



BILL NO. 127

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act

CHAPTER 66
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable Marilyn More
Minister of Labour and Workforce Development

*Halifax, Nova Scotia
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**An Act to Amend Chapter 7
of the Acts of 1996,
the Occupational Health and Safety Act**

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(d) of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is amended by adding “and Workforce Development” immediately after “Labour” in the third line.

2 Section 3 of Chapter 7, as amended by Chapter 28 of the Acts of 2000, is further amended by

(a) adding “and Workforce Development” immediately after “Labour” in the first and in the second lines of clause (k);

(b) adding “Executive” immediately before “Director” in the first, in the third and in the fourth lines of clause (l);

(c) adding “and Workforce Development” immediately after “Labour” in the second line of clause (n);

(d) adding “and Workforce Development” immediately after “Labour” in clause (s);

(e) striking out “Section 14 or 17 of” in the second line of subclause (w)(ii);

(f) adding “and includes a person or persons operating a sole proprietorship” immediately after “behalf” in the second line of clause (ae);

(g) striking out “by an employee” in the last line of clause (af) and substituting “at or near a workplace”; and

(h) adding “or a self-employed person” immediately after “employee” in the second and in the fourth lines of clause (ah).

3 Section 8 of Chapter 7 is amended by adding “and Workforce Development” immediately after “Labour” in the second line.

4 Clause 11(2)(d) of Chapter 7 is amended by striking out “*Municipal Affairs*” in the second line and substituting “Municipal Government”.

5 Clause 13(2)(c) of Chapter 7 is amended by adding “or the representative” immediately after “members” in the second line.

6 Clauses 22(a) and (b) of Chapter 7 are repealed and the following clauses substituted:

(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*;

7 (1) Subsections 25(3) and (4) of Chapter 7 are repealed.

(2) Subsection 25(5) of Chapter 7 is amended by striking out “or alternate member” in the first line.

(3) Section 25 of Chapter 7, as amended by Chapter 6 of the Acts of 2004, is further amended by adding immediately after subsection (5) the following subsection:

(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.

8 Section 31 of Chapter 7 is amended by striking out “(1)” immediately after the Section number.

9 Subsection 40(2) of Chapter 7 is repealed and the following subsection substituted:

(2) An order, notice, document or other communication may be served or delivered for the purpose of this Act or the regulations by

- (a) personal service;
- (b) registered mail to the last known address of the addressee; or
- (c) electronic means in accordance with the *Electronic Commerce Act*.

10 Subsection 42(1) of Chapter 7 is amended by

(a) striking out “or measurements that relate to the health or safety of employees at the workplace, unless the monitoring or taking of samples” in the fourth, fifth and sixth lines and substituting “, 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”; and

(b) adding immediately after clause (a) the following clause:

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

11 Section 48 of Chapter 7 is repealed and the following Section substituted:

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*.

12 Clause 63(1)(a) of Chapter 7 is amended by striking out “bodily” in the second line and substituting “serious”.

13 (1) Subsection 67A(1) of Chapter 7, as enacted by Chapter 24 of the Acts of 2009, is amended by adding “or decision” immediately after “order” in the first line.

(2) Subsection 67A(2) of Chapter 7, as enacted by Chapter 24 of the Acts of 2009, is amended by adding “or decision” immediately after “order” in the fourth line.

(3) Subsection 67A(3) of Chapter 7, as enacted by Chapter 24 of the Acts of 2009, is amended by adding “or decision” immediately after “order” in the second line.

14 Subsection 68(3) of Chapter 7 is amended by adding “, or a designate of the Minister,” immediately after “Minister” in the second line.

15 (1) Subsection 69(2) of Chapter 7 is amended by

(a) adding “and Workforce Development” immediately after “Labour” in the third line; and

(b) striking out “of the date of the order or decision being appealed” in the third and fourth lines and substituting “after the order or decision is served on the recipient”.

(2) Clause 69(3)(a) of Chapter 7 is amended by adding “order or” immediately before “decision” in the first line.

(3) Clause 69(5)(a) of Chapter 7 is amended by adding “and Workforce Development” immediately after “Labour” in the first line.

16 (1) Clause 75(1)(b) of Chapter 7 is repealed and the following clause substituted:

(b) directing the offender to pay to the Minister an amount for the purpose of public education;

(2) Section 75 of Chapter 7 is further amended by adding immediately after subsection (1) the following subsection:

(1A) An amount payable under clause (1)(b) shall be directed to public education on

(a) the safe conduct of the activity in relation to which the offence was committed;

(b) principles of internal responsibility provided for in this Act;
or

(c) any other topic related to occupational health and safety,
as recommended by the Director.

17 Subsection 82(1) of Chapter 7 is amended by

(a) striking out clause (d) and substituting the following clause:

(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;

(b) adding “or representatives” immediately after “members” in the second line of clause (n);

and

(c) adding immediately after clause (s) the following clause:

(sa) determining the manner in which payment is to be made to the Minister pursuant to clause 75(1)(b);

18 Section 84 of Chapter 7 is repealed.

19 Chapter 38 of the Acts of 2000, *An Act to Amend Chapter 7 of the Acts of 1996, the Occupational Health and Safety Act*, is repealed.
