

**ENFORCEMENT ORDERS ISSUED BY HEALTH AND SAFETY OFFICERS/INSPECTORS  
UNDER OCCUPATIONAL HEALTH AND SAFETY LAWS OF WIDE APPLICATION IN CANADA**

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Federal</b> <i>Canada Labour Code (Part II)</i> (Occupational Health and Safety)	When a health and safety officer is of the opinion that any provision of Part II of the Code is being contravened or has recently been contravened.	The officer may direct the employer and/or employee concerned to terminate the contravention within the time that the officer may specify and take specified steps to ensure that there is no reoccurrence (s. 145 (1)) <sup>1</sup> .	Appeals may be made to an appeals officer within 30 days after an officer's direction is issued or confirmed in writing. The appeal does not suspend the execution of the direction, unless the appeals officer grants a stay. The decision of an appeals officer is final, except for judicial review under the <i>Federal Court Act</i> (CLC: ss. 146, 146.3; FCA: s. 18.1).
	<p>When a health and safety officer considers that the use or operation of a machine or thing, a condition in a place or the performance of an activity constitutes a danger to an employee while at work.</p> <p>When an officer considers that the hazard, condition or activity that constitutes the danger cannot otherwise be corrected, altered or protected against immediately.</p>	<p>The officer must issue directions to the employer ordering him/her/it to take measures immediately or within the time specified to correct the hazard or condition, alter the activity that constitutes the danger, or protect any person from the danger (s. 145 (2) a))<sup>1</sup>. In addition, the officer must issue a direction to the employee to discontinue the use, operation or activity or cease to work in that place until the employer has complied with the directions (s. 145 (2.1))<sup>1</sup>.</p> <p>The officer may issue a direction to the employer ordering that the place, machine, thing or activity in respect of which the direction is issued must not be used, operated or performed until the officer's directions are complied with (work necessary to achieve compliance is permitted) (s. 145 (2) b))<sup>1</sup>.</p>	Same as above
	When an employer is informed of the continued refusal by an employee to carry out work he/she has reasonable cause to believe is dangerous.	After completing his/her investigation, a health and safety officer decides whether the danger exists. If so, he/she must issue appropriate directions as mentioned above (s. 129 (4), (6)).	A decision that the danger does not exist may be appealed within 10 days after receipt of the decision to an appeals officer whose decision is final, except for judicial review that may be permitted under the <i>Federal Court Act</i> (CLC: s. 129(7)), 146.3; FCA: s. 18.1).

<sup>1</sup> A health and safety officer may require an employer or employee to whom a direction is issued to respond in writing within the time he/she may specify (s. 145(8)).

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<b>Alberta</b> Occupational Health and Safety Act	When an occupational health and safety officer is of the opinion that work is being carried out in a manner that is unhealthy or unsafe to workers.	The officer may order the person responsible for the work being carried out to stop specific work and/or take the measures, as indicated in the order, necessary to ensure that the work will be carried out in a healthy and safe manner within specified time limits (s. 9(1)).	Appeals may be made to the Occupational Health and Safety Council within 30 days after the order is served. A further appeal lies to the Court of Queen's Bench on a question of law or jurisdiction. An appeal does not suspend the execution of the order, except insofar as the chair or a vice-chair of the Council or a judge of that court so directs (s. 16).
	When an officer believes that the Act, the regulations or an adopted code are not being complied with.	The officer may issue a compliance order specifying the measures to be taken to comply within specified time limits. (s. 9(2)).	Same as above.
	When an officer believes that a danger to the health or safety of a worker exists in respect of that worker's employment.	The officer may order that the work or any part of it be stopped immediately and/or that any worker or other person present leave the work site without delay. The officer may also order the prime contractor, the contractor or the employer to take the measures, he/she may specify, to remove the source of the danger or to protect any person from it (s. 10(1)).	Same as above.
	When an officer believes that a tool, appliance or equipment being used or that may be used by a worker is not in safe operating condition or does not comply with an adopted code.	The officer may order workers not to use that tool, appliance or equipment (s. 11(1)).	Same as above.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Alberta</b> (continued)	When an officer believes that a supplier is supplying a tool, appliance or equipment that is not in safe operating condition or does not comply with an adopted code or any substance or material that does not comply with an adopted code.	The officer may order the supplier to stop supplying that tool, appliance or equipment for use by any worker or that substance or material (ss. 11(2), 12(2)).	Same as above.
	When an officer believes that the storage, handling or use of a substance or material does not comply with an adopted code.	The officer may order the person responsible for the storage, handling or use of the substance or material to take specified measures to ensure that the code is complied with (s. 12(1)).	Same as above.
	When, after an investigation by his/her employer and any action taken, a worker who has refused dangerous work believes that an imminent danger still exists for himself/herself or another worker at the work site.	The officer investigates the matter, renders a decision and, if appropriate, requires the employer to eliminate the danger (s. 35 (8)).	A worker or an employer may request a review of the matter by the Occupational Health and Safety Council within 30 days after receipt of the officer's decision. An appeal lies to the Court of Queen's Bench on a question of law or jurisdiction. An appeal to the Court of Queen's Bench does not suspend the execution of the order of the Council, except insofar as a judge of that court so directs (s. 35(9), (11), (13)).
	When a worker complains that he/she has been dismissed or subjected to disciplinary action for exercising the functions of a member of a joint worksite health and safety committee or for acting in accordance with the Act, the regulations, an adopted code, or an order.	After investigating the matter, an officer must determine whether there has been a failure to comply with the provisions of the Act protecting workers from dismissal or other disciplinary action for exercising the functions of a member of a joint worksite health and safety committee or for acting in accordance with the legislation or an order issued under it. In there has been such a failure to comply, the officer may issue a remedial order (including reinstatement and payment of lost wages) (ss. 9(3), 37(2)).	A worker or an employer may request a review of the matter by the Occupational Health and Safety Council within 30 days after receipt of the decision. An appeal lies to the Court of Queen's Bench on a question of law or jurisdiction. An appeal to the Court of Queen's Bench does not suspend the execution of the order of the Council, except insofar as a judge of that court so directs (s. 37).

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<p><b>British Columbia</b>  <i>Workers Compensation Act</i>            (Part 3 - Occupational Health and Safety) and <i>Occupational Health and Safety Regulation</i></p> <p>Board means the Workers' Compensation Board</p> <p>(Note: An officer of the Board may exercise the authority of the Board to make orders under Part 3 of the Act subject to any restrictions or conditions it may establish (s. 188(4)).</p>	<p>When any matter or thing is regulated, controlled or required by Part 3 of the Act or the regulations.</p>	<p>An officer of the Board may make orders for the carrying out of any such matter or thing, and may require that the order be carried out immediately or within a specified time. This includes the authority to:</p> <ul style="list-style-type: none"> <li>• Require a person to take measures to ensure compliance with the Act and the regulations or specifying measures that must be taken to achieve this.</li> <li>• Require an employer, at his/her/its expense, to obtain test or assessment results respecting any thing or procedure in or about a workplace, in accordance with any requirements specified by the Board, and to provide that information to the Board.</li> <li>• Require an employer to install and maintain first aid equipment and service.</li> <li>• Do anything that is contemplated by Part 3 of the Act to be done by an officer's order (s. 187).<sup>2</sup></li> </ul>	<p>Within 90 days after an order or a decision of an officer of the Board is issued, an application may be made to have it reviewed by a review officer. A review does not suspend the execution of the order or operation of the decision under review, unless, on application, the chief review officer directs otherwise. A decision by a review officer is final unless he/she is directed by the chief review officer to reconsider a decision in particular circumstances (ss. 96.2, 96.4, 96.5).</p>
	<p>When an officer of the Board has reasonable grounds for believing that a thing that is being used or may be used by a worker, or that is provided by a supplier, is not in safe operating condition, or does not comply with Part 3 of the Act or the regulations.</p>	<p>The officer may order that the thing not be used and/or that the supplier stop supplying the thing until the order is cancelled by the Board (s. 190)<sup>2</sup>.</p>	<p>Same as above.</p>
	<p>When an employer fails, neglects or refuses to install or maintain first aid equipment or service required by regulation or order.</p>	<p>An officer of the Board may have the first aid equipment and service installed, in which case the cost of this is a debt owed by the employer to the Board, or order the employer to immediately close down all or part of the workplace or work being done there until compliance is achieved (s. 160).</p>	<p>Same as above.</p>

<sup>2</sup> An order may include a requirement for compliance reports specifying what has been done to comply with the order and, if compliance has not been achieved at the time of the report, a plan of what will be done to comply and when compliance will be achieved. In the latter case, the employer or other person must also prepare a follow-up compliance report when compliance is achieved (s.194).

Jurisdiction/ Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>British Columbia</b> (continued)	When an officer of the Board has reasonable grounds for believing that an immediate danger exists that would likely result in serious injury or illness, or death to a worker.	<p>The officer may order that work at the workplace or any part of it stop until that order is rescinded. If the officer considers this is necessary, he/she may order that the workplace or any part of it be cleared of persons and isolated by barricades, fencing, etc. to prevent access to the area until the danger is removed (workers doing work to remove the danger may enter the workplace when they are protected from the danger or are qualified and properly instructed in how to minimize the risk).</p> <p>An order issued under these provisions expires 72 hours after it is made, unless the order has been confirmed in writing by the Board (s. 191).</p>	Same as above.
	When an officer of the Board has reasonable grounds for believing that a person who holds a certificate issued under Part 3 of the Act or the regulations has breached a term or condition of the certificate or has otherwise contravened a provision of that Part or the regulations.	The officer may, by order, cancel or suspend the certificate, or place a condition on the use of that certificate that he/she considers is necessary in the circumstances. An order suspending a certificate must specify the length of time that the suspension is in effect or the condition that must be met before the suspension is no longer in effect (s. 195).	Same as above, but a further appeal may be made to the Appeal Tribunal (i.e. the appeal division of the Board). A decision of the Appeal Tribunal is final and conclusive. An appeal of an order or decision does not suspend its implementation, unless the Appeal Tribunal orders otherwise (ss. 239(2)e), 244, 255).
	When a joint health and safety committee is not satisfied that the explanation provided by an employer for a delay in responding to its recommendations is reasonable in the circumstances.	After a co-chair of the committee has reported this to the Board, one of its officers may investigate the matter and, by order, establish a deadline by which the employer must respond (s. 133(5)).	Same as for orders for the carrying out of any matter regulated, controlled or required by Part 3 of the Act or the regulations.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>British Columbia</b> (continued)	When a worker has refused to perform work that he/she has reasonable cause to believe would create an undue hazard to the health and safety of any person, and the matter has not been resolved after having been reported to the supervisor or employer.	An officer of the Board must investigate the matter, determine whether an undue hazard would be created, and issue whatever orders are deemed necessary (Reg. s. 3.12).	Same as above regarding enforcement orders. There is no direct right of appeal of an officer's decision. However, if an officer decides that a refusal to work is not justified, and the worker involved alleges discrimination due to his/her continuing to refuse to work, the worker may file a complaint with the Board, which may examine various matters, including the officer's decision (ss. 150 to 153).
	When a worker complains that he/she has been the subject of discriminatory action for exercising any right or carrying out any duty in accordance with Part 3 of the Act, the regulations or an applicable order, or for testifying or providing information in relation to occupational health and safety, or that the employer has failed to pay him/her wages as required by the legislation.	A field officer inquires into the matter to verify that the information received is correct and to record any additional relevant information. The decision on whether discriminatory action has occurred and a remedy should be granted, as well as any other matters associated with the complaint, is made by a review officer or a panel of such officers. Remedial orders may, among other things, require the employer to reinstate the worker to his/her former employment under the same terms and conditions and/or to pay, by a specified date, wages required to be paid under Part 3 of the Act or the regulations (ss. 150 to 153).	An appeal may be made to the Appeal Tribunal (i.e. the appeal division of the Board). A decision of the Appeal Tribunal is final and conclusive. An appeal of an order or decision does not suspend its implementation, unless the Appeal Tribunal orders otherwise (ss. 240, 244, 255).

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Manitoba</b> <i>Workplace Safety and Health Act</i>	When a safety and health officer is of the opinion that a person is contravening any provision of the Act or the regulations, or has contravened any such provision in circumstances which make it likely that the contravention will continue or be repeated.	<p>The officer may make an improvement order requiring the person to remedy the contravention within a specified period, or a reasonable time if no period is specified, and stating the reasons for making the order (s. 26 (1)). An improvement order may include directions as to the measures to be taken to remedy any contravention or matter to which the order relates (s.33)<sup>3</sup>.</p> <p>When the officer believes that the contravention involves or is likely to involve a serious risk to the safety or health of any person in or about the workplace, he/she may, in the improvement order, specify that if the contravention is not remedied within the period indicated, a stop work order may be issued (s.26 (2)).</p>	An appeal may be made to the Director of the Workplace Safety and Health Division within 14 days after the date of an order or decision of an officer, or within any further period allowed by the Director. Instead of deciding an appeal, the Director may refer it to the Manitoba Labour Board. Any person directly affected by an order or decision of the Director may appeal it to the Board. An appeal does not suspend the operation of the order or decision under appeal, unless the Director or the Board chairperson, as the case may be, directs otherwise. An order of the Board may be appealed to the Court of Appeal on a question of law or jurisdiction and by leave of a judge of that court (ss. 37 to 39).
	When an officer is of the opinion that any activities which are being, or are about to be, carried on in a workplace, involve or are likely to involve an imminent risk of serious physical or health injury, or where a contravention specified in an improvement order was not remedied and warning was given by the officer.	The officer may issue a stop work order providing for the cessation of those activities, and/or that all or part of the workplace be vacated, and that no resumption of those activities be permitted by the employer while it remains in force (work that is necessary to remove the risk of injury is permitted) (s. 36).	Same as above.

<sup>3</sup> The person against whom an improvement order is made must within seven days after the expiry of the period allowed to implement the order, or within a reasonable time if no period is specified, prepare a written report on the measures taken to remedy the contravention and on any measures yet to be taken, and send a copy to, among others, the safety and health officer who made the order (s.35).

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Manitoba</b> (continued)	When written recommendations are made to an employer by a safety and health committee or representative identifying anything that may pose a danger to the safety or health of any person in a workplace under his/her control, and no agreement can be reached regarding the response of the employer.	If the dispute is referred to an officer, he/she may issue an order or a decision in accordance with the Act (s. 41.1).	Same as above.
	When a worker complains that he/she has been the subject of discriminatory action for exercising any right or carrying out any duty in accordance with the Act or the regulations, for testifying or providing information in relation to occupational safety and health, for taking reasonable action at the workplace to protect the safety or health of another person, or for complying with health and safety requirements or attempting to have them enforced, or that the employer has failed to pay him/her wages or benefits when required to do so by the Act.	If an officer decides that an employer or union has taken discriminatory action against a worker for one of these reasons, he/she may issue a remedial order, which may include requiring the employer to reinstate the worker to his/her former employment under the same terms and conditions, to pay wages that would have been earned had there been no discrimination, and to compensate the worker for loss of any benefits (ss. 42, 42.1).	Same as above.
	When a worker has refused to perform work he/she has reasonable grounds to believe is dangerous to his/her safety or health or that of any other person, there has been an inspection at the workplace by an employer representative and the worker is not satisfied that the dangerous condition has been remedied.	After investigating the matter, an officer must decide whether the danger that caused the refusal to work exists. If so, he/she must issue any improvement or stop work order that is considered necessary or advisable (s. 43.1).	Same as above.



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<p><b>New Brunswick</b>  <i>Occupational Health and Safety Act (OHSA) and the Workplace Health, Safety and Compensation Commission Act (WHSCCA)</i></p>	<p>When an occupational health and safety officer is of the opinion that unsafe or unhealthy working conditions may exist at a place of employment or that there may be a source of danger to the health or safety of persons employed at that place or having access to it.</p>	<p>The officer may make an order to the owner of the place of employment, the employer, contractor, sub-contractor or employee or a supplier directing him/her/it immediately or within such time as is specified to take measures for guarding or controlling the source of danger and/or to take such measures as he/she considers necessary to ensure compliance with the Act and the regulations, and may, where there exist unsafe or unhealthy working conditions or where the work contributes to the source of danger, order them to suspend all work or any portion of the work and/or to take measures to protect the health or safety of any person (s. 32(1)).</p>	<p>An officer's order may be appealed to the Chief Compliance Officer within 14 days after it was served. Further appeals may be made to the Appeals Tribunal, and to the Court of Appeal on a question of law or jurisdiction. An appeal of an officer's order or a decision of the Appeals Tribunal does not suspend their execution or application, unless the Chief Compliance Officer or the Appeals Tribunal decides otherwise (OHSA: s. 37; WHSCCA: s. 21).</p>
	<p>When an officer is of the opinion that any tool, equipment, machine or device at a place of employment does not comply with the Act or the regulations.</p>	<p>After giving notice to the contractor, sub-contractor, owner, operator, supplier or lessee of the tool, equipment, machine or device, that it does not comply with the Act or the regulations, the officer must make any order prescribed by regulation that prevents the unauthorized operation or use of such tool, equipment, machine or device (s. 32(4)).</p>	<p>Same as above.</p>
	<p>When an employee has refused to perform work that he/she believes is likely to endanger his/her health or safety or that of any other employee, and the matter has not been resolved by an employer representative or a joint health and safety committee, or there is no committee.</p>	<p>After investigating the situation, the officer decides whether the employee has reasonable grounds for continuing to refuse to carry out work considered to be dangerous. If so, the officer must order appropriate remedial action to be taken by the employer (s. 20 (9) to (11)).</p>	<p>Same as above.</p>

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<b>Newfoundland and Labrador</b> <i>Occupational Health and Safety Act</i>	When an occupational health and safety officer is of the opinion that work is being carried out in a way that the conditions at the workplace pose an immediate risk to the health and safety of workers or other persons at or near the workplace.	The officer must order the person at the workplace responsible for the work being carried out to immediately stop all or a portion of the work and to vacate all or a portion of the workplace, and, before resuming the work, to take the remedial measures specified in the order that, in the opinion of the officer, are necessary to ensure that the work can be conducted without further risk to the health and safety of the workers or other persons at or near the workplace (s. 27).	An officer's order may be appealed within seven days to the assistant deputy minister responsible for health and safety. A further appeal may be made to the Labour Relations Board. An appeal does not suspend the execution of an order, except as ordered by the assistant deputy minister or the Board. (ss. 32 to 34).
	When an officer is of the opinion that a person is contravening the Act or the regulations.	The officer must order that person to take the specified remedial measures that are necessary to ensure compliance with the Act and the regulations, and to do this within the time stipulated in the order (s. 28).	Same as above.
	When an officer is of the opinion that a tool, appliance or equipment used by a worker or self-employed person is not in safe operating condition or does not comply with the standards prescribed by the regulations.	The officer must order the worker or self-employed person to stop using that tool, appliance or equipment and order the employer to withdraw that tool, appliance or equipment from use (s. 29).	Same as above.
	When a tool, appliance or equipment used by a worker or self-employed person, that is not in safe operating condition or does not comply with the standards prescribed by the regulations, is being provided by a supplier or is being sold by a person.	The officer may order the supplier or other person to stop supplying or selling the tool, appliance or equipment (s. 30).	Same as above.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Newfoundland and Labrador</b> (continued)	When an officer is of the opinion that a workplace health and safety designate cannot adequately monitor the health, safety and welfare of workers employed at a workplace.	The officer must order that a worker health and safety representative be designated in accordance with the Act (s. 42.2).	Same as above.
	When a worker has refused to perform work that he/she has reasonable grounds to believe is dangerous to his/her health or safety or that of another person at the workplace, and the matter has not been remedied by the supervisor to his/her satisfaction.	The officer investigates the matter, renders a decision regarding the danger and, if appropriate, issues one or more remedial orders (ss. 45(1), 47).	Same as above regarding any enforcement orders. No direct right of appeal of an officer's decision. However, if an officer decides that a refusal to work is not justified, and the worker involved alleges discrimination due to his/her continuing to refuse to work, the worker may file a complaint with the Labour Relations Board <sup>4</sup> . The Board may examine various matters, including the officer's decision (ss. 49 to 52).

<sup>4</sup> If the complaint is against the employer and the worker is covered by a collective agreement prohibiting the alleged discrimination, the grievance procedure must be used.

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<b>Northwest Territories and Nunavut</b> <i>Safety Act</i>	When anything is regulated, controlled or required by the Act or the regulations <sup>5</sup> .	A safety officer may give directions concerning any such thing and require that they be carried out within the time he/she specifies. If the safety officer believes that a potential danger to health or safety is likely to exist if a direction is not carried out, he/she may give notice that a further direction may be given to address that danger. If there is failure to carryout a direction in respect of which such a notice has been given, the safety officer may order that a place, matter or thing not be used until the direction is complied with (work necessary to achieve compliance is permitted) (s. 12).	An appeal of a safety officer's direction or decision may be made to the Chief Safety Officer within 30 days. A further appeal may be made to a judge of the Supreme Court. An appeal does not suspend any direction or decision of a safety officer or the Chief Safety Officer not to use a place, matter or thing (ss. 16 and 17).
	When any place, matter or thing constitutes a source of imminent danger to the health or safety of persons employed in an establishment or in connection with it.	The safety officer must notify the employer or person in charge of the establishment of the danger and give directions to him/her to take measures to reduce it and to protect any person from it within a specified period of time. If the safety officer considers that the danger cannot otherwise be reduced or protected against immediately, he/she may direct that the place, matter or thing not be used until his/her directions are complied with (work necessary to achieve this is permitted) (s. 14).	Same as above.
	When a worker has refused to perform work because he/she has reason to believe that there exists an unusual danger to the health or safety of the worker or another person, and the matter has not been resolved after having been reported to the supervisor and after any action has been taken to eliminate the unusual danger.	The joint work site health and safety committee or, if there is no committee, a delegate of the Chief Safety Officer must investigate the circumstances that caused the refusal to work and decide whether an unusual danger exists or is likely to exist (s. 13 (4), (5)).	Same as above if the delegate of the Chief Safety Officer is a safety officer under the Act.  A decision of a joint work site health and safety committee may be appealed to the Chief Safety Officer whose decision is final (s. 13 (9), (10)).

<sup>5</sup> By virtue of the *Summary Conviction Procedures Regulations* under the *Summary Conviction Procedures Act*, safety officers have the power to issue tickets with respect to specified infractions under the *Environmental Tobacco Smoke Work Site Regulations* under the *Safety Act*.

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<p><b>Nova Scotia</b> <i>Occupational Health and Safety Act</i></p>	<p>When any matter or thing is regulated, controlled or required by the Act or the regulations.</p>	<p>An occupational health and safety officer may give an order to a person for the carrying out of any such matter or thing, and may require that the order be carried out within such time as he/she specifies (s. 55 (1))<sup>6</sup>.</p> <p>If an officer makes such an order and finds that the matter or thing is a source of danger or a hazard to the health or safety of a person at the workplace, he/she may order that:</p> <p>(a) any place, device, equipment, machine, material or thing not be used until the order is complied with;</p> <p>(b) work at the workplace or any part of it stop until the order to stop work is withdrawn or cancelled;</p> <p>(c) the workplace or part of it be cleared of persons and isolated by barricades, fencing or any other means suitable to prevent access thereto until the danger is removed (employees responsible for doing this work may enter the workplace when they are protected from the danger) (s. 55 (4), (5))<sup>4</sup>.</p>	<p>An appeal may be made to the Director of Occupational Health and Safety within 14 days after receipt of an officer's order or decision. An order or decision of the Director may be appealed to an appeal panel designated by the Minister of Environment and Labour. Except for an appeal of an order regarding the failure to pay wages or a benefit entitlement, or regarding prohibited discriminatory action, an appeal does not suspend the operation of an order or decision of an officer or the Director. However, the Director may decide to suspend the officer's order and the appeal panel may decide to suspend the Director's order or decision, until the appeal is disposed of. The decision of an appeal panel may be reviewed by the Nova Scotia Court of Appeal only on questions of law or jurisdiction and with leave from that court (ss. 67 to 70).</p>
	<p>When an occupational health and safety officer determines that there may be a risk to health or safety; and an employer, owner, contractor or constructor fails to establish that it would not be reasonably practicable to carry out an order made under section 52.</p>	<p>The officer may order, at the expense of the employer, owner, contractor or constructor, that he/she obtain a report or an assessment from an expert or professional in the field for the purpose of determining whether any biological, chemical or physical agent, material, equipment, machine, device, article, thing or procedure, in or about a workplace, conforms with the Act or the regulations or good professional practice, and have conducted any tests necessary to the production of the report or assessment (s. 52)<sup>4</sup>.</p>	<p>Same as above.</p>

<sup>6</sup> Where an officer makes an order under the Act or the regulations, unless he/she records in the order that compliance was achieved before he/she left the workplace, the person against whom an order is made must submit to the officer a compliance notice within the time specified in the order (s.56). By virtue of the *Summary Offence Tickets Regulations* under the *Summary Proceedings Act*, occupational health and safety officers have the power to issue tickets to employers who fail to submit a compliance notice within the time specified in an order or to comply with an order or a direction.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Nova Scotia</b> (continued)	When an officer determines that any device, equipment, machine, material or thing to be used by an employee or self-employed person is unsafe, or does not comply with the standards prescribed by the Act or the regulations.	The officer may order the supplier or any other person to stop selling, renting, leasing or otherwise supplying the device, equipment, machine, material or thing to any employer, employee or self-employed person (s. 51) <sup>4</sup> .	Same as above.
	When an employee has refused to perform work that he/she believes, on reasonable grounds, is likely to endanger his/her health or safety or that of another person, and the matter has not been resolved after having been reported to the supervisor, the health and safety committee or the health and safety representative.	An officer investigating the matter renders a decision on whether there is a danger and, if appropriate, issues one or more remedial orders (s. 43 (1), (2)).	Same as above.
	When an officer receives a complaint from an employee that an employer has failed to pay wages or a benefit entitlement, as required where employees carry out health and safety-related activities or exercise the right to refuse dangerous work in accordance with the Act, or that discriminatory action has been taken or threatened against the employee contrary to the Act. (A complaint cannot be made if the matter has been referred to an arbitrator under a collective agreement.)	After investigating the complaint, the officer must determine whether any provision of the Act or the regulations has been contravened. If so, the officer's order must require that, by a specified date, the employer pay the wages or other benefits or that the employer or union do what is necessary to ensure compliance with the Act and the regulations. The officer may also issue other types of redress orders, including reinstatement, when he/she determines that discriminatory action has been taken or threatened (s. 46).	Same as above.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Ontario</b> <i>Occupational Health and Safety Act</i>	When an inspector finds that a provision of the Act or the regulations is being contravened <sup>7</sup> .	<p>The inspector may order the owner, constructor, licensee, employer, or person whom he/she believes to be in charge of a workplace or to be the contravener to comply with the provision of the Act or the regulations, and may require the order to be carried out immediately or within a specified period (s. 57(1))<sup>8</sup>.</p> <p>If the inspector making such an order finds that the contravention of the Act or the regulations is a danger to the health or safety of a worker, he/she may order:</p> <ul style="list-style-type: none"> <li>a) that any place, equipment, machine, or device or any process or material not be used until the order is complied with;</li> <li>b) that the work at the workplace as indicated in the order be stopped until the order to stop work is withdrawn or cancelled;</li> <li>c) that the workplace where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access thereto by workers until the danger to health or safety is removed (employees doing work to achieve this may enter the workplace when they are protected from the hazard) (ss. 57 (6), 58).</li> </ul> <p>If the inspector makes a compliance order for a contravention of certain provisions (i.e. ss. 37 or 41) requiring information about hazardous materials or physical agents or an employer has been unable to obtain an unexpired material safety data sheet, the inspector may order that the hazardous material or the thing that causes the hazardous physical agent not be used or operated until the order is withdrawn or cancelled (s. 57 (8)).</p>	An appeal may be made to the Ontario Labour Relations Board within 30 days after an order or decision has been issued by an inspector. The Board may authorize a labour relations officer to attempt to bring about a settlement of the matters raised in the appeal. The Board may suspend the operation of the order or decision pending the disposition of the appeal (s. 61).
	When an inspector is of the opinion that all or part of a workplace must be inspected.	The inspector may direct a health and safety representative or a designated member of a health and safety committee representing workers to inspect all or part of a workplace at specified intervals (s. 55).	Same as above.

<sup>7</sup> By virtue of *Regulation 950 (Proceedings Commenced by Certificate of Offence)* under the *Provincial Offences Act*, inspectors have the power to issue tickets to employers, supervisors and workers with respect to offences under the *Occupational Health and Safety Act* and specified Regulations issued under it.

<sup>8</sup> An inspector's order may require a constructor, a licensee or an employer to submit to the Ministry of Labour a compliance plan prepared in the manner and including such items as required by the order and indicating what he/she/it plans to do to comply and when compliance will be achieved (s.57 (4), (5)).

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
Ontario (continued)	When an inspector carries out his/her duties and powers under the Act and the regulations.	<p>The inspector may require an employer, at his/her/its own expense, to take the following actions:</p> <ul style="list-style-type: none"> <li>a) to have an expert conduct tests and provide a report or assessment on any equipment, machine, article, materials, or biological, chemical or physical agents, etc;</li> <li>b) to have a professional engineer test any equipment, machinery or devices and ascertain in writing that it is not likely to endanger a worker, and to stop the use of anything pending such testing;</li> <li>c) to provide a report from a professional engineer that assesses the structural soundness of a workplace (this may also apply to an owner or a constructor); and</li> <li>d) to require the owner of a mine to provide, at his/her/its own expense, an official report from a professional engineer that the ground stability, mining methods and support or rock reinforcement are such that a worker is not likely to be endangered (s. 54(1)(f), (k), (l), (m), (n)).</li> </ul>	Same as above.
	When, following an investigation by his/her supervisor or any steps taken to deal with the matter, a worker refuses to work because he/she has reasonable grounds to believe that the work continues to be likely to endanger himself/herself or another worker.	An inspector must investigate the refusal to work and decide whether the work is likely to endanger the worker or another person (s. 43(7), (8)).	Same as above (s. 61(5)).
	When two certified members of a health and safety committee representing the workers and the employer respectively do not agree whether dangerous circumstances exist, and either certified member requests that an inspector investigate the matter.	The inspector must investigate the matter and provide the certified members with a written decision as to whether dangerous circumstances exist (s. 45(6)).	Same as above (s. 61(5)).



Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<p><b>Ontario</b> (continued) OLRB means the Ontario Labour Relations Board.</p>	<p>When the OLRB has declared that a certified member of a health and safety committee is authorized to stop work if dangerous circumstances exist or when the employer has advised the committee at the workplace that he/she adopts this procedure for stopping work in those circumstances, and subsequently the certified member directs the employer to stop specified work (the latter must immediately comply), and when the certified member and the employer or constructor do not agree whether dangerous circumstances exist and either one requests that an inspector investigate the matter.</p>	<p>The inspector must investigate the matter and provide the certified member and the employer or constructor with a written decision as to whether dangerous circumstances exist (s. 47(5)).</p>	<p>Same as above (s. 61(5)).</p>

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<p><b>Prince Edward Island</b> <i>Occupational Health and Safety Act</i></p>	<p>When an occupational health and safety officer investigates in order to determine compliance with the Act, the regulations or any order made under them.</p> <p>When an occupational health and safety officer determines that a provision of the Act or the regulations is being contravened.</p>	<p>The officer may order an employer to provide a report or an assessment made by a person, who has specified expertise or professional qualifications, concerning any biological, chemical or physical agent or combination of such agents used or intended to be used in a workplace (s.7(1) (i)).</p> <p>The officer may issue a compliance order to the owner, constructor, contractor, employer, supervisor or person in charge of a workplace or to the contravener and may require that the order be carried out immediately or within such time period as he/she specifies (s. 8(1)).</p> <p>If an officer, who has issued a compliance order, finds that the contravention of the Act or the regulations creates a danger for the health or safety of a worker, he/she may order:</p> <ul style="list-style-type: none"> <li>a) that any place, equipment, machine, device or article or any process or material not be used until the order is complied with;</li> <li>b) that work stop at the workplace until the order is cancelled by an officer; or</li> <li>c) that the workplace where the contravention exists be cleared of workers and isolated by barricades, fencing or any other means suitable to prevent access by a worker until the danger to the health or safety of workers is removed (workers doing work to achieve this may enter the workplace when they are protected from the hazard) (ss. 8 (4), 9 (1)).</li> </ul>	<p>An employer, supervisor, constructor, contractor, owner or person in charge of the workplace, or the worker affected may appeal an order of an officer to the Director of Occupational Health and Safety. A decision of the Director may be appealed to an arbitrator appointed by the Workers' Compensation Board. The decision of an arbitrator is final and binding. The Director may, at the request of the appellant, suspend the application of an order appealed from pending the disposition of the appeal. The same applies when a notice of appeal of a decision of the Director is filed with the Board (ss.10 and 11).</p>
	<p>When, following an investigation by the supervisor and any health and safety committee or representative and after any remedial action has been taken, a worker continues to refuse to work because he/she has reasonable grounds to believe that the work is likely to endanger himself/herself or another worker.</p>	<p>Upon request, an officer must investigate the situation and decide whether the worker's refusal to work is justified and, if so, must order remedial action to be taken by the employer. If the officer finds that the refusal to work is not justified, he/she must advise the worker to do the work (s. 28 (5), (9), (10), (11), (12)).</p>	

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<p><b>Quebec</b>  <i>An Act respecting occupational health and safety</i>            CSST means Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission)</p>	<p>When an inspector wishes to determine the risks to the health and safety of one or more workers.</p>	<p>The inspector may decide to obtain an expert opinion on any product, process, equipment, material, contaminant or dangerous substance. The cost may be recovered from one or more manufacturers, suppliers or users (s. 65).</p>	<p>A person who believes he/she has been wronged by an order or decision of an inspector may ask for a review by the CSST within 10 days of being notified. The order or decision has effect immediately, despite any application for review (ss. 191, 191.1). A decision of the CSST may be contested before the Occupational Injury Commission (Commission des lésions professionnelles); it applies immediately, despite any contestation before the Commission (ss 192, 193).</p>
	<p>When an inspector considers it advisable.</p>	<p>The inspector may issue a remedial order requiring a person to comply with the Act or the regulations, and fix the time in which he/she must comply (s. 182)<sup>9</sup>.</p>	<p>Same as above.</p>
	<p>When an inspector considers that a worker's health, safety or physical well-being is endangered.</p>	<p>The inspector may order the suspension of work or the complete or partial shut-down of a workplace, and, when he/she substantiates his/her decision in writing, he/she must indicate the steps to be taken to eliminate the danger. No person may be admitted to such a workplace except, with his/her authorization, to do the necessary work to eliminate the danger (ss. 186, 188).</p>	<p>Same as above.</p>
	<p>When an inspector believes that a person is contravening the Act or the regulations.</p>	<p>The inspector may order the person to cease making, supplying, selling, leasing, distributing or installing the product, process, equipment, material, contaminant or dangerous substance concerned (an inspector may confiscate such objects); and may order the person to cease every activity that might cause the emission of the contaminant concerned. The inspector must substantiate this decision in writing, and indicate, where applicable, the steps to be taken to achieve compliance with the Act and regulations (s. 190).</p>	<p>Same as above.</p>

<sup>9</sup> The person to whom a remedial order is given must carry it out in the allotted time and inform, among others, the inspector as soon as possible of the specific measures he/she intends to take (s.184).

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
Quebec (continued)	When an inspector wishes to ensure that a building, a structure or civil engineering works are stable.	The inspector may require an employer, a principal contractor or an owner to produce an attestation of solidity signed by an engineer or architect, or an attestation of conformity with the regulations (s. 180 (5)).	Same as above.
	When an inspector determines that there is a need for data concerning a workplace hazard.	The inspector may order the employer to install a measuring device at a workplace at the time and place he/she indicates, and require the employer to transmit the data as he/she determines (s. 180 (6)).	Same as above.
	When, after the situation has been examined by the employer or his/her/its agent and a safety representative or a worker representative replacing him/her, a worker maintains his/her refusal to perform work that he/she has reasonable grounds to believe would expose him/her to danger to his/her health, safety or physical well-being, or would expose another person to a similar danger.	An inspector must determine immediately whether or not a danger exists that would justify the worker's refusal to work. He/she may require the worker to resume work. The inspector may also prescribe temporary measures and require that corrective measures be taken within such time as he/she may determine (ss. 18, 19).	Same as above (s. 20).
	When an inspector finds that a workplace, tool, device or machine in use does not comply with the regulations, the prevention program, if any, or any other safety standard, and that it endangers the health, safety or physical well-being of a construction worker.	The inspector must order the principal contractor to take appropriate measures, and may order that a device or machine he/she designates be stopped or that there be a complete stoppage of work (ss. 217, 218).	Same as above

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Saskatchewan</b> <i>Occupational Health and Safety Act, 1993</i>	When an occupational health officer is of the opinion that a person is contravening any provision of the Act or the regulations or has committed such a contravention in circumstances that make it likely that it will continue or be repeated.	<p>The occupational health officer may serve a notice of contravention<sup>10</sup> on a person requiring him/her to remedy the contravention within a specified period. Such a notice may include directions as to the measures to be taken to remedy the contravention (ss. 30, 31).</p> <p>If an officer is of the opinion that a contravention of the Act or the regulations involves or may involve a risk to the health or safety of a worker, he/she may direct that any activity to which the notice relates must not be carried on after a specified period, unless the contravention has been remedied (s. 32).</p>	An appeal may be made within 21 days after an officer's decision to the Director of the Occupational Health and Safety Division (instead of hearing the appeal, the Director may refer it to an adjudicator). A decision of the Director may be appealed to an adjudicator selected from a list established by the government; and an appeal of the decision of an adjudicator may be made to the Court of Queen's Bench on a question of law or jurisdiction. An appeal to the Director or an adjudicator does not suspend the application of the decision, unless the person hearing the appeal decides to suspend it in whole or in part (ss. 47 to 56).
	When an officer is of the opinion that a contravention of the Act or the regulations involves or may involve a serious risk to the health or safety of a worker.	The officer must, in a notice of contravention <sup>10</sup> , require the cessation of work that involves a serious risk to workers until that requirement has been withdrawn. If an officer requires the immediate cessation of any work at or the evacuation of workers from a place of employment or a worksite, the person on whom the notice of contravention is served may, subject to any direction given by the officer, take the measures necessary to remedy the contravention (s. 33).	Same as above, except that an appeal to the Court of Queen's Bench in relation to section 33 is not limited to a question of law or jurisdiction (s. 56).

<sup>10</sup> Within seven days after the period within which a contravention is to be remedied, the person on whom the notice of contravention is served must provide a written report of the progress that has been made towards remedying each contravention. The report must be provided to the occupational safety officer, the occupational health committee or occupational health and safety representative or, if there is no such committee or representative, must be posted in a conspicuous location at the place of employment (s.35).

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Saskatchewan</b> (continued)	When, after any corrective action taken and/or an investigation by any occupational health committee, a worker maintains his/her refusal to perform work that he/she has reasonable grounds to believe is unusually dangerous to his/her health or safety or that of any other person at the place of employment.	Upon request by one of the parties, an officer makes a decision as to whether the work that a worker has refused to perform is unusually dangerous. If so, the officer may issue a notice of contravention to the employer requiring the appropriate remedial action (s.25).	Same as above.
	When the parties in a workplace cannot resolve a problem or address a concern raised by an occupational health committee or a health and safety representative after the employer has provided written reasons for not resolving the problem or addressing the concern.	If the matter is referred to an officer, he/she may determine that there is no problem or concern and inform the person who referred the matter of the determination. If there is a problem or concern, the officer may attempt to mediate an acceptable resolution of the matter and, if it cannot be resolved, give written reasons for this to the employer and to the occupational health committee or health and safety representative. If the circumstances warrant it, the officer may issue a notice of contravention (s. 21).	Same as above.
	When a worker believes, on reasonable grounds, that the employer has taken discriminatory action against him/her, that is prohibited by the Act, and refers the matter to an officer. Prohibited motives of discriminatory action include, among others, exercising the functions of an occupational health committee member or occupational health and safety representative, refusing to perform unusually dangerous work, testifying in any proceeding or inquiry carried out under occupational health and safety legislation or providing information to a person involved in the enforcement of that legislation.	The officer makes a decision as to whether the employer has taken discriminatory action prohibited by the Act against a worker. If so, the officer must issue a notice of contravention requiring the employer to cease the discriminatory action and to implement remedial measures (e.g. reinstatement and payment of lost wages) (s. 28).	Same as above.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
<b>Yukon</b> <i>Occupational Health and Safety Act</i>	When a safety officer wants to verify the safety of a building or temporary work structure.	The safety officer may require an owner, constructor or employer to provide, at his/her/its own expense, a report of a professional engineer concerning the capacity of a floor, roof, temporary work platform, part of a building or structure to support loads applied to it (s. 32 (2) (i)).	An appeal of a safety officer's decision or order may be made to the Workers' Compensation, Health and Safety Board. It must be delivered within 21 days to the Director of occupational health and safety, who forwards it immediately to the Board. An appeal does not suspend the application of an order or decision, unless the Board decides to suspend it in whole or in part on any conditions deemed to be just (s.26).
	When a safety officer wants to ascertain structural safety in mine workings.	The safety officer may require the owner of a mine or part of a mine to provide, at his/her/its own expense, a report of a professional engineer stating that the ground stability, the mining methods and the support or rock reinforcement used in the mine or part of it is not likely to endanger workers (s. 32 (2) (j)).	Same as above.
	When a safety officer wants to verify whether controlled hazardous products or any combination of those products are used in a safe way.	The safety officer may require an employer to produce material safety data sheets and other information relating to controlled hazardous products or combination of such products used or intended to be used in a workplace (s. 32 (2) (k)).	Same as above.
	When a safety officer is carrying out an inspection. <sup>11</sup>	The safety officer may give orders concerning anything that may be required under the Act or the regulations, and such orders are to be carried out within such reasonable time as he/she may specify (s. 38).	Same as above.

<sup>11</sup> Under the *Occupational Health and Safety Act*, safety officers are authorized to serve a notice of levy of administrative penalty with respect to offences under the Act in the same way as a ticket is served under the *Summary Convictions Act*.

Jurisdiction/Legislation	Circumstances	Enforcement Orders	Right of Appeal
Yukon (continued)	When a safety officer determines that a place, matter or thing, or any of their parts, in a workplace constitutes a source of imminent danger to the health or safety of persons employed there or in connection with it.	The safety officer may give an order to the employer or person in charge to take measures immediately or within a specified time to protect the persons from danger (s. 39). If a safety officer determines that the imminent danger cannot otherwise be protected against immediately, he/she may order that the place, matter or thing not be used until the order(s) is (are) complied with, but any work necessary for proper compliance with the order(s) may be carried out (s. 40).	Same as above.
	When, after an investigation by his/her employer or supervisor and any action taken to remove the hazard, a worker continues to refuse to work because he/she has reasonable cause to believe that there is an undue hazard to himself/herself or any other person.	After an investigation, the safety officer must decide whether the work constitutes an undue hazard to the worker or any other person, and may issue appropriate orders (ss. 15, 16).	Same as above, except that an appeal must be delivered to the Director of occupational health and safety within seven days after the date of the decision or order (s. 17).

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