

In Nova Scotia, the Occupational Health and Safety (OHS) Division of the Department of Labour and Advanced Education is responsible for the enforcement of the Occupational Health and Safety Act and its regulations. The legislation applies to all workplaces in Nova Scotia, including farms. Therefore, you may have an OHS Officer visit your farm. Farm Safety Nova Scotia is available to assist farms post-inspection.

### When an OHS Officer Shows Up

There are a number of reasons an officer may visit your workplace: random selection, targeted inspection program, incident/accident, or complaint investigation. An officer is able to visit a workplace at any reasonable time of day and they must identify themselves to you.

As an employer it is your duty to cooperate during an inspection. You are not permitted to deny an officer entry to your premises nor can you request they return at another time. You are, however, able to insist that the officer follow your farm's biosecurity protocol.

### During the Inspection

As the farm owner you will accompany the officer during the inspection. They will also request an employee representative for the inspection, which could be a Committee member, the Health and Safety Representative or an employee.

An OHS Officer can:

- Enter any section of the farm that is part of the workplace
- Conduct interviews and ask questions
- Take pictures, measurements or samples
- Gather information and make copies of documents
- Issue warnings, orders and administrative penalties
- Seek assistance from an expert (e.g. hygienist)

During the inspection, the officer will be looking for compliance with OHS legislation on the farm. This includes your responsibilities under the Act as well as the regulations.

The officer will provide you with information on OHS legislation during your inspection. They will also discuss any warnings and orders they will be issuing.

### Report of Workplace Inspection

Following the inspection, the officer will provide you with a written Report of Workplace Inspection. The officer should inform you after the inspection as to when to expect the report, if s/he does not, you should ask. The report will include:

- An overview of workplace inspection
- Workers' Compensation Board claim experience (if applicable)
- Inspection findings

The inspection findings will highlight compliance and non-compliance with OHS legislation on your farm. Non-compliance issues will be addressed through compliance orders or warnings.

### Compliance Order

A **compliance order** is a directive to address a specific non-compliance issue on the farm. A compliance order will highlight the violation and will reference the legislation you must comply with. All compliance orders will have a date when the order must be complied with.

### Stop-Work Order

An officer may issue a **stop-work order** at the time of inspection. This is done when an officer sees an imminent hazard. This will require that work with that specific process or equipment be stopped immediately until the hazard is dealt with.

### Warnings

**Warnings** may also be issued for non-compliance. However, a warning does not have a specified time frame for compliance but allows you to remedy the

issue prior to a re-inspection. Warnings are typically issued for minor offenses.

Upon receipt of the Report of Workplace Inspection you should review it in detail. Should you have any questions regarding the content, contact the inspecting officer.

### **Complying with an Order**

Once you have addressed the issue highlighted in the order you will need to send a written [Compliance Notice Form](#) to the officer indicating the actions taken to comply.

If you do not comply with an order or you do not send in a written compliance notice form you may be issued a **summary offense ticket** requiring a fine to be paid.

### **Requesting an Extension**

If you are unable to comply with an order within the specified time, you are able to request an extension by contacting the inspecting officer.

### **Appealing an Order**

If you do not agree with a compliance order that was issued, you have the right to appeal it. You must submit a [Notice of Appeal: Order or Decision Form](#) to the Executive Director of the OHS Division within 14 calendar days from when the order was received.

The Executive Director will either uphold the order, repeal it or issue a new order. If you do not agree with the decision of the Executive Director, you may file a written appeal to the Executive Director regarding the decision. This appeal will be heard by the Labour Board.

### **Requesting a Deviation**

If you are not able to comply with a specific regulation you should apply for a deviation. A deviation will allow you to differ from what is stated in the regulation, assuming you are ensuring an equivalent level of health and safety to those at the workplace. An [Application for Deviation](#) must be submitted to the Executive Director of the OHS Division for consideration.

## **Administrative Penalties**

An officer may issue an administrative penalty for a non-compliance order. Generally, an administrative penalty will be issued within 14 days of receiving an order; however, this may differ depending on the circumstance.

You can receive an administrative penalty even if you comply with an order. All parties at a workplace can be issued an administrative penalty, from employers to employees. View the [Administrative Penalties System Guide](#) for more information.

## **Prosecution**

Violation of the OHS legislation may also result in prosecution. There is no predetermined fine amount, and the accused must enter a plea in court. Prosecution is typically a result of a violation resulting in serious injury or death.

## **Seeking Assistance**

If your farm has been inspected and you require assistance, please contact Farm Safety Nova Scotia. We are available to review your inspection report, explain the process and review the options with you. We can also help source a consultant if you require further support.

## **For more information:**

Farm Safety Nova Scotia  
(902)893-2293  
[www.farmsafetyns.ca](http://www.farmsafetyns.ca)

Occupational Health and Safety Division  
Department of Labour and Advanced Education  
1-800-952-2687  
[www.novascotia.ca/lae/healthandsafety/](http://www.novascotia.ca/lae/healthandsafety/)

*All forms and guides referenced in this fact sheet are available from the Farm Safety NS or OHS Division website.*