



Environment and Labour

OCCUPATIONAL HEALTH AND SAFETY DIVISION

ANNUAL REPORT

For the year April 1, 2002 to March 31, 2003

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Mandate, Scope and Rationale for the Division Annual Report

Clause 9(f) of the Occupational Health and Safety Act states:

Functions of Division

- 9** The Division shall annually, submit to the Advisory Council a report on a review of this Act.

This report addresses that statutory requirement.

The report discusses the operations of the Occupational Health and Safety Division and may form part of a review on the state of occupational health and safety in Nova Scotia. However, in itself, this report does not constitute such a review. The Division alone does not have the data or resources to undertake such a broad scope review.

Where injury data is presented, the Division is not the sole source of the data. Thus, the Division cannot answer in detail as to the origins, source, quality or trends of the data. If such information is required, the reader is encouraged to contact the organizations from which the data came.

This report follows the outline described in the document “A Framework for the Occupational Health and Safety Division Annual Report,” with required modifications and including the Strategic Plan for the Occupational Health and Safety Division. The framework document is available upon request.

This report is divided into four basic areas:

- Review of the Occupational Health and Safety Act and associated regulations
- Reviews of Divisional Operations
- Reviews of Trends in OH&S
- Other Items Included as Information.

In this document, the following short forms are used:

“Act” means the Occupational Health and Safety Act

“Advisory Council” means the Occupational Health and Safety Advisory Council

“Division” means the Occupational Health and Safety Division of the Nova Scotia Department of Environment and Labour.

“Framework” means the document “A Framework for the Occupational Health and Safety Division Annual Report”

“IRS” means the internal responsibility system

“OH&S” means occupational health and safety

“WCB” means the Workers’ Compensation Board of Nova Scotia

“WSIS” means the Workplace Safety and Insurance System, composed of the Division, the

WCB, the Workers' Compensation Appeal Tribunal, the Workers' Advisers Program and Human Resources Development Canada - Labour Program (OH&S).

Government Response to the Workers' Compensation System Review

Overlaying the Division's operations for a large part of 2002/2003 was the implementation of the Government response to the Workers' Compensation System Review (commonly called the Dorsey Report). This response saw:

- the Division's prevention functions and staff transferred to the WCB
- a decrease in the Division's budget of \$500 000 to account for the transfer of the prevention functions
- the creation of a closer worker relationship with the WCB, the Workers' Advisers Program, the Workers' Compensation Appeal Tribunal and Human Resources Development Canada - Labour Program (OH&S), collectively being termed the Workplace Safety and Insurance System (WSIS)
- the development of proposed new vision and mission statements for WSIS
- the development of proposed new vision and mission statements for the Division
- work towards the creation of a single strategic plan for WSIS, within which the Division will operate
- the development of a proposed vision and mission statements for the Division.

Thus, 2002/2003 was a year of changes for the Division, some of which are reflected in this report.

The Department and the Division:

The Department of Environment and Labour officially came into existence on October 1, 2000.

The Department consists of:

- Occupational Health and Safety Division
- Alcohol and Gaming Authority
- Environmental Monitoring & Compliance
- Environmental and Natural Areas Management
- Financial Institutions
- Labour Services
- Labour Standards
- Pension Regulation
- Public Safety/Office of the Fire Marshal
- Workers' Advisers Program
- Communications
- Information and Business Services
- Policy
- Agencies, Boards, Commissions, Tribunals, Councils and Round Tables.

The mission of the Department of Environment and Labour is to protect and promote:

- the safety of people and property;
- a healthy environment;
- employment rights;
- the interests of financial services consumers and pension plan members; and
- consumer interests and public confidence in alcohol and gaming services sectors.

The Division operates within the Department of Environment and Labour. Our new Mission Statement and Objectives, within the context of WSIS, are:

To establish and enforce clear standards to reduce occupational injury and illness.

The objectives of the Division are to:

- together with our partners, reduce the incidence of injury and illness of employees;
- improve the understanding of occupational health and safety standards by all workplace parties; improve health and safety conditions in the workplace by means of research, inspection, investigation and enforcement of legislation.

Specifically, the Division will:

- support and encourage the use of the internal responsibility system;
- deliver a program aimed at improving the understanding of occupational health and safety standards by all workplace parties;
- develop regulatory management practices which follow best practices and focus on

- continuous improvement, in consultation with stakeholders;
- develop and implement risk-based models for delivery of occupational health and safety services;
- prepare and maintain statistics and information related to occupational health and safety;
- develop revisions to occupational health and safety laws and policies;
- support research in matters related to occupational health and safety;
- publish reports, studies and recommendations;
- support the tripartite system of employers, employees and government to share in decision making as it affects occupational health and safety;
- administer consistently with all clients all health and safety-related acts and regulations.

The Division has two service sections to meet specific occupational health and safety needs in the province.

The Inspection and Compliance Services Section is responsible for the delivery of a series of core services to the clients of the Division. These core services include: health and safety inspection, investigation, consultation, mediation, compliance promotion and enforcement. These services are delivered by staff organized into four regions in the province.

The OH&S Professional Services Section supports field activity and provides services in specialty areas such as engineering, ergonomics, computer support and facilitation. The OH&S Professional Services Section develops policies, legislation and industry-based programs and services in consultation with stakeholders that can be applied throughout the organization and the province.

Review of the Occupational Health and Safety Act

This review of the Occupational Health and Safety Act encompasses three areas:

- court or appeal panel decisions that have implications for the enforceability or interpretation of the Act
- legislation and regulation creation or review activity
- proposals for changes to the Act or regulations.

A review of the number and subject of orders issued pursuant to the Act or regulations is given in the Divisional Operations section later in this report.

Court or Appeal Panel Decisions:

Supreme Court of Canada

R. v. Inco (2001), 52 O.R. (3d) 495, application for leave to appeal to Supreme Court of Canada dismissed without reasons, March 2, 2002. Lower court had ruled that if regulatory investigators have reasonable and probable grounds to believe that an offence has been committed, they should obtain a search warrant before continuing the investigation.

R. v. Jarvis, [2002] S.C.J. No.76. Court ruled that whenever the predominant purpose of a regulatory inspection is the determination of penal liability, all Charter protections apply, and a search warrant is required to further the investigation.

R. v. Ling, [2002] S.C.J. No.75. Heard at the same time as *Jarvis*. Court ruled that whenever the predominant purpose of a regulatory inspection is the determination of penal liability, all Charter protections apply, and a search warrant is required to further the investigation.

Ontario Court of Justice:

R. v. Canada Brick Ltd. [August 15, 2002] Ontario Court of Justice. The court held that s. 8 of the Charter does not require prior judicial authorization to inspect an employer's premises where the purpose of the inspection is to monitor compliance with a regulatory statute. Here, the judge ruled that the investigator did not have reasonable and probable grounds to believe an offence had been committed until his investigation was complete and he had reviewed the information gathered. Therefore, he did not misuse his inspection powers, nor did he breach s. 8.

NS Courts

R. v. A.W. Leil Cranes & Equipment (1986) Limited, (unreported, March 28, 2003) NS Prov. Ct. Judge concluded that a withdrawal of a duplicate Information, and continuation of prosecution on the other, is a technical irregularity and does not constitute retrying a defendant on a proceeding that had already been concluded. An argument of double jeopardy cannot

succeed.

R. v. Irving Shipbuilding Inc., (unreported, November 18, 2002) NS Prov. Ct. Judge concluded that ship construction and repair in a drydock is not under federal jurisdiction, and is subject to provincial legislation.

OH&S Appeal Panel

Greer v. Steeplejack Services, March 7, 2002. Panel concluded that hypothetical issues are outside the jurisdiction of the Panel.

Annapolis Valley Regional School Board v. Lois Gillis and NS Teachers' Union, May 3, 2002. Panel determined that a work refusal is legal until one of the provisions of subsection 43(1)(a)(b) or (c) of the *OH&S Act* is met.

Legislation and Regulation Creation or Review Activity:

There were no new acts or regulations passed during this fiscal year.

During the fiscal year, no revised regulations were passed.

Significant work was done on the following existing regulations during the fiscal year:

- Fall Protection and Scaffolding Regulations. A working group commissioned by the Advisory Council submitted a final report on improvements to these regulations. The Advisory Council's Regulation Sub-Committee was reviewing the report at year end.
- General Blasting Regulations. The Minister of Education and the Provincial Apprenticeship Board both agreed to the creation of a blasters' certification system within the Department of Education..
- Occupational Health Regulations. The Division completed a jurisdictional review to identify major advances in the field of occupational health regulation since 1995, the year the proposed revisions were last considered. At year end, the Advisory Council's Regulation Sub-Committee was considering the scope of any potential revisions.
- Occupational Safety General Regulations. The Division prepared drafting instructions on the following issues:
 - a requirement for ground fault circuit interrupters in outdoor or wet locations
 - an allowance for "hot tapping" natural gas pipelines if industry standard safety procedures are followed
 - an allowance for firefighters to use during rescues gear that complies with relevant standards other than the National Fire Protection Association standards
 - while keeping the requirement to do pre-use inspections on rigging equipment, repealing the requirement to record all pre-use inspections. Requirements to record other inspections of rigging equipment would be maintained.

Significant work was done on the following new regulations during the fiscal year:

- Indoor Air Quality. During the fiscal year, the Division submitted the Request for Regulations to the Department of Justice to have these regulations drafted.
- Underground Mining. At fiscal year end, the Division was still completing final drafting instructions for these regulations..
- Violence in the Workplace. During the fiscal year, the Division submitted the Request for Regulations to the Department of Justice to have these regulations drafted.
- Occupational Diving. During the fiscal year, the Division submitted the Request for Regulations to have these regulations drafted.
- Joint Occupational Health and Safety Committee. The Advisory Council formed a sub-committee to advise on the possible content of these regulations. The sub-committee was not able to reach consensus. A decision is required from the Department on how to proceed.

Although not led by the Division, the Division also contributed significant resources to the:

- Department of Health’s drafting of the Smoke-free Places Act and regulations (complete)
- revisions to of the Offshore Accord Implementation Acts Offshore Health and Safety. At fiscal year end, negotiations were ongoing with the Government of Nova Scotia, Government of Canada and the Government of Newfoundland and Labrador over the required revisions.

From the Framework, the targets for these parameters are:

Description	Target	2002/2003 Result	2001/2002 Result
Number of existing Act /regulations reviewed with recommended changes submitted to the Minister	2	0	0
Number of new Acts and regulations submitted to the Minister	2	1*	0

* This was the Smoke-free Places Act and regulations, which was a process within the jurisdiction of the Department of Health.

Proposals for Changes to the Act or Regulations:

Proposals for changes to the Occupational Health and Safety Act or its regulations are received by the Division on an ongoing basis. These recommendations are listed in Appendix One.

Note that Appendix One is not a product of a thorough and comprehensive review of these laws by the Division or anyone else. It is simply a compilation of suggestions received. The list also does not in any way imply Divisional support for these proposals.

Measures of Performance - The Nova Scotia Business Climate Index:

As part of its calculation of the Nova Scotia Business Climate Index (see <http://www.gov.ns.ca/econ/businessclimate/>), the Nova Scotia Department of Economic Development publishes a measure of the difference in comprehensiveness of workplace standards from 1998 across Canada and the United States. The data, which for OH&S measures differences in general duty clause coverage, administrative and legal procedures and penalties, is based on the article “A Comparison of Labour Standards in the United States and Canada” by Block and Roberts (Industrial Relations, 2000, Volume 55, No. 2, 273-307). The index score for OH&S is weighted such that penalty provisions of various types account for 74 % of the final value.

The details of the calculation are available for review in the book entitled “Labor Standards in the United States and Canada” by Richard N. Block, Karen Roberts, and R. Oliver Clarke (see <http://www.upjohninst.org/blockroberts/index.html>).

The data are as follows:

Labour Standards Index for OH&S noted in Article:

Newfoundland	2.08
Prince Edward Island	1.87
Nova Scotia	2.18
New Brunswick	2.11
Quebec	2.63
Ontario	3.24
Manitoba	3.13
Saskatchewan	3.00
Alberta	3.07
British Columbia	3.20

OH&S Regulation Ranking (1 = more comprehensive with higher potential penalties)

Newfoundland	9
Prince Edward Island	10
Nova Scotia	7
New Brunswick	8
Quebec	6
Ontario	1
Manitoba	3
Saskatchewan	5
Alberta	4
British Columbia	2

Reviews of Divisional Operations

Reduce Occupational Injury Rate:

There are many factors which can influence the occupational injury rate. Although the following tables and figures accurately report the data, it would be inappropriate to infer that the efforts of the Division were solely responsible for any trends.

**Table One
Nova Scotia Baseline Data**

DESCRIPTION	ANNUAL DATA (based on calendar years)					5 YEAR AVERAGE
	2002	2001	2000	1999	1998	
Employment (annual average in '000's) (1)	428.4	423.3	419.5	408.6	389.9	413.9
All Claims Registered with the WCB (2)	33,874	34,701	34,874	35,010	33,050	34,302
Compensable Time-Loss Claims Registered with the WCB (2)	8,769	9,200	9,061	8,200	8,170	8,680
Total # of Compensable Time-Loss Claims for which Payments were Made During the Year	11,676	11,918	11,847	11,832	10,110	11,477
Total # of Compensable Days for Compensable Time-Loss Claims Registered with the WCB During the Year	323,234	290,720	266,846	232,060	215,688	265,710
Total # of Compensable Days for All Compensable Time-Loss Claims (2) for which Payments were Made During the Year	662,810	669,792	566,879	561,428	450,906	582,363
Fatalities (3) Recorded During the Year	28	27	24	21	33	27
Number of Claims Registered with the WCB per 100 Employees	7.91	8.20	8.31	8.57	8.48	8.29
Average # of Compensable Time-Loss Claims Registered with the WCB per 100 Employees	2.05	2.17	2.16	2.01	2.10	2.10
Average # of Compensable Days for Compensable Time-Loss Claims Registered with the WCB During the Year	36.86	31.60	29.45	28.30	26.40	30.52

Average # of Compensable Days for All Compensable Time-Loss Claims for which Payments were Made During the Year	56.77	56.20	47.85	47.45	44.60	50.74
Number of Fatalities Reported per 100,000 Employees	6.54	6.38	5.72	5.14	8.46	6.43

- (1) Reference: Statistics Canada - Labour force estimates by detailed age groups, sex, Canada, province, annual average
- (2) Workers' Compensation Board of Nova Scotia, Annual Reports, (1998-2002)
- (3) Fatalities - includes all fatalities which are known to the Occupational Health and Safety Division or the NS Workers' Compensation Board and which are occupational in nature, regardless of whether they are provincial or federal jurisdiction. Includes all work-related fatalities that occurred in the stated year regardless of incident date.

Promote Client Awareness and Responsibility:

The targets from the Framework and the associated results for this parameter are:

Issue	Target	2002/2003 Result	2001/2002 Result	2000/2001 Result
No. of public working groups or sub-committees on law development active during the reporting period	2	4 ¹	4	2
No. of public information sessions or courses on OH&S laws or legal issues given by Division staff	*	15	30	45
No. of sessions or courses on OH&S laws or legal issues given by Division staff to individual clients or client groups	*	16	24	96
No. of publications created or updated	4	18 ²	9	10
No. of hazard alerts created	4	6	2	10

¹ The groups were:

- Advisory Council as a committee of the whole (ground fault circuit interrupters)
- Advisory Council Standing Sub-Committee on Regulations
- Advisory Council Ad Hoc Sub-Committee considering the Joint Occupational Health and Safety Committee Regulations
- Fall Protection and Scaffolding Regulations Working Group.

² The publications were:

- Atlantic Provinces Occupational Health and Safety Consultants List
- List of Organizations Approved to Give First Aid Training under the amended First Aid Regulations
- Occupational Health and Safety Video Catalogue
- Joint Occupational Health and Safety Committees: Construction Project Joint Occupational Health and Safety Committees
- Time Lines in the Occupational Health and Safety Act
- Appeals Under the Occupational Health and Safety Act
- Home Owners and the Occupational Health and Safety Act
- Listing of Definitions Used in Laws administered by the Occupational Health and Safety Division
- Code of Practice for the Removal of Friable Asbestos Containing Materials
- Certificates of Recognition

- A How-To Guide for an Occupational Health & Safety Policy & Program
- Interpretation Guide for Nova Scotia's WHMIS Regulations
- A Guide to WHMIS - The Workplace Hazardous Materials Information System
- WHMIS (poster)
- Your rights and Responsibilities
- Criteria to Be Used in the Evaluation of Audits
- Can you spot the hazards? (poster)
- Which Labour Laws Apply to You (in cooperation with Human Resources Development Canada and the Labour Standards Division)

Linkages/Partnerships, Memoranda of Understanding and Committees:

The Division maintains a series of partnerships and linkages, memoranda of understanding and committee contacts with a wide array of organizations. These are listed in Appendices Two, Three and Four respectively.

Encourage Internal Responsibility:

The Internal Responsibility System checklist results revealed the following statistics:

No. of workers	Internal Responsibility System Measure	2002/2003	2001/2002	2000/2001
		(% Yes)		
1-4	Does the information available at the workplace meet the requirements of the Act?	59.5	50.8	60.6
5-19	Does the information available at the workplace meet the requirements of the Act?	35.2	36.9	54.9
	Does the safety policy meet the requirements of the Act?	34.6	34.9	56.7
20+	Does the information available at the workplace meet the requirements of the Act?	60	47.7	58.9
	Does the safety policy meet the requirements of the Act?	61.5	45.8	70.7
	Does the safety committee meet the requirements of the Act?	41	40.6	58.8
	Are the Functions of Committees fulfilled?	57.1	48.4	66.7
	Does the safety program meet the requirements of the Act?	49.3	34.8	63.6

The Internal Responsibility System checklist is performed on companies as part of the Division's regular inspection program.

In interpreting the above results, it is important to realize that 2001/2002 was the initial year of a major inspection targeting program aimed at directing our inspections at organizations with higher accidents rates. Thus:

- the results above are NOT necessarily indicative of the “average” situation in Nova Scotia companies
- as a result of targeting organizations with higher accident rates, the results from 2001/2002 forward are most likely biased to under-report actual average conformity with the elements of the Internal Responsibility System. The size of the bias is not known.

Improve Client Service:

This parameter is measured through the following statistics:

- 1) length of time before initial investigation of complaint by an OH&S officer
- 2) length of time for resolution of complaint
- 3) client satisfaction for services where client satisfaction is monitored

For statistics 1) and 2), the systems did not exist during the fiscal year to allow them to be tracked.

As for client satisfaction, this was measured for two services - the E-mail Question Service (whereby clients may e-mail in questions on OH&S laws and receive an e-mailed answer) and the publications mailout service. These surveys gave the following results:

E-Mail Question Service Client Satisfaction:

Question	Percent of maximum score (No. of responses*)			
	2002/2003	2001 / 2002	2000 / 2001	1999 / 2000
No. of e-mail surveys sent	131	251	220	Not recorded
Response rate (%)	71	41	40	**
The information answered my question.	86.5 (71)	86.1 (103)	83.1 (89)	92.5 (8)
The information was clear, concise and understandable.	87.0 (71)	87.1 (103)	85.5 (83)	95.0 (8)
The information was received within an acceptable time frame.	86.8 (71)	88.5 (102)	87.4 (73)	97.1 (7)
You are pleased with the service you received.	89.3 (71)	88.7 (100)	86.8 (85)	97.5 (8)
Average	87.4	87.6	85.6	95.5

* Note that not every respondent answers every question.

Publications Mail-Out Service Client Satisfaction:

Question	2002/2003	2001 / 2002	2000 / 2001
No. of responses received	97	24	37
Material received within an acceptable time (% Yes)	100 (94)	100 (24)	100
Correct material received (% Yes)	**	100 (3)	100
Friendliness (1-5 scale)	4.6 (87)	4.6 (24)	4.6 (35)
Laws well written (1-5 scale)	3.9 (80)	3.1 (20)	4.2 (27)
Laws interesting (1-5 scale)	3.7 (7)	3.8 (19)	3.6 (28)
Other materials well written (1-5 scale)	4.2 (87)	3.9 (21)	4.3 (28)
Other materials interesting (1-5 scale)	3.9 (87)	3.9 (21)	3.8 (29)
Overall satisfaction (1-5 scale)	4.7 (94)	4.6 (22)	4.7 (35)

* Number of responses in brackets.

** Result not available.

1 = Worst

5 = Best

Ensure Proper Internal Management:

This parameter is measured through the following statistics:

- average number of activities per OH&S officer
- average number of targeted inspections per officer
- percentage of closed orders that went past the stated compliance date
- success rate in prosecutions
- average cost per activity
- level of staffing

Where available, these statistics are reported in the following table, along with their corresponding targets. Appendix Five expands on these statistics and gives more detail on the Division's operations.

Statistics for "Average number of targeted inspections per officer" are not recorded prior to 2001/2002 as the targeting system was not in place.

DESCRIPTION	Target	ANNUAL DATA (based on fiscal year end)					5 YEAR AVERAGE
		2003	2002	2001	2000	1999	
Average number of activities per OH&S officer*	120	95.5	117.5	102.1	89.5	81.9	97.3
Average number of targeted inspections per OH&S officer*	60	16.7	16.5				
Closed orders that went past the stated compliance date (%)	< 20	49.5	41.6	47.1	47.4	45.6	46.2
Success rate in prosecutions ** (%)	> 80	39.6	56.3	65.8	84.2	66.7	62.5
Average cost per activity (Dec. 2002 \$)	None stated	1446	1311	1255	1464	1393	1374
Level of staffing* (%)	95	93.9	85.4	87.2	82.4	76.7	85.1

* The number of officers for these calculations is derived from a consideration of individual officer starting and ending dates.

** "Success" is defined as the percentage of charges which resulted in "Guilty" verdicts in the total charges decided in the relevant fiscal year that were recorded as either Guilty, Not Guilty, Dismissed, Stayed, or Quashed.

Outcomes and Outcome Measures:

The Division is accountable for meeting the outcomes and outcome measures noted in the Department's annual Business Plan (see http://www.gov.ns.ca/enla/pubs/b_plan04.PDF). These are as follows:

Outcome	Measure	Data*	Target*	Strategies to Achieve Target
A safe work environment	Annual percentage of targeted inspections where a health and safety order is not issued.	57.5 % (2002) vs. 43.5 % (2001 - Baseline)	Increase the percentage from the base year (2001) measure	- work with the WCB to increase OH&S promotion and education - continue to develop a targeted risk-based inspection system
	Number of registered WCB claims per 100 employees, compared to the 5-year running average	7.91 (2002) vs. 8.29 running average from 1998 to 2002	Maintain or decrease number of claims relative to 5 year running average	- work closely with WCB to identify high accident firms, sectors and types of accidents - work with the WCB to increase OH&S promotion and education
	Average number of compensable days for all compensable time loss claims filed in the year and receiving benefits during the year, compared to the 5-year running average	36.86 (2002) vs. 30.52 running average from 1998 to 2002	Maintain or decrease the average number of days relative to the 5- year running average	- continue to develop a targeted risk-based inspection system

* Years refer to calendar years.

Interprovincial Comparisons:

In addition to the previous data, the following data on where Nova Scotia ranks interprovincially are relevant.

Indicator	2001	2000	1999
WCB Claims /100 workers of assessable employers			
Nova Scotia value	12.9	13.4	**
Atlantic Canada average	10.3	11.2	**
National average	10.2	10.7	**
NS rank nationally(1 = best; 12 = worst)	12	11	**
Injury Frequency (lost time claims / 100 workers of assessable employers)*			
Nova Scotia value	3.37	3.55	**
Atlantic Canada average	2.95	3.32	**
National average	3.38	3.62	**
NS rank nationally (1 = best; 12 = worst)	7	5	**
Average composite duration of claim (days)			
Nova Scotia value	102	85.5	82.6
Atlantic Canada average	96.4	94.9	83.7
National average	**	**	**
NS rank nationally (1 = best)	8 of 9	7 of 9	9 of 10
OH&S costs paid by WCB/\$100 of assessable payroll			
Nova Scotia value	\$0.06	\$0.06	\$0.06
Atlantic Canada average	\$0.09	\$0.09	\$0.09
National average	\$0.11	\$0.11	\$0.11
NS rank nationally (1 = lowest costs; 12 = highest costs)	2	2	2

Data from Association of Workers' Compensation Boards of Canada. For details on this data and for information for specific provinces, see http://www.awcbc.org/english/board_data.asp.

* Note that this value is different from the similar value reported in Table Two. In Table Two, the number of lost time claims is divided by total NS employment; in this national table, the lost time claims are divided by the number of employees of assessable employers only.

** Data not available.

Overview of Divisional Operations:

Appendix Five contains summaries of

- the Divisional operations for 2002/2003 and, where available, previous fiscal years
- selected WCB statistics.

The Division considers that the basic statistics from each agency accurately state the parameter they describe.

The reader should be aware that, while the Division's mandate and operations involve all sectors of the provincially-regulated workforce, the WCB statistics address only those firms registered with the WCB. Thus, the data is not directly comparable and any direct ratios of the Divisional and WCB numbers must be reviewed with caution.

The Division is not able at this time to differentiate its activities between WCB-covered and non-WCB-covered firms. The issue is actively being considered in the context of possible improvements to the information management system.

Appendix 5 contains:

Table 5-1	Tracked Activity Numbers (Fiscal Years)
Table 5-2	Orders Issued Under The OH&S Act, MMQRA*, Associated Regulations & Codes of Practice - Summary Version (Fiscal Years)
Table 5-3	Orders Issued Under The OH&S Act, Associated Regulations & Codes of Practice - Detail Version (Fiscal Years)
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Table 5-11	Ratio of % of Orders to % of Activity by Industry Sector (Fiscal Years)
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Figure 5-2	Ratio of % of Orders to % of Activities by Industry Group
Figure 5-3	Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Group
Figure 5-4	Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Group

* MMQRA = Metalliferous Mines and Quarries Regulation Act

Observations from Review of Divisional Operations:

Based upon the previous data on Divisional operations, the following observations are drawn:

- 1) Of the services where client satisfaction was measured (provision of information through e-mail and mail outs), client satisfaction was maintained at an acceptable level.
- 2) The number of activities decreased from 2001/2002 levels. The number of orders increased from 2001/2002.
- 3) There is a continuing issue of compliance with orders. Once again this year, the number of orders that went past the compliance date was around the 50 percent mark.
- 4) The average cost per activity increased, partially due to non-inspection related costs such as improvements in information management systems.
- 5) The overall staffing level reached historically high levels as vacant positions were filled.
- 6) The number of targeted inspections per officer continued lower than the target number.
- 7) There were more inspections in the construction industry than their accident frequency would suggest is appropriate; there were fewer inspections in the health and social services industry than their accident frequency would suggest is appropriate.
- 8) The number of complaints investigated by the Division decreased by 3 % from 2001/2002. Complaint responses measured by complaint-driven inspections identified that 43 % of the complaints investigated by the Division involve the construction sector.
- 9) The major issues addressed by orders in 2002/2003 were:
 - IRS
 - Hoists, mobile equipment
 - Ventilation, lighting, sanitation, accommodation
 - First aid certificates
 - Premises and buildings safety, construction and demolition
 - Mechanical safety.

Strategic Plan:

In 2001/2002, the Division adopted a Strategic Plan outlining those limited number of issues that the Division felt it could impact positively in three to five years. The elements of that plan, in no special order, are listed below, along with actions taken this fiscal year in furtherance of the plan:

Note that, with the expected development of the unified WSIS strategic plan in 2003, this strategic plan will become obsolete.

- 1) **Improve and focus external communications to change perspective of both employers and workers towards a more positive safety/health culture**
 - i) Five commonly-themed television advertisements were created and run on the TV listings channel throughout Nova Scotia.
 - ii) Completed a Divisional Communications plan.
 - iii) Client Contact System maintained whereby clients have information on OH&S developments sent directly to them.
 - iv) Explanatory articles placed in the NS Business Journal
 - v) Published a newspaper supplement during North American Occupational Safety and Health Week
 - vi) Expanded the Divisional Internet site with more documents and pages
 - vii) Published the booklet "Construction Project Joint Occupational Health and Safety Committees" - the companion booklet to the previously published "Joint Occupational Health and Safety Committees: A Practical Guide for Single Employer Workplaces"
 - viii) In cooperation with Human Resources Development Canada and the Labour Standards Division, published the pamphlet "Which Labour Laws Apply to You"
 - ix) In cooperation with the NS Department of Agriculture and Fisheries, the Nova Scotia Fisheries Sector Council and the Aquaculture Association of Nova Scotia continued work on an OH&S resource booklet for the fishing industry
- 2) **Ensure consistent application of laws and policies**
 - i) New Officer Training Program continued
 - ii) System developed to provide for management responses to interpretation questions posed by officers and to share management responses to interpretation questions posed by outside parties.
 - iii) Policies on a range of issues related to investigations, appeals and prosecutions were reviewed and revised.
- 3) **Initiate program to address emerging OH&S issues**
 - i) Ergonomics Program started aimed at increasing awareness of ergonomics in the general workforce. The program contains the following elements:
 - Supporting Inspection and Compliance Services Officers as they address ergonomic issues
 - Providing resource materials
 - Developing materials in ergonomics awareness.
 - ii) Supported the Department of Health on the Smoke-free Places Act and regulations.
- 4) **Improve program to target work**

- i) Full-time statistician on staff.
 - ii) Inspection targeting program reviewed and revised.
- 5) **Initiate program to help new/young workers**
- i) Young worker page maintained on the Divisional Internet site
 - ii) Placed television advertisements aimed at young workers
 - iii) Worked with the Department of Education to implement an occupational health and safety course aimed at Grade 11 students
 - iv) Sponsored the NS Safety Council's province-wide delivery of the Student Workplace Orientation Program
 - v) Sponsored a Youth Symposium at the NS Safety Council annual meeting.
- 6) **Initiate program to help small business**
- i) Explanatory articles placed in the NS Business Journal each month
 - ii) In concert with the WCB, gave presentations to building material supply dealers promoting OH&S and workers' compensation.
 - iii) In concert with the WCB and the Canada Customs and Revenue Agency, offered a small business forum where companies could get free information on OH&S
 - iv) Client Contact System maintained whereby clients have information on OH&S developments sent directly to them.
- 7) **Improve compliance**
- i) In concert with the WCB, the Division gave presentations to building material supply dealers promoting OH&S and workers' compensation.
 - ii) In order to recognize those firms who have had success in OH&S, the Division, the WCB and Human Resources Development Canada gave awards to the companies from each county with the best WCB experience rating. The 2002/2003 award winners were:

Firm	County
H.B. Forestry Ltd	Antigonish County
Point Tupper Marine Services Ltd	Richmond County
Sea Star Seafoods Ltd	Shelburne County
Central Equipment Ltd	Colchester County
Atlantic Corporation Ltd	Inverness County
Santec Construction Managers Ltd	Kings County
Quentin's Roofing Ltd	Cape Breton County
Darrin Carter Logging Ltd	Cumberland County
Lloyd & Ellis McGrath	Guysborough County
Plyform Construction Ltd	Lunenburg County
BJ Draggers Ltd	Yarmouth County
Annapolis Royal Nursing Home Ltd	Annapolis County
Highland Manor Rest Home	Victoria County
Houmard Acadie Inc	Digby County
C J Mason Holding Ltd	Hants County
Northumberland Logging Ltd	Pictou County
R & C Weare Logging Ltd	Queen's County
Three way tie: Nova Charter Service Inc Pro Dent Laboratory Ltd Rideau Construction Inc	Halifax County

- 8) **Establish an on-going process to ensure regulations are in place, reviewed and updated**
- i) Appointed a full-time Manager of Law Reform.
 - ii) Implemented a defined process for regulatory reform.
 - iii) Started or continued reviews of the:
 - Fall Protection and Scaffolding Regulations
 - General Blasting Regulations
 - Occupational Health Regulations
 - Occupational Safety General Regulations
 - Indoor Air Quality Regulations
 - Canada-Nova Scotia Offshore Accord Implementation Acts
 - Underground Mining Regulations
 - Violence in the Workplace Regulations
 - Occupational Diving Regulations
 - Joint Occupational Health and Safety Committee Regulations
 - Smoke-free Places Act and regulations (assistance to the Department of Health).
- 9) **Expand outcome measures and accountability framework for the OH&S system as a whole leading to a focus on performance and prevention**
- i) Consulted with the Advisory Council on the issue of expanding or modifying the way we report on our activities. The Advisory Council made no formal suggestions for improvement as of fiscal year end.
 - ii) Started cooperative work with the WSIS partnership to develop unified performance measures.

Initiatives Outside of the Strategic Plan:

In addition to those initiatives directly supporting the Strategic Plan, the following initiatives took place:

Safe Communities:

Safe Communities is a national foundation that promotes community-based health and safety initiatives. Their aim is to help Nova Scotia to become a safer place to live, learn, work and play. More information on the foundation is available at <http://www.safecommunities.ca/>.

During 2002/2003, the Division supported the foundation with the secondment, on a half-time basis, of an Education Development Officer to serve as the Atlantic Provinces Coordinator.

Auditor General Review:

The Auditor General reviewed the operations of the Division in 2001. In 2002/2003, the Division responded to the last of the recommendations and opportunities for improvements highlighted by the Auditor General.

Certification Transfer:

Pursuant to the recommendations of the Licenses, Permits and Approvals Task Force, the Division continued negotiations with the Department of Education towards the transfer of the blasters certification system to the latter department. At year end, the negotiations were continuing.

Dental Office X-Ray Survey:

Field visits for the province-wide dental office x-ray survey were completed. The report will be completed in 2003/2004.

Radiation in Drinking Water:

The Division's Radiation Health Officer offered significant support to the provincial strategy addressing radiation in drinking water. The project was ongoing at year end.

Mine Rescue Competition:

The Division was a co-sponsor of the Nova Scotia/New Brunswick Joint Mine Rescue Competition held in Bathurst, NB.

Cost Benefit Analyses:

As part of the recommendations of the Red Tape Reduction Task Force, the Division continued calculating the public cost impacts of proposed regulations.

WCB Statistics:

Building on the extract of the WCB accident database that has been provided to the Division since last year, the Division expanded its ability to use the data through the training of Divisional computer staff and the statistician. The Division has used this access to WCB data to:

- determine the winners of the annual awards (see Strategic Plan element number 7)
- determine which companies should be targeted for inspection (see Strategic Plan element number 4)
- calculate portions of cost analyses for proposed regulations
- calculate portions of this report.

During the fiscal year, the Division also started negotiations to gain on-line access to certain parts of the WCB data warehouse. The access is expected to be available in 2003.

Intranet Development:

The Division's computer systems are large and complex. As a result, staff often had difficulties finding needed information on the system.

To address that need, the Division maintained an Intranet site allowing OH&S Division staff access to:

- Canadian and international standards
- a variety of electronic books
- major documents and forms
- appeal and prosecution results
- management responses to client legal interpretative questions
- a variety of Internet sites.

Risk Assessment and Risk Management:

The Division is strengthening processes to support the future development of a risk-based model for the delivery of OH&S inspection, monitoring and compliance services.

Reviews of Trends in OH&S

This section reviews trends in OH&S that have come to the attention of the Division. The reviews are based on the following four questions:

What is happening?

What are the recent facts, issues and trends?

Why is it happening?

To the extent that the underlying cause is known to the Division, explain why the facts, issues and trends are happening at the time and in the way they are.

Why is it significant?

What are the implications for occupational health and safety if the facts, issues and trends continue.

What is the Division's response?

How has the Division responded this fiscal year or does the Division plan to respond in the future to the facts, issues and trends noted above?

Trends described in previous annual reports are:

1. Desire for Less Red Tape (2001/2002)
2. Desire for Greater Government Accountability (2001/2002)
3. Ergonomic Injuries Dominate All Other Injury Types (2001/2002)
4. Young Workers Have a High Accident Frequency (2001/2002).

What is happening?
Need for Greater Cooperation

OH&S is a large and complex issue. The Division alone has neither the mandate nor the resources to address all of its many facets. In order to produce comprehensive OH&S programs, the Division must cooperate with outside organizations.

Why is it happening?

Modern society is extremely large and complex, as are the issues it involves. This complexity means that most major issues involve a large number of stakeholders and interest groups.

Why is it significant?

In order for the Division to effectively address OH&S issues, it must work with and partner with other organizations.

What is the Division's response?

The Division has established a series of memoranda of understanding and partnerships and serves on numerous OH&S-related committees. These are listed in Appendices Two to Four.

In this way, the Division can combine its resources with others to produce and deliver better, more effective programs.

What is happening?
Risk Management

All organizations in society face risk to some degree. In government OH&S agencies, the mandate is to identify and reduce risks to the working population.

Why is it happening?

The risks to OH&S in modern society are complex. In order to manage them effectively, the risks must be properly identified, assessed and managed. Such identification, assessment and management requires a well-defined process.

Why is it significant?

The more effective the Division and its partner organizations are in managing OH&S risks, the fewer workers will be injured or killed.

What is the Division's response?

The Division is cooperating with other Divisions within the Department to produce a unified risk-management protocol that will ensure that all risks are properly addressed.

Other Items Included as Information

Occupational Health and Safety Division

Executive Director

J. LeBlanc

Provincial Manager - Inspection and Compliance Services Vacant (Ray O'Neil acting)

Provincial Manager - OH&S Professional Services

S. Sampson

Regional Managers

Central Region

Ray O'Neil (acting for Provincial Manager - Inspection and Compliance Services for period; Gary Lively acting)

Cape Breton

Milton Cooke

Northeast

Dale Bennicke

Southwest

Gary Ramey

Board of Examiners for the Certification of Blasters

Chair:

K. Beaton

Members:

Paul Caza

D. Clark

Alan Miller

Board of Examiners for the Certification of Coal Mining Personnel

Chair:

S. Schwartz, P.Eng.

Members:

John Ling

J. Reid, P.Eng

Robert Gillis

Government Members:

P. Woodland (Division)

Observer:

F. Andrews (Human Resources Development Canada)

Occupational Health and Safety Advisory Council

Co-Chairs:

Employee:

R. Wells

Employer:

S. Peverelle

Members:

Employee Members:

S. Andrews
J. Kennedy (April 1, 2002 to November 30, 2002)
R. Clarke
G. Fraser
R. Wells
B.J. Sutherland

Employer Members:

J. Amirault
A. MacKeigan
S. Peverelle
C. MacCulloch
M. Lowe
P. O'Brien

Alternate Members:

Employee Members:

G. Bannister (April 1, 2002 to November 30, 2002)
D. Ryan (April 1, 2002 to November 30, 2002)
F. Wuite (April 1, 2001 to Nov. 30, 2002)
C. MacRae
M. Pickup
G. Randall (May 1, 2002 to March 31, 2003)

Employer Members:

H. Cruickshank (April 1, 2001 to Nov. 30, 2001)
D. Grant Fiander (April 1, 2002 to November 30, 2002)
L. van Berkel
P. Vienotte
G. Slauenwhite
A. Howell

Statutory Members:

Division:

J. LeBlanc
S. Sampson (alternate)

WCB:

S. MacLean
L. McKenna (alternate)

Appendix One
Proposals for Changes to the Act or Regulations

Occupational Health and Safety Act:

- 3(g) This definition limits “contractor” to “work to be performed at the premises of the person contracting to have the work performed.” Thus, a person signing a contract to work elsewhere (i.e. a person hiring a plumber to work at their parent’s house) is not within the definition.
- 3(o) Several sections of the regulations refer to “employees” doing things. However, in the context of a single proprietorship, there is no “employee.” The Act should be changed to ensure equivalent coverages to single proprietorships
- 3(ab) The test currently requires ALL 3 of time, trouble and money to be excessive. Should this be changed to some “summation” or total of the 3?
- 3(ah) By requiring an “employee” at a workplace, single proprietorships are exempted from all workplace controls.
- 4 Act should cover volunteers.
- 13(c) The word “provide” is vague as to whether the employer is to pay and, if so, for what. This should be clarified.
- 37640 Act should specify specific duties for supervisors as is done in the Ontario and NB OH&S Acts. (4)
- 19 For an engineer’s certification of various items, is it acceptable that the engineer NOT be present - that they simply sign off on a technician’s test result sheet. (5)
- 22(a) The *Trade Schools Regulation Act* has been repealed. The successor law is the *Private Career Colleges Regulation Act*.
- 28(3)(b) To conform with OH&S Division policy, the request should be required to be in writing.
- 29(1) The Act should clarify that workers who work “from” a central location but are not often physically “at” the central location (i.e. construction workers, repair persons, etc.) are still counted as working at the central location for the purposes of determining the need for a JOHSC.
- Since the Act creates project committees in places where company-specific committees would already exist, the Act should clarify which committee is responsible for what.
- In this and others sections of the Act and sections of the regulations, number of employees is used as a trigger for various requirements. This assumes that hazard is directly related to the number of employees. Given the data that now exists, cannot other criteria (such as industry or WCB rate group?) be used instead to define the threshold for various requirements?
- 30(3) This does not establish which procedure to use - union designation or employee selection - in which circumstances. The issue of which applies in a mixed union/non-union company arises.

- 31 A provision should be added for JOHSCs to be consulted regarding worker training.
- 33(1) Should there be an allowance for unions to appoint Representatives, as there is for JOHSC members?
- 35(1) Clarify that requests for information or reports must be in writing and separate from the minutes of the committee.
- 40(1) Act should allow for fax service of orders if there is reason to believe a specific fax number serves the relevant individual (i.e. the fax number is on the individual's business card).
- 42(1) Clarify that "workplace occupational health or safety monitoring and the taking of samples or measurements that relate to the health or safety of employees . . ." includes all tests a significant part of whose rationale is based in either health or safety. This includes such things as air and noise tests, crane tests, vehicle safety checks and tests on safety devices. The Act should clarify that this section does not give employees the right to observe medical tests (such as audiograms or blood lead tests), or any other test where personal privacy is important. (1)
- Expand on the definition of regular and frequent in (a).
- 42(1)(b) Define Remote location in (b) to mean 30 minutes or more, by ground transportation, from the location of the observer (as in First Aid Regulations).
- 42(3)(a) Define "reasonable notice."
- 46(1)(a) There should be a more user-friendly way to state these entitlements.
- 47 As Ontario did in response to the Inco case, we should consider providing justices of the peace and provincial judges, among other things, with the power to authorize by warrant, occupational health and safety inspectors to use any investigative technique or procedure if they are satisfied there are reasonable grounds to believe that an offence has been committed
- 48(2) Consider adding "A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value."
- 63(1)(a) Define "Bodily injury"
- 64 Harmonize the terms "bodily injury" and "serious injury" in 63 and 64.
- 67/69 The time lines are different in that 67 refers to "days after service" and 69 refers to "date of the decision". Should they be harmonized?
- 75(1)(b) Should we add the power to conduct public education sessions on any topic, not just the offence?
- 77 An amendment should be considered imposing a clear duty on Management/ Supervisors, to ensure compliance with the Act or any Regulations made under the Act. This feature has been present in the Ontario Act for many years and has been successfully litigated.

82(1) Should a power be added to allow for JOHSCs to be established at classes of workplaces with less than 20 people (i.e. mines)?

Should more powers be added to require owners to do things?

Do we have the power to require an employer to do an inspection of a piece of equipment?

Act should clearly allow for the automatic adoption of updated standards as is done in Canada Labour Code, subsection 157(5).

84(1) The window for this option has expired. Repeal.

89(2,3,5) The window for these options has expired. Repeal.

Fall Protection and Scaffolding Regulations:

The Advisory Council's Regulation Sub-Committee was reviewing the final report of the working group at year end.

First Aid Regulations:

- 5(1) The onus is placed on the employee here, not the employer (1)
- 5(3) Nursing homes should not be required to comply as they have RN's on staff.
- 14 The "kit system" should be arranged to establish only one basic kit, with the number of basic kits varying as workplace numbers vary. (6)
- 14(2)(g) Should "medical grade" gloves be required, rather than any latex glove? (1)
- 14(2)(k) Should a one-way valve be required in the barrier devices? (1)
- 17(2) The First Aid Regulations should require automated external defibrillators at larger workplaces.
- 18(5) This section would allow an employer to have a person working alone have just emergency first aid. Is that the intent? Should there be a minimum number of people with emergency first aid before the standard first aid is no longer a requirement? (1)

If the 30% applies to remote locations, what should apply in non-remote locations? (1)

General Blasting Regulations:

- 3 Add several terms in the interpretations: "burden; stemming; stemming material; post/anchor hole blasting".
- 3(1) Ensure charges for powder-actuated tools are not considered as explosives
- 6 It is unclear which standards - NS or federal - would prevail in event of a conflict.
- 7(3) This is an outdated reference. It should refer to sub-section 63 (1) of the 1996 Occupational Health and Safety Act.
- 10(3) After sub section 3 add: "The position of drill holes shall be selected as to allow a sufficient amount of burden to a free face to help keep fly rock to a minimum.
- 12 To this section add: A sufficient of stemming shall be added to create an upward burden to help reduce fly rock.
Where practical, a blasting mat of suitable material may be used to control fly rock. If blasting mat used to cover the blast, the mat shall be installed before the detonator is attached, if attaching above ground"
- 13(11) Consider adopting CAN3-CSAZ107.54 Procedure for measurement of Sound and Vibration due to blasting operations.

- 15 Clearer definition of underwater blasting - outline the boundary requirements better. Where the diver is when explosives are set-off.
- 17 The requirement for a magazine license should be deleted. This will automatically trigger federal licensing.
- 18 The requirement for a blaster's certification should be transferred to Education.
- 19(2ai) A background check should be undertaken before a person can apply for a blasting certificate. *(Note - following the 2001 terrorist attack on the World Trade Center, the Federal Explosives Act is being revised and apparently will require a background check for anyone using explosives - our regulations simply need to facilitate this requirement)*

Occupational Health Regulations:

These regulations are the subject of a comprehensive review planned to be revisited in 2003.

Occupational Safety General Regulations:

- There should be limitations on hours of work.
- 2 "Act" is used several times in the regulation to refer to the OH&S Act. However, "Act" is never defined.
- 2(b) ALI stands for the "**Automotive** Lift Institute"
- 2(j) Move requirement for designation to be in writing out of Interpretation Section.
- 2(p) The definition is vague as to what "material" is. This leads to questions about whether garage door openers, Sobey's front doors are meant to be covered.

This definition excludes all hoists in U/G mines, even boom trucks, chain falls, auto hoists, etc. The U/G Mining Regs only refer to main cages and ore/waste hoists. The exemption should be limited to hoists substantively covered by the UMR.
- 5 Regulations should override manufacturers' specifications as well.
- 11 This requirement may be unsafe on a motorcycle, ATV or similar vehicle. Perhaps say "or other protective headwear specifically designed for the purpose and meeting the requirements of a relevant CSA or ANSI standard."
- 13(3)(b) There is an inconsistency here in that the standard says "Selection, Use, and Care" while the regulation states only "use, maintenance and testing." It should be clarified if the entire standard is adopted or not.
- 25 With the amendments to the Fire Safety Act, the references in this section should be reviewed to ensure only one regulator is overseeing fire safety.

- 47(3) This creates confusion in the public over who is in charge of fire safety - OH&S or the Fire Marshal. Especially considering that OH&S and the FM are in one Department, the government should place all fire safety within the realm of only one Division.
- 51(4) The issue of a machine shut down by a power failure and automatically restarting after restoration of power is not dealt with. California is proposing a law that requires provisions to prevent restarts upon restoration of power if inadvertent start-up is a safety hazard.
- 58(a) Should a back-up alarm be required on all vehicles at a work site, not just powered mobile equipment?
- 62(1)(b) Preamble calls up only SAE standards but b) is an ISO standard.
- 63(1) Industrial lift trucks should not have to have ROPS.

The regulation should allow for the adoption of more standards.

The regulation should require that ROPS be replaced after a rollover.
- 72(1)(e) Standard incorrectly referenced - should be “Automotive Lifts - Safety Requirements for Construction, Testing and Validation”
- 72 Adopt CSA B335-94 (R2000) Industrial Lift Truck Operator Training
- 73(6) A load test should be automatic, not discretionary.
- 80(9) Rigging hardware does not need to have daily and every-use inspections recorded. Daily hoist inspections are not recorded.
- 90 Adopt CSA Z62.3-96 (R2001) - Chain Saw Kickback
- 101(2) This is inherently dangerous practice, believe clause needs to be reviewed and repealed.
- 104 The regulation should clarify whether or not a power “tool” is or is not also a “machine”, as the requirements for tools and machines are different.
- 113(2)(b)(ii) Given that LEL’s are normally +/- 5%, 1% of the LEL would be only 0.05%. This is far below any hazard. It should be 1% of total concentration.
- 126 Section restricts companies from performing a number functions that they do not believe pose a danger. Recommend criteria or procedure developed to allow work while addressing safety concerns. (3)
- 127 The requirement for a plan should be limited to the situations described in 127(b)(i) to (iii).
The regulation should detail that enough information must be provided to allow for an adequate lock-out to be performed.

- 129(1) The definition as written could exempt sewers since they are in fact designed for regular and scheduled human occupancy in the form of inspections and maintenance. Suggest that (a) be rewritten to say “not designed or intended for regular human occupancy except for inspection, maintenance, cleaning or similar activities.”
- There is a vagueness here as to the “credit” given to PPE and ventilation. Some rulings from Ontario have said that tanker trucks, because one can wear PPE to supply a safe atmosphere, cannot be called confined spaces capable of generating an unsafe atmosphere. The same logic applies to ventilation - because one can blow air into a tanker truck, one can totally escape the confined space requirements. Suggest qualifying (c) by saying “in the determination of whether a space is or may become hazardous to a person entering it because of its atmosphere, no allowance is to be made for the use or potential use of personal protective equipment or ventilation.”
- 131(2) This references 130(8)(a) and (b) (chemical and physical tests) but not 130(8)(c) (oxygen level). 130(8)(c) should be added.
- 134(3) As currently written, the “reasonably practicable” applies only to the provision of the harness, not its use. The use would be required in all cases.
- 148(2)(e) We should clarify if this bars working from platform ladders.
- 150(1) The requirement to maintain the ladder to the CSA standard should be added.
- Part 11 There should be a requirement for GFCI in outdoor and wet locations.
- 196 It is unclear if this requirement applies to mine rescue personnel. It is suggested that it should.

Temporary Workplace Traffic Control Regulations:

This regulation is currently under revision. All comments have been accounted for in that process.

Workplace Hazardous Materials Information System Regulations:

- 1(m) From policy issue sheets, clarify that the term “laboratory” includes non-traditional laboratories, such as field testing situations, production line sampling/testing and steam heating plant sampling/testing.
- 1(n) From policy issue sheets, clarify that “Normal conditions of use” does not include an installation process, such as welding a copper pipe, or releases associated with maintenance or abuse.
- From policy issue sheets, clarify that “Exposed to” means exposed to a sufficient quantity to pose a hazard

- 1(o) From policy issue sheets, clarify that an MSDS that meets the format criteria used by the International Labour Organization (ILO), the American National Standards Institute (ANSI) or the European Community is acceptable provided all items required by the CPR are present somewhere on the MSDS.
- 1(p) From policy issue sheets, clarify that the “generic name” must be as precise as reasonably possible without disclosing any protected trade secrets. For example, calling a very complex and large molecule a “substituted ethylene” would not be acceptable, as there are names which could describe it more precisely.
- 2(3)(d) Under TDG, “being transported” includes warehousing operations. This then exempts warehouses from WHMIS. Is that intended?
- 4(a) This list actually never says to instruct in the specific hazards of the specific controlled product. This should be added.
- 5(1)(c) Add a H&S Representative to the consultations.
- 7(1) From policy issue sheets, clarify that in the special case of animal or human tissue or fluids that do or may contain biohazardous infectious materials, the workplace label shall identify the active biological organism that is known or suspected to be present.
- 11(2)(e) From policy issue sheets, clarify that in the case of biohazardous infectious materials, “chemical identity” means the name of the active biological organism.
- 11(2)(h) From policy issue sheets, clarify that the emergency telephone number does not have to be available at all times.
- 12(6) Add H&S Representative
- 14(1) Define “Readily available”. (1)

Make a specific allowance for “Fax on Demand” systems, whereby MSDS’s are maintained by a contract organization offsite and faxed to a user location upon demand.
- 14(1)(b) Add Health and Safety Representative.
- 14(2)(c) Add Health and Safety Representative.
- 15(1) Note that this is an outdated reference. The correct reference in sub-section 61(1) of the 1996 Occupational Health and Safety Act.
- 19(1) Add Health and Safety Representative.
- 20(2) These dates are all passed. These sections have no current use.
- 20(3) These dates are all passed. These sections have no current use.
- 21(1) These dates are all passed. These sections have no current use

Appendix Two
Linkages/Partnerships

Partner Organization	Description
Canadian Association of Administrators of Labour Legislation - Occupational Safety and Health Sub-Committee (CAALL-OSH)	Labour matters are generally provincial jurisdiction. The Division, through CAALL-OSH, works to avoid unnecessary duplication and conflicts and to take advantage of synergies.
Canadian Standards Association (CSA)	Consensus standards are a valuable source of guidance and information to workplaces. The Division promotes standards development in OH&S fields through development grants to the CSA.
Canadian Centre for Occupational Health and Safety	OHS Division continued to fund the inquiry desk on a per capita basis with the other Canadian jurisdictions to ensure that all employers and employees had access to a no cost information service to answer health and safety inquiries.
Department of Education	Accidents amongst younger workers are higher than one would predict based on demographics. There is a belief that there is a lack of safety training for young workers. Along with Human Resources Development Canada, the Division has provided funding to the Department of Education to develop a core health and safety curriculum for high school students prior to entering the job market. The course was piloted in 2001 and was offered province-wide in 2002.
Human Resources Development Canada	The Division maintains regular contact with HRDC. In addition, HRDC staff provided technical and facilitation support to the Underground Mining Regulations Sub-Committee.
North American OS&H Week Committee	North American Occupational Safety and Health Week is a premier event focussing public attention on OH&S. The Division supported North American Occupational Safety and Health Week through a financial contribution to the organizing committee, serving on the organizing committee and arranging for Division representatives at a variety of events. As part of this initiative, a supplement on health and safety was distributed with most daily and all weekly newspapers in the Province.
NS Safety Council Educational Programs	The NS Safety Council developed a Student Workplace Orientation Program as a 1-day generic health and safety course for students. This fiscal year, the Division sponsored its delivery throughout the province.

Partner Organization	Description
NS Construction Safety Association NS Forestry Safety Society NS Retail Gasoline Dealers' Association NS Trucking Safety Association	Industry-specific training has proven to be a successful way to reduce accident rates in both the construction and forestry industries. In order to encourage this activity in as many sectors as possible, the Division partners with safety associations in the construction, retail gasoline, trucking and forestry industries to deliver training to companies in those industries.
NS Department of Agriculture and Fisheries, Nova Scotia Fisheries Sector Council, Aquaculture Association of Nova Scotia	Fishing is an industry with hazards which are specific to their workplaces. To help disseminate relevant safety information to the industry, the Division is working with Agriculture and Fisheries to develop a booklet on fishing safety.
NS Safety Council Conference	The NS Safety Council holds the largest safety conference in NS. In order to ensure that this conference remains as high quality as possible, the Division supports the conference with funding and by providing speakers. This fiscal year, special funding was provided for a Youth Symposium at the conference.
NB WHSCC, mining industry	Mine rescue is a very specialized field. To help insure that the personnel in this field are as well-trained as possible, the Division co-sponsored the joint NS/NB Mine Rescue Competition.
Research and other grants	There are many projects in OH&S worthy of support. Through programs of research and other grants, the Division supports such projects.
Safe Communities Foundation	Safe Communities Foundation is a national organization aimed at mobilizing the resources of communities to deal with all aspects of health and safety - not just occupational. The Division supports this initiative through the temporary secondment on a half-time basis of one of our Education Development Officers to serve as Regional Coordinator.
St. John Ambulance and others	It has been shown that people trained in first aid experience a generally lower accident rate than those without such training. This benefit is in addition to the actual knowledge of first aid techniques. In order to increase the number of first aid trained people in NS, the Division cooperated with St. John Ambulance and the Department of Education on a project to make first aid courses available to high school students.
United Brotherhood of Carpenters and Joiners Of America - Local 1588	This local has created a public awareness campaign called "Safety First - Safety Tips". The Division is a financial sponsor of the campaign.

Partner Organization	Description
WCB and Canada Customs and Revenue Agency	The 3 partners held a “Small Business Workshop” to acquaint new and small business with OH&S laws, WCB procedures and Canada Customs and Revenue Agency issues.
Workers’ Compensation Board	In order to teach and encourage safe practices, the Division made presentations to health care and roofing firms around the province stressing safety and how they could improve it. The WCB also participates in the annual safety awards.
WSIS	In order to better coordinate the delivery of health and safety services, the WSIS partnership was created.

Appendix Three
Memoranda of Understanding:

The Division has established a series of memoranda of understanding with various government-related organizations. These are listed in Appendix Three.

Other Parties to the MOU	Purpose of MOU
Canada-Nova Scotia Offshore Petroleum Board	Provides for cooperation between the CNSOPB and the Division in the regulation of the offshore petroleum industry.
Canadian Centre for Occupational Health and Safety	National occupational health and safety web site - Provides for the maintenance of a national occupational health and safety web site through which users can be linked quickly to information on the Division's web site, as well as all other health and safety agencies in the country.
Government of New Brunswick Government of Prince Edward Island, Government of Newfoundland & Labrador	Provides that, subject to all applicable legislative requirements, all persons certified by any of the Parties or within the jurisdiction of any of the Parties as persons qualified in any of the categories of Blaster's, Traffic Control Persons or Asbestos Contractors shall be recognized by all of the parties and be permitted to work or act as a duly certified person within the jurisdiction of each of the parties.
Health Canada	Provides for the enforcement of the Hazardous Products Act and associated regulations in NS.
Human Resources Development Canada	Provides for sharing services and expertise.
Natural Resources Canada (CANMET), Alberta, British Columbia and coal mining industry	Underground Coal Mining Safety Research Collaboration - Provides a forum where research needs for safety in the underground coal mining industry can be discussed and appropriate research programs initiated.
Natural Resources Canada	Provides for the inspection of explosives magazines licensed under the NS General Blasting Regulations.
NB WHSCC, PEI WCB, NF WHSCC	Provides for shared services and personnel to assist in handling specialized skills requirements and peak workloads.
NS Department of Natural Resources, Environment Division of Department of Environment and Labour	One Window Committee for Mining: Provides a forum through which mining proponents can deal with all major government agencies at one time.
NS Department of Energy, NS Department of Natural Resources, Environment Division of Department of Environment and Labour	Clarifies the working relationship between the parties with respect to onshore petroleum exploration and development in the Province and to promote and facilitate consultation, cooperation, and mutual assistance among the parties with respect to such onshore petroleum exploration and development.

Other Parties to the MOU	Purpose of MOU
NS Workers Compensation Board	<p>Provides for sharing services and expertise in such areas as statistics, communications, education and information technology to maximize services to our combined clients.</p> <p>The standing committee of both organizations continued to meet regularly to identify projects of mutual benefit.</p>

Appendix Four
Committees Upon Which Divisional Personnel Served

Agency Committee on the Government Response to the Dorsey Report
American Industrial Hygiene Association - Atlantic Provinces Local Section
Atlantic Provinces Cooperation on OH&S
Blasters Board of Examiners
Canadian Association of Administrators of Labour Legislation
Canadian Chief Mine Inspectors Committee
Christmas Tree Producers Association - Special Event Committee
Coal Miners Board of Examiners
F/P/T Committee on Environment & Occupational Health
Hazardous Products Information Review Commission
Hazardous Materials Information Review Commission
Health Canada/Hazardous Products Act-related committees
Healthy Indoors Partnership
HRDC/DEL Operational Committee
John T Ryan Safety Award Committee
Joint Training Committee (CAALL)
NAOSH Planning Committee and its Communications Sub-Committee
National Youth Council (CAALL)
Nova Scotia Government Employee Union, OH&S Committee
Nova Scotia Farm Health and Safety Committee (NS Dept. of Agriculture and Fisheries)
Nova Scotia Forestry Products Association
NS/NB Mine Rescue Committee
Offshore OH&S Accord Act Revisions Committee
OH&S Advisory Council and sub-committees
One Window Committee - Mining
One Window Committee - Department of Energy
Representatives of Atlantic Canada Organizing Committee (RAPP)
Temporary Workplace Traffic Control Committee
Underground Coal Mining Safety Research Collaboration

Appendix Five
Overview of Divisional Operations

Table 5-1
Occupational Health and Safety Division
Tracked Activity Numbers (Fiscal Years)

Tracked Activity	02/03	01 / 02	00 / 01	99 / 00	98 / 99
Prosecutions Initiated	28	24	14	37	14
Fatalities Investigated	9	18	11	14	12
Work Refusals Investigated	8	13	8	18	24
Appeals of Officer Decisions	25	23	30	29	17
Appeals of Director Decisions	8	15	13	10	5
General Inspections	1,039	1,287	1,897	1,563	1,022
Targeted Inspections	641	583	#	#	#
Joint Inspections	27	27	9	36	128
Reinspections	455	478	392	258	143
Complaints Investigated	834	860	775	703	533
Incidents Investigated	302	325	261	239	185
Discriminatory Action Complaints	69	50	35	50	51
Educational Services	38	93	97	47	64
Meetings	145	231	221	295	308
Total	3,628	4,027	3,763	3,299	2,506

Inspection targeting was first implemented in 2001/2002. For a firm to be targeted, it must be in a demerit position in the WCB Experience Rating System. For information on this rating system, please see:

- WCB Employers Guide (<http://www.wcb.ns.ca/employersguide2002.pdf>)
- Experience Rating (<http://www.wcb.ns.ca/policymanual/experatg.htm>).

Table 5-2
Orders Issued Under The OH&S Act, MMQRA*,
Associated Regulations & Codes of Practice
Summary Version (Fiscal Years)

Category	Number of Orders Issued			
	02/03	01 / 02	00 / 01	99 / 00
Orders Issued Under the Acts				
Occupational Health and Safety Act	2,157	1,971	2,917	2,976
Stop Work Orders	141	137	144	202
Deviations Granted	18	21	17	13
Codes of Practice Required Under Act	9	9	6	12
Suspensions under the MMQRA*	0	0	10	0
Approvals under the MMQRA*	1	10	20	0
Orders Issued Under the Regulations				
Appeal Panel Regulations	0	0	0	0
Construction Safety Regulations ^s	0	0	27	554
Disclosure of Information Regulations	0	0	0	0
Fall Protection & Scaffolding Regulations	604	453	695	812
First Aid Regulations	787	637	944	830
General Blasting Regulations	18	30	40	26
Industrial Safety Regulations ^s	0	0	209	1,282
Occupational Health Regulations	27	34	16	12
Occupational Safety General Regulations	2,533	2,314	3,129	0
Temporary Workplace Traffic Control Regs.	26	22	33	14
WHMIS Regulations	540	394	593	469
Orders Issued Under Codes of Practice				
Managing Asbestos in Buildings ⁺	0	4	6	1
Removal of Friable Asbestos ⁺	0	0	1	0
Working with Lead ⁺	0	1	0	0
TOTAL	6,692	5,860	8,610	6,976

* "MMQRA" = Metalliferous Mines and Quarries Regulation Act

Regulations did not exist at this time.

^s All sections of these regulations were repealed in 2000/2001.

+ These are now counted in “Codes of Practice Required Under the Act”

Table 5-3
Orders Issued Under The OH&S Act, Associated Regulations & Codes of Practice
Detail Version (Fiscal Years)

Law	Number of Orders Issued			Percent of All Orders		
	02/03	01/02	00/01	02/03	01/02	00/01
Occupational Health and Safety Act						
Employer duties, precautions	442	375	701	6.6	6.4	8.1
Employee duties, precautions	6	5	13	0.1	0.1	0.2
Contractor, Constructor and other duties, precautions	98	65	86	1.5	1.1	1.0
Policy	271	270	356	4.1	4.6	4.1
Program	168	226	285	2.5	3.9	3.3
Joint occupational health and safety committee	139	172	208	2.1	2.9	2.4
Health and safety representative	224	203	264	3.3	3.5	3.1
Communication of Information	388	257	539	5.8	4.4	6.3
Stop Work Orders	141	137	144	2.1	2.3	1.7
Deviations Reviewed	20	21	17	0.3	0.4	0.2
Codes of Practice Required	1	9	6	0.0	0.2	0.1
Other sections	257	231	298	3.8	3.9	3.5
Construction Safety	N/A	N/A	27	0.0	0.0	0.3
Fall Protection and Scaffolding						
Fall Protection but not roof work	293	248	343	4.4	4.2	4.0
Roof work	56	32	55	0.8	0.5	0.6
Scaffolding and Work Platforms	252	173	297	3.8	3.0	3.4
First Aid						
General Responsibilities (section 4)	125	59	114	1.9	1.0	1.3
Certificates (section 5)	450	311	475	6.7	5.3	5.5
Supplies (sections 9 and 10)	49	41	51	0.7	0.7	0.6
Director's variations (section 13)	16	7	7	0.2	0.1	0.1

Law	Number of Orders Issued			Percent of All Orders		
	02/03	01/02	00/01	02/03	01/02	00/01
First aid kits, rooms (sections 14-17)	290	181	246	4.3	3.1	2.9
Remote location plans (section 18)	8	6	11	0.1	0.1	0.1
Other sections	43	32	40	0.6	0.5	0.5
General Blasting	18	30	40	0.3	0.5	0.5
Industrial Safety	N/A	N/A	209	0.0	0.0	2.4
Occupational Health	27	34	16	0.4	0.6	0.2
Occupational Safety General						
Personal protective equipment (sections 9 to 14)	251	221	294	3.8	3.8	3.4
Ventilation, Lighting, Sanitation, Accommodation (sections 15 to 25)	497	391	709	7.4	6.7	8.2
Handling, storage of material (sections 26 to 50)	187	152	258	2.8	2.6	3.0
Lock-out (sections 51 to 54)	62	63	30	0.9	1.1	0.3
Hoists, mobile equipment (sections 55 to 83)	427	513	459	6.4	8.8	5.3
Mechanical safety (sections 84 to 103)	321	267	401	4.8	4.6	4.7
Tools (sections 104 to 108)	11	11	19	0.2	0.2	0.2
Welding, cutting, burning, soldering (sections 109 to 119)	117	88	153	1.7	1.5	1.8
Electrical safety (sections 120 to 128)	222	203	307	3.3	3.5	3.6
Confined space entry (sections 129 to 137)	20	24	8	0.3	0.4	0.1
Premises and Building Safety, Construction and Demolition (sections 138 to 165)	343	286	401	5.1	4.9	4.7
Excavations and trenches (sections 166 to 173)	13	49	33	0.2	0.8	0.4
Surface mine workings (sections 174 to 189)	29	28	44	0.4	0.5	0.5
Equipment for firefighters (sections 190 to 203)	3	0	0	0.0	0.0	0.0

Law	Number of Orders Issued			Percent of All Orders		
	02/03	01/02	00/01	02/03	01/02	00/01
Other parts	13	18	13	0.2	0.3	0.2
Temporary Workplace Traffic Control	28	22	33	0.4	0.4	0.4
WHMIS						
Prohibition (section 3)	67	47	52	1.0	0.8	0.6
Employee education (sections 4 and 5)	209	173	244	3.1	3.0	2.8
Labels (sections 6 to 11)	27	23	44	0.4	0.4	0.5
Material safety data sheets (sections 12 to 14)	238	150	252	3.6	2.6	2.9
Other parts	0	1	1	0.0	0.0	0.0
Managing Asbestos in Buildings (COP)	0	4	6	0.0	0.1	0.1
Removal of Friable Asbestos (COP)	0	0	1	0.0	0.0	0.0
Working with Lead (COP)	0	1	0	0.0	0.0	0.0

**Table 5-4
Prosecutions by Industry Type (Fiscal Years)**

Industry	Prosecutions Initiated				
	02/03	01 / 02	00 / 01	99 / 00	98 / 99
Accommodation, Food, and Beverage	1	0	1	0	0
Agricultural and Related Services	3	0	0	0	1
Business Services	0	0	0	1	1
Communications	2	0	0	0	0
Construction	9	10	6	17	7
Education Services	0	0	0	0	0
Finance and Insurance	0	0	0	2	0
Fishing and Trapping	2	1	0	1	1
Government Services	2	2	1	2	0
Health and Social Services	0	0	0	0	0
Logging and Forestry	0	0	0	0	0
Manufacturing	6	5	1	8	1
Mining, Quarrying, and Oil	1	0	0	3	0
Other Services	0	0	0	0	1
Real Estate / Insurance	1	0	0	0	0
Retail Trade	0	0	1	1	2
Transportation and Storage Industries	0	4	1	0	0
Wholesale Trade	1	0	0	2	0

**Table 5-5
Decisions on Prosecution Charges**

Parameter	Fiscal Year Charges Decided				
	02/03	01 / 02	00 / 01	99 / 00	98 / 99
Decided charges - Guilty	19	18	25	16	10
Decided charges - Not guilty	4	0	4	0	5
Dismissed	25	10	3	0	0
Withdrawn	31	34	40	44	29
Stayed	0	0	4	3	0
Quashed	0	4	2	0	0
Total Charges	79	66	78	63	44

There were 24 prosecutions decided in fiscal year 2002-2003

Legend: ISR - Industrial Safety Regulations; FPSR - Fall Protection and Scaffolding Regulations; OSGR - Occupational Safety General Regulations; OHSA - Occupational Health and Safety Act.

Accused: A.W. Leil Cranes and Equipment (1986) Ltd.

Decision Date: March 28, 2003

Charges:

OHSA 13(1) & Act 74(1)(a)

Outcome

Penalty

Guilty

\$2000 + 15%
victim surcharge

FPSR 37(7) & Act 74(1)(a)

Not Guilty

ISR 121(c) & Act 74(1)(a)

Guilty

\$10,000 + 15%
victim surcharge +
\$13,000 public
education

ISR 122(b) & Act 74(1)(a)

Stayed

Accused: Kenneth Keith Kennedy

Decision Date: December 17, 2002

Charges:

OHSA 17(1) & Act 74(1)(a)

Guilty

\$500 + mobile
crane course

Accused: Sagadore Cranes and Equipment (A.W. Leil)

Decision Date: March 28, 2003

Charges:

OHSA 13(1) & Act 74(1)(a)

Dismissed

FPSR 37(7) & Act 74(1)(a)

Dismissed

ISR 121(c) & Act 74(1)(a)

Dismissed

ISR 122(b) & Act 74(1)(a)

Dismissed

	Outcome	Penalty
Accused: A.W. Leil Cranes and Equipment (1986) Ltd. Accused: Transportation and Public Works Decision Date: November 29, 2002 Charges: OHSa 15(a) & OHSa 74(1)(a) OSGR 126 & OHSa 74(1)(a) OSGR 126(2) & OHSa 74(1)(a) OHSa 13(1) & OHSa 74(1)(a)	Guilty Dismissed Dismissed Dismissed	\$5,000
Accused: Racla Property Development Decision Date: September 4, 2002 Charges: FPSR 14 & OHSa 15(e) & OHSa 74(1)(a) FPSR 9 & OHSa 15(e) & OHSa 74(1)(a) FPSR 16(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 143(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 142(4) & OHSa 15(e) & OHSa 74(1)(a) OHSa 74(1)(b)(1)	Dismissed Dismissed Guilty Dismissed Dismissed Dismissed	\$5,000
Accused: Maritime Paper Products Ltd. Decision Date: June 12, 2002 Charges: OSGR 87(2) & OHSa 74(1)(a)	Guilty	\$50,000+7,500
Accused: George Ramia Decision Date: September 4, 2002 Charges: FPSR 14 & OHSa 15(e) & OHSa 74(1)(a) FPSR 9 & OHSa 15(e) & OHSa 74(1)(a) FPSR 16(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 143(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 142(4) & OHSa 15(e) & OHSa 74(1)(a) OHSa 74(1)(b)(1)	Withdrawn Withdrawn Withdrawn Withdrawn Withdrawn Withdrawn	
Accused: Capital General Contractors Ltd. Decision Date: September 4, 2002 Charges: FPSR 14 & OHSa 15(e) & OHSa 74(1)(a) FPSR 9 & OHSa 15(e) & OHSa 74(1)(a) FPSR 16(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 143(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 142(4) & OHSa 15(e) & OHSa 74(1)(a) OHSa 74(1)(b)(1)	Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed	
Accused: Joe Arab Decision Date: September 4, 2002 Charges: FPSR 14 & OHSa 15(e) & OHSa 74(1)(a) FPSR 9 & OHSa 15(e) & OHSa 74(1)(a) FPSR 16(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 143(1) & OHSa 15(e) & OHSa 74(1)(a) OSGR 142(4) & OHSa 15(e) & OHSa 74(1)(a) OHSa 74(1)(b)(1)	Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed	
Accused: Robert Bernard Sleith Decision Date: September 27, 2002		

	Outcome	Penalty
Accused: A.W. Leil Cranes and Equipment (1986) Ltd.		
Charges:		
OHS 17(1)(f) & OHS 74(1)(a)	Not Guilty	
OHS 17(1)(a) & OHS 74(1)(a)	Not Guilty	
OHS 17(1)(a) & OHS 74(1)(a)	Not Guilty	
Accused: Leo J. Beazley (1996) Ltd.		
Decision Date: April 16, 2002		
Charges:		
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
Accused: Lee M. Beazley Co. Ltd		
Decision Date: April 16, 2002		
Charges:		
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
Accused: Lee M. Beazley		
Decision Date: April 16, 2002		
Charges:		
OSGR 126(4) & OHS 74(1)(a)	Guilty	\$2,000
OSGR 75(1)(c) & OHS 74(1)(a)	Guilty	\$2,875 + 15% victim surcharge + course
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
OSGR 126(4) & OHS 74(1)(a)	Withdrawn	
OSGR 75(1)(c) & OHS 74(1)(a)	Withdrawn	
Accused: Five Star Roofing and Masonry Ltd.		
Decision Date: October 24, 2002		
Charges:		
FPSR 17(3) & OHS 74(1)(a)	Guilty	\$1,000 + 15% victim surcharge
Accused: Bell Electric Inc.		
Decision Date: September 5, 2002		
Charges:		
OHS 14(a) & OHS 74	Withdrawn	
OSGR 120 & OHS 74	Guilty	\$3,000 + 15% victim surcharge
Accused: Transportation and Public Works		
Decision Date: January 28, 2003		
Charges:		
OHS 74 (1)(a)	Guilty	\$5,000 + \$10,000 education

<i>Accused:</i>	Outcome	Penalty
A.W. Leil Cranes and Equipment (1986) Ltd. <i>Accused:</i> Dexter Construction <i>Decision Date:</i> October 23, 2002 <i>Charges:</i> OSGR 51(3) & OHSA 13(2)(d) & OHSA 74(1)(a)	Guilty	\$15,000 + \$15,000 education
OSGR 52(1)(b)(c) & OHSA 13(2)(d) & OHSA 74(1)(a) OSGR 23(a)(b)(i,ii,iii) & OHSA 13(2)(d) & OHSA 74(1)(a) OHSA 13(1)(c) & OHSA 74(1)(a) OHSA 63(1) & OHSA 74(1)(a)	Withdrawn Withdrawn Withdrawn Guilty	\$5,000
<i>Accused:</i> Trenton Works Ltd. <i>Decision Date:</i> November 29, 2002 <i>Charges:</i> OSGR 57(1)(c) & OHSA 74(1)(a)	Guilty	\$25,000 + 10 % victim surcharge
FPSR 7 & OHSA 74(1)(a) OHSA 13(1)(c) & OHSA 74(1)(a)	Withdrawn Withdrawn	
<i>Accused:</i> Calvin MacInnis <i>Decision Date:</i> November 29, 2002 <i>Charges:</i> OHSA 17(1)(a) & OHSA 74(1)(a)	Dismissed	
<i>Accused:</i> Fernandez Gose Henriques <i>Decision Date:</i> November 18, 2002 <i>Charges:</i> OHSA 17(1)(a)	Guilty	\$1,000
<i>Accused:</i> Victor Hollett <i>Decision Date:</i> November 18, 2002 <i>Charges:</i> OHSA 17(1)(a)	Guilty	\$500
<i>Accused:</i> Frank Jonkman & Sons Ltd. <i>Decision Date:</i> November 18, 2002 <i>Charges:</i> OHSA 13(1)(c)	Guilty	\$5,000
<i>Accused:</i> Wayne B. Millet Lumber and Boxes <i>Decision Date:</i> October 28, 2002 <i>Charges:</i> OSGR 87(7) & OHSA 13(1)(a) OSGR 87(7) & OHSA 13 (1)(b)	Withdrawn Guilty	\$500 + \$75 victim surcharge
OSGR 87(7) & OHSA 13 (1)(f)	Withdrawn	

**Table 5-6
Percentage of Activities by Industry Type (Fiscal Years)**

Industry	SIC Range	02/03	01 / 02	00 / 01	99 / 00	98 / 99
Accommodation, Food, and Beverage	9000-9599	6.5	7.5	3.3	2.2	1.6
Agricultural and Related Services	0000-0299	2.3	1.9	2.1	1.7	1.0
Business Services	7700-7999	1.2	1.9	1.6	0.9	1.1
Communications	4800-4999	1.2	1.2	1.7	1.9	2.6
Construction	4000-4499	32.0	28.2	28.6	36.6	37.6
Education Services	8500-8599	1.2	1.5	1.3	1.6	2.8
Finance and Insurance	7000-7499	0.6	0.3	0.1	0.3	0.1
Fishing and Trapping	0300-0399	1.2	0.8	0.6	1.3	0.6
Government Services	8000-8499	6.7	11.7	11.6	6.2	7.7
Health and Social Services	8600-8999	3.3	4.5	3.6	5.0	3.3
Logging and Forestry	0400-0599	1.7	2.0	1.9	1.9	2.2
Manufacturing	1000-3999	14.6	16.9	12.9	16.9	16.5
Mining, Quarrying, and Oil	0600-0999	2.5	2.4	2.7	2.8	3.7
Other Services	9600-9999	4.7	3.9	3.9	4.0	4.2
Real Estate / Insurance	7500-7699	0.9	0.3	0.8	0.6	0.4
Retail Trade	6000-6999	12.6	9.2	16.2	8.9	7.5
Transportation and Storage Industries	4500-4799	2.5	2.0	1.7	2.1	2.3
Wholesale Trade	5000-5999	4.2	3.7	5.4	5.3	4.9

Table 5-7
Percentage of Targeted Firms by Industry Type
and
Percentage of Inspections Coded as “Targeted” by Industry Type* (Fiscal Years)

Industry	SIC Range	02/03		01/02
		% of Targeted Firms	% of Targeted Inspections	% of Targeted Inspections
Accommodation, Food, and Beverage	9000-9599	8.5	7.5	31.0
Agricultural and Related Services	0000-0299	2.3	3.3	1.4
Business Services	7700-7999	1.5	0.6	0.5
Communications	4800-4999	1.5	0.9	0.2
Construction	4000-4499	23.4	30.0	6.7
Education Services	8500-8599	0.5	0.0	0.0
Finance and Insurance	7000-7499	0.0	0.2	0.0
Fishing and Trapping	0300-0399	2.8	1.6	2.1
Government Services	8000-8499	2.8	3.0	1.2
Health and Social Services	8600-8999	4.1	23.0	8.1
Logging and Forestry	0400-0599	5.0	4.4	3.6
Manufacturing	1000-3999	12.4	16.5	32.2
Mining, Quarrying, and Oil	0600-0999	0.8	0.6	0.9
Other Services	9600-9999	5.3	3.9	1.2
Real Estate / Insurance	7500-7699	1.5	0.5	0.0
Retail Trade	6000-6999	13.8	14.2	5.7
Transportation and Storage Industries	4500-4799	5.7	5.6	1.9
Wholesale Trade	5000-5999	8.1	4.4	3.4

* The Inspection Targeting System was implemented in 2001/2002. For a firm to be targeted, it must be registered with the WCB and be in a demerit position based upon the WCB Experience Rating System. For information on this rating system, please see:

- WCB Employers Guide (<http://www.wcb.ns.ca/employersguide2002.pdf>)
- Experience Rating (<http://www.wcb.ns.ca/policymanual/experatg.htm>).

**Table 5-8
Percentage of Orders by Industry Type (Fiscal Years)**

Industry	SIC Range	02/03	01/02	00/01	99/00	98/99
Accommodation, Food, and Beverage	9000-9599	9.5	13.6	4.5	3.4	1.7
Agricultural and Related Services	0000-0299	1.6	0.9	1.0	0.9	1.4
Business Services	7700-7999	0.9	1.0	0.5	0.5	0.5
Communications	4800-4999	1.1	0.7	0.9	1.1	1.3
Construction	4000-4499	26.2	22.9	23.5	32.5	31.4
Education Services	8500-8599	0.5	0.6	1.9	1.0	1.0
Finance and Insurance	7000-7499	0.3	0.0	0.1	0.1	0.0
Fishing and Trapping	0300-0399	0.6	0.4	0.4	1.3	0.3
Government Services	8000-8499	4.2	3.2	2.8	2.9	4.2
Health and Social Services	8600-8999	2.2	2.1	2.2	3.1	2.0
Logging and Forestry	0400-0599	0.5	1.3	1.1	0.9	1.0
Manufacturing	1000-3999	16.6	25.0	15.2	19.2	19.3
Mining, Quarrying, and Oil	0600-0999	1.2	2.7	2.4	1.3	1.9
Other Services	9600-9999	6.0	4.8	5.3	3.4	5.5
Real Estate / Insurance	7500-7699	1.1	0.1	0.4	0.4	0.4
Retail Trade	6000-6999	19.3	14.5	27.3	16.9	18.2
Transportation and Storage Industries	4500-4799	1.5	1.8	1.4	1.8	1.4
Wholesale Trade	5000-5999	6.5	4.4	9.2	9.2	8.6

**Table 5-9
Distribution of Complaints by Industry Type (Fiscal Years)**

Industry	SIC Range	02/03	01/02	00/01	99/00	98/99
Accommodation, Food, and Beverage	9000-9599	4.1	2.3	3.9	1.9	3.2
Agricultural and Related Services	0000-0299	2.0	1.4	0.8	1.1	1.9
Business Services	7700-7999	2.4	1.2	2.1	0.5	0.8
Communications	4800-4999	1.7	0.8	1.9	1.1	1.3
Construction	4000-4499	43.3	43.7	40.1	41.0	40.9
Education Services	8500-8599	2.2	1.4	1.9	2.0	2.8
Finance and Insurance	7000-7499	1.2	0.7	0.3	0.4	0.2
Fishing and Trapping	0300-0399	1.0	0.8	0.8	1.2	1.1
Government Services	8000-8499	6.0	6.7	6.2	7.2	6.8
Health and Social Services	8600-8999	3.2	4.6	5.2	5.5	2.6
Logging and Forestry	0400-0599	0.7	1.0	0.8	1.2	1.5
Manufacturing	1000-3999	11.3	13.8	11.5	15.6	15.7
Mining, Quarrying, and Oil	0600-0999	1.0	1.5	1.6	1.2	0.9
Other Services	9600-9999	5.6	6.0	5.7	4.8	4.7
Real Estate / Insurance	7500-7699	1.9	0.7	1.3	1.4	1.5
Retail Trade	6000-6999	6.2	7.3	8.3	7.7	5.3
Transportation and Storage Industries	4500-4799	2.2	2.4	2.9	1.6	3.8
Wholesale Trade	5000-5999	4.1	3.7	4.8	4.5	4.9

Table 5-10
Percentage of WCB Time-Loss Claims by Industry Sector (Calendar Years)

Industry	SIC Range	2002	2001	2000	1999	1998
Accommodation, Food, and Beverage	9000-9599	7.3	7.3	7.9	6.8	7.1
Agricultural and Related Services	0000-0299	0.7	0.9	0.9	1.1	1.3
Business Services	7700-7999	1.8	1.4	1.3	0.9	1.1
Communications	4800-4999	3.6	3.8	3.5	3.6	3.4
Construction	4000-4499	8.7	9.0	9.1	9.5	8.8
Education Services	8500-8599	#	#	#	#	#
Finance and Insurance	7000-7499	#	#	#	#	#
Fishing and Trapping	0300-0399	2.8	2.9	2.5	2.0	2.1
Government Services	8000-8499	8.0	7.9	6.9	7.8	8.9
Health and Social Services	8600-8999	16.8	15.9	15.8	17.0	16.3
Logging and Forestry	0400-0599	1.1	1.1	1.2	1.6	1.6
Manufacturing	1000-3999	22.9	22.9	23.7	22.9	22.8
Mining, Quarrying, and Oil	0600-0999	0.5	1.3	1.5	2.5	2.6
Other Services	9600-9999	3.9	4.0	3.0	3.0	2.4
Real Estate / Insurance	7500-7699	#	#	#	#	#
Retail Trade	6000-6999	10.4	10.3	10.5	10.0	10.4
Transportation and Storage Industries	4500-4799	6.0	5.9	6.2	5.5	5.7
Wholesale Trade	5000-5999	5.5	5.4	5.1	4.9	4.4

Industry group not reported separately by WCB.

Table 5-11
Ratio of % of Orders to % of Activity by Industry Sector (+) (Fiscal Years)

Industry	SIC Range	02/03	01/02	00/01	99/00	98/99
Accommodation, Food, and Beverage	9000-9599	1.5	1.8	1.4	1.5	1.1
Agricultural and Related Services	0000-0299	0.7	0.5	0.5	0.5	1.4
Business Services	7700-7999	0.8	0.5	0.3	0.6	0.5
Communications	4800-4999	0.9	0.6	0.5	0.6	0.5
Construction	4000-4499	0.8	0.8	0.8	0.9	0.8
Education Services	8500-8599	0.4	0.4	1.5	0.6	0.4
Finance and Insurance	7000-7499	0.5	0.0	1.0	0.3	0.0
Fishing and Trapping	0300-0399	0.5	0.5	0.7	1.0	0.5
Government Services	8000-8499	0.6	0.3	0.2	0.5	0.5
Health and Social Services	8600-8999	0.7	0.5	0.6	0.6	0.6
Logging and Forestry	0400-0599	0.3	0.6	0.6	0.5	0.5
Manufacturing	1000-3999	1.1	1.5	1.2	1.1	1.2
Mining, Quarrying, and Oil	0600-0999	0.5	1.1	0.9	0.5	0.5
Other Services	9600-9999	1.3	1.2	1.4	0.8	1.3
Real Estate / Insurance	7500-7699	1.2	0.3	0.5	0.7	1.0
Retail Trade	6000-6999	1.5	1.6	1.7	1.9	2.4
Transportation and Storage Industries	4500-4799	0.6	0.9	0.8	0.9	0.6
Wholesale Trade	5000-5999	1.5	1.2	1.7	1.7	1.8

+ A value of 1.0 would indicate an “average” number of orders were issued in a particular industry sector. Values above 1 suggest that, on average, more orders were issued in this sector; values below 1 suggest that, on average, fewer orders were issued in this sector.

Table 5-12
Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Sector (+)
(Calendar Years)

Industry	SIC Range	2002	2001	2000	1999	1998
Accommodation, Food, and Beverage	9000-9599	1.0	1.2	2.9	3.4	3.9
Agricultural and Related Services	0000-0299	0.3	0.4	0.5	0.7	1.6
Business Services	7700-7999	1.3	0.8	0.9	1.0	1.2
Communications	4800-4999	3.3	2.5	1.8	2.0	1.5
Construction	4000-4499	0.3	0.3	0.3	0.2	0.2
Education Services	8500-8599	#	#	#	#	#
Finance and Insurance	7000-7499	#	#	#	#	#
Fishing and Trapping	0300-0399	2.5	3.6	3.1	1.7	3.5
Government Services	8000-8499	0.9	0.7	0.7	1.1	1.1
Health and Social Services	8600-8999	5.1	3.4	3.6	4.6	4.1
Logging and Forestry	0400-0599	0.6	0.6	0.5	0.8	1.0
Manufacturing	1000-3999	1.4	1.5	1.7	1.4	1.4
Mining, Quarrying, and Oil	0600-0999	0.2	0.5	0.5	0.8	0.8
Other Services	9600-9999	1.0	1.0	0.8	0.8	0.6
Real Estate / Insurance	7500-7699	#	#	#	#	#
Retail Trade	6000-6999	0.9	0.9	0.7	1.3	1.6
Transportation and Storage Industries	4500-4799	2.7	3.0	3.4	2.5	2.6
Wholesale Trade	5000-5999	1.4	1.2	1.0	1.0	0.8

+ A value of 1.0 would indicate a perfect balance between activities and claims experience. Values above 1 suggest that, given their claims experience, too few activities are carried out in this sector; values below 1 suggest too many activities are carried out in this sector.

Industry group not reported separately by WCB.

Note a systemic bias occurs in this data in that, while the OH&S Division covers all workplaces, significant industry sectors are not comprehensively covered by the WCB. That said, the values are thought to be “in the right ballpark” and the trends are thought to be informative.

Also note that the data presented in Table Twelve is based on calendar years. Therefore the % of Activities do not correspond with those presented in Table Seven.

Table 5-13
Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Sector (+)
(Calendar Years)

Industry	SIC Range	2002	2001	2000	1999	1998
Accommodation, Food, and Beverage	9000-9599	0.7	0.7	1.8	2.4	3.9
Agricultural and Related Services	0000-0299	0.4	1.1	0.8	0.9	2.2
Business Services	7700-7999	1.8	1.6	2.2	2.3	1.8
Communications	4800-4999	3.3	4.8	3.2	3.0	4.9
Construction	4000-4499	0.3	0.5	0.4	0.3	0.3
Education Services	8500-8599	#	#	#	#	#
Finance and Insurance	7000-7499	#	#	#	#	#
Fishing and Trapping	0300-0399	4.7	4.8	8.3	1.5	10.5
Government Services	8000-8499	2.2	2.3	2.8	2.2	2.5
Health and Social Services	8600-8999	8.8	5.9	7.2	7.1	4.9
Logging and Forestry	0400-0599	1.6	0.8	1.2	1.2	3.2
Manufacturing	1000-3999	1.2	1.1	1.4	1.3	1.1
Mining, Quarrying, and Oil	0600-0999	0.4	0.5	0.8	1.5	1.5
Other Services	9600-9999	0.7	0.9	0.6	0.8	0.4
Real Estate / Insurance	7500-7699	#	#	#	#	#
Retail Trade	6000-6999	0.6	0.5	0.4	0.7	0.7
Transportation and Storage Industries	4500-4799	3.8	3.9	3.9	2.8	5.7
Wholesale Trade	5000-5999	1.2	0.9	0.6	0.5	0.5

+ A value of 1.0 would indicate a perfect balance between orders issued and claims experience. Values above 1 suggest that, given their claims experience, too few orders are issued in this sector; values below 1 suggest too many orders are issued to this sector.

