

CONSOLIDATION OF SAFETY ACT
R.S.N.W.T. 1988,c.S-1

(Current to: June 19, 2016)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

S.N.W.T. 1994,c.15

In force April 1, 1994

S.N.W.T. 1994,c.7

In force January 1, 1995: SI-019-94

S.N.W.T. 1996,c.9

In force April 16, 1996

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2003,c.25

In force January 1, 2004, except s.6,15: SI-008-2003

s.6,15 repealed: S.Nu. 2015,c.19,s.8

S.Nu. 2007,c.15,s.177(Sch.,s.15)

s.177(Sch.,s.15) in force April 1, 2008: SI-003-2008

S.Nu. 2013,c.20,s.35

s.35 in force May 16, 2013

S.Nu. 2015,c.19

In force November 5, 2015

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca/english/legislation.html> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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SAFETY ACT

INTERPRETATION

Definitions

1. In this Act,

"Chief Safety Officer" means the Chief Safety Officer appointed pursuant to subsection 18(1); (*agent de sécurité en chef*)

"code of practice" means a code of practice approved and issued by the Chief Safety Officer under subsection 18(3); (*code de pratique*)

"Commission" means the Workers' Safety and Compensation Commission; (*Commission*)

"Committee" means a Joint Occupational Health and Safety Committee established under section 7.1; (*comité*)

"employer" means every partnership, group of persons, corporation, owner, agent, principal contractor, sub-contractor, manager or other authorized person having charge of an establishment in which one or more workers are engaged in work; (*employeur*)

"establishment" means any work, undertaking or business carried on in Nunavut; (*établissement*)

"occupational health and safety representative" means a person designated by an employer under section 7.1; (*délégué à la santé et à la sécurité au travail*)

"safety officer" means a safety officer appointed pursuant to section 19 and includes the Chief Safety Officer; (*agent de sécurité*)

"supplier" means a person who supplies, sells, leases, distributes, erects or installs any tool, equipment, machine, device, or any biological, chemical or physical agent to be used by a worker or at an establishment; (*fournisseur*)

"work site" means a location where a worker is, or is likely to be, engaged in work, or a thing at, on, in or near which a worker is, or is likely to be, engaged in work; (*lieu de travail*)

"worker" means a person engaged in work for an employer, whether working with or without remuneration. (*travailleur*)

"Workers' Protection Fund" means the Workers' Protection Fund as defined in subsection 1(1) of the *Workers' Compensation Act*. (*Fonds de protection des travailleurs*)
S.N.W.T. 1996,c.9,Sch.I,s.18; S.Nu. 2003,c.25,s.2;
S.Nu. 2007,c.15,s.177(Sch.,s.15(2),(3)); S.Nu. 2015,c.19,s.2.

Interpretation of regulations

2. Where an Act, a regulation or an Act of Canada establishes safety regulations governing a specific establishment or class or type of establishment, any safety regulations made under this Act are in addition to those already established.

GOVERNMENT OF NUNAVUT

Government bound by Act

3. This Act binds the Government of Nunavut. S.Nu. 2003,c.25,s.3.

HEALTH AND SAFETY

Duty of employer

- 4.** (1) Every employer shall
- (a) maintain his or her establishment in such a manner that the health and safety of persons in the establishment are not likely to be endangered;
 - (b) take all reasonable precautions and adopt and carry out all reasonable techