to believe that the potential for serious injury or death exists on several of an employer's work sites, officers can seek permission to issue a stop work order that covers all those sites.

These orders will be issued to employers who repeatedly refuse to comply with OHS requirements.

The department will attempt to inspect the other sites before issuing this type of stop work order. If staff are not able to visit the other sites, a stop work order may still be issued to prevent risk of injury.

**For more information, contact Nova Scotia Labour and Advanced Education's OHS Division:**

1-800-9-LABOUR (1-800-952-2687) or  
(902) 424-5400

[ohsdivision@novascotia.ca](mailto:ohsdivision@novascotia.ca)

[View the act at nslegislature.ca](http://www.nslegislature.ca)