Industry group not reported separately by WCB.

** No orders were issued.

Note a structural bias occurs in this data in that, while the OH&S Division covers all workplaces, significant industry sectors are not comprehensively covered by the WCB. That said, the values are thought to be “in the right ballpark” and the trends are thought to be informative.

Also note that the data presented in Table Thirteen is based on calendar years. Therefore the % of Orders do not correspond with those presented in Table Eight.

**Table 5-14
Total Costs of the OH&S Division**

	2002 / 2003	2001 / 2002	2000 / 2001	1999 / 2000	1998 / 1999
Total Costs (actual \$000)	5,224	5,020	4,500	4,446	3,109
Total Costs (Dec. 2002 \$000)	5,224	5,280	4,721	4,831	3,490

**Figure 5-1
Activities, Orders, and WCB Claims by Industry Group
Calendar Year 2002**

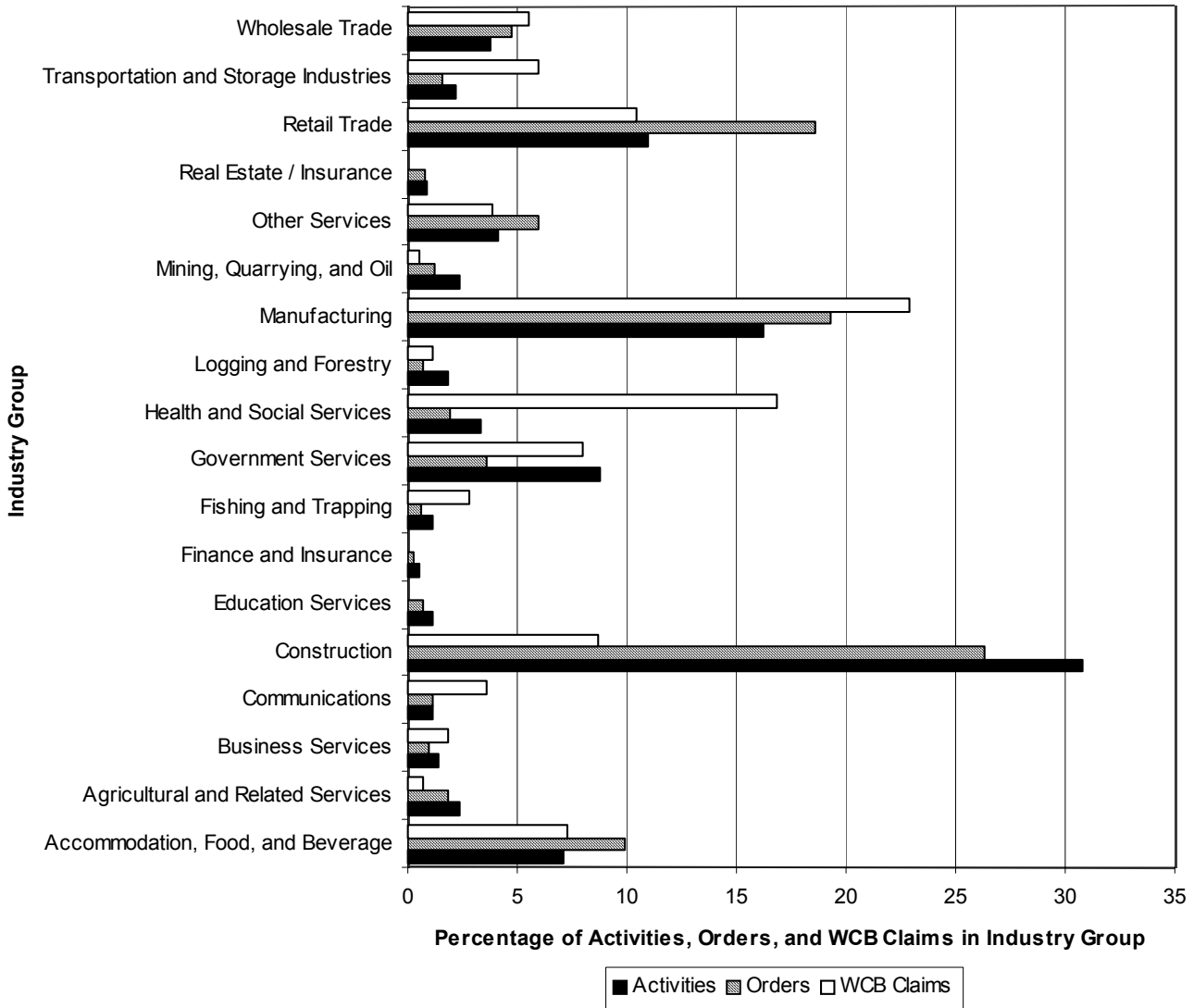


Figure 5-2
Ratio of % of Orders to % of Activities by Industry Group

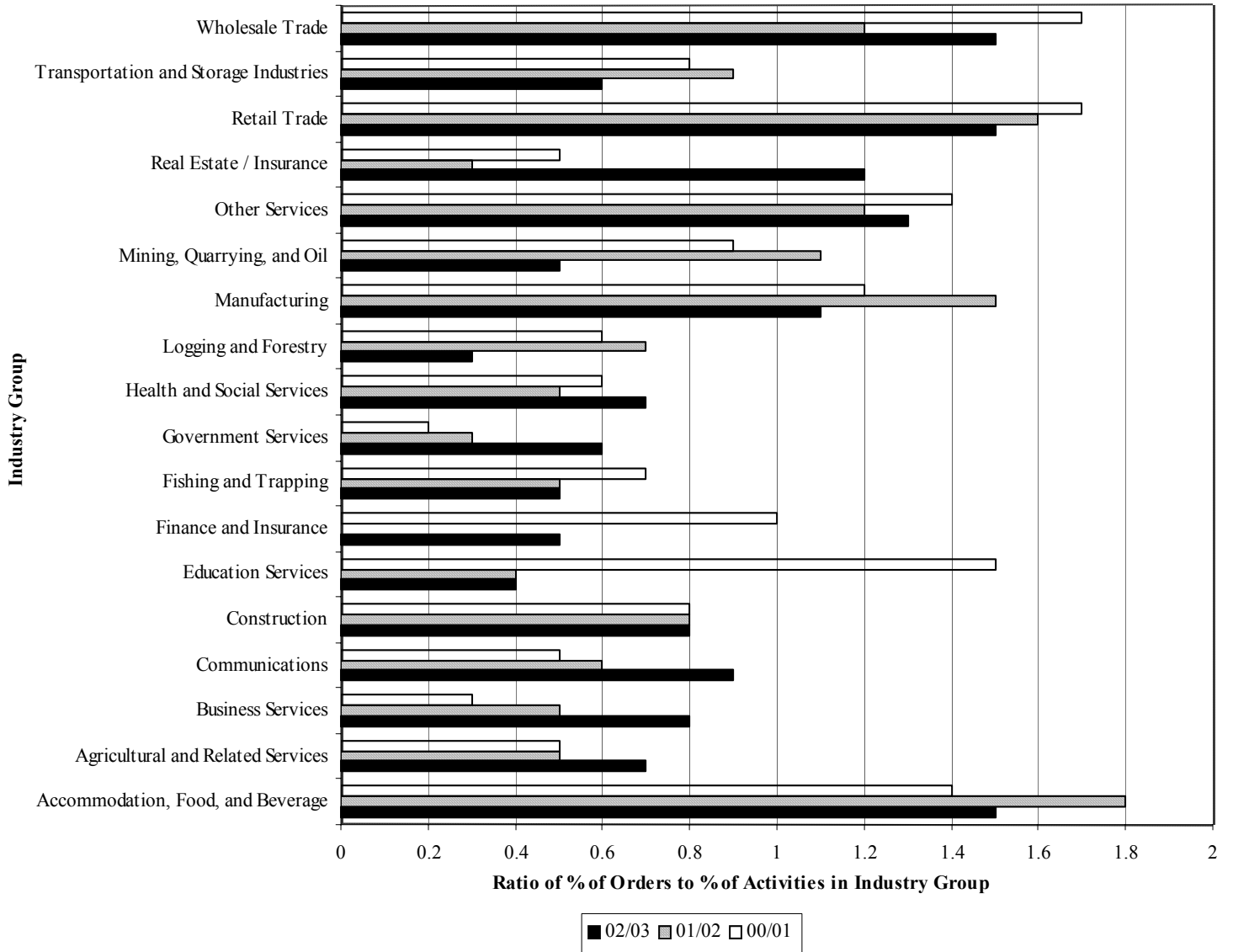


Figure 5-3
Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Group

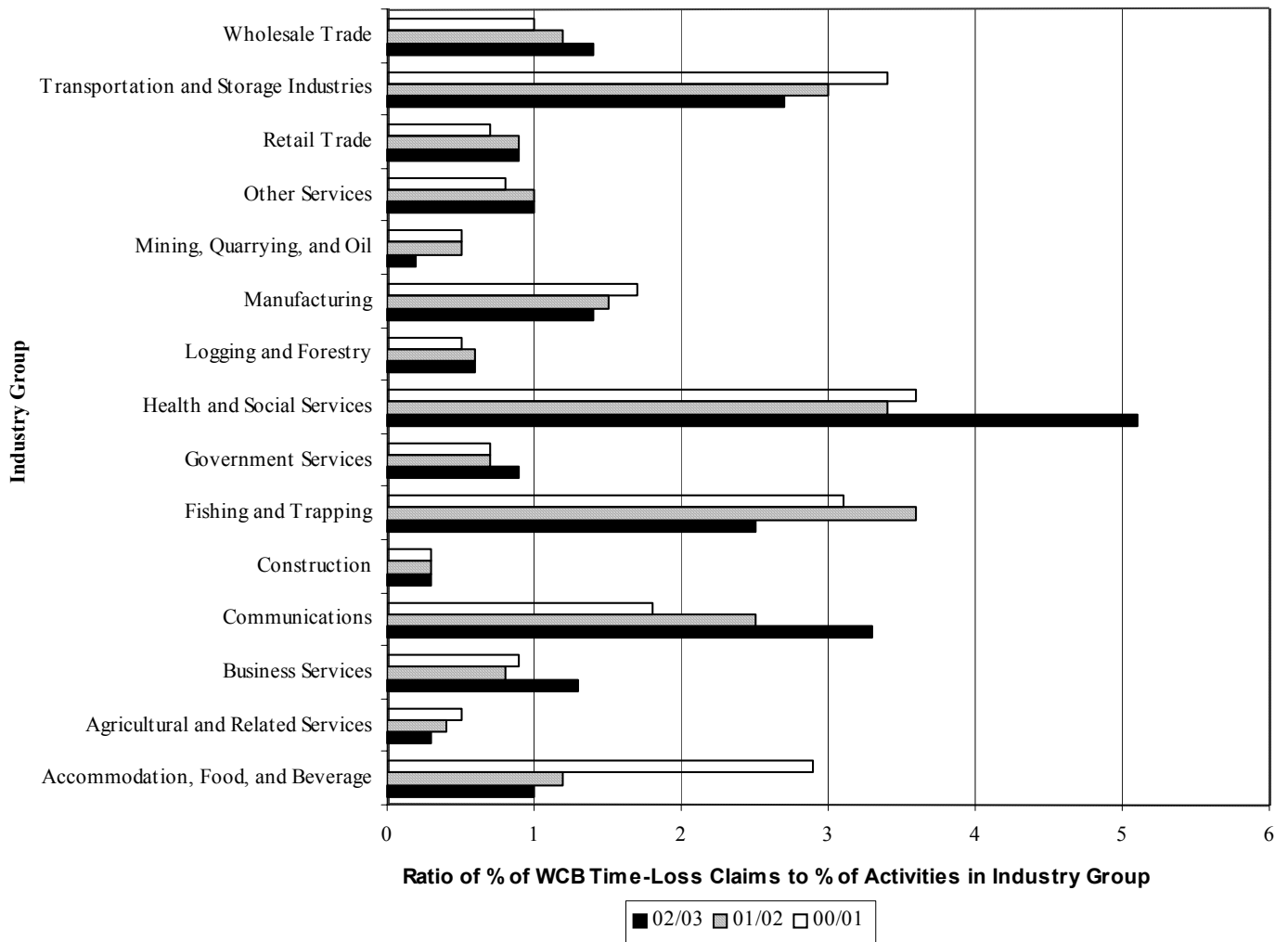


Figure 5-4
Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Group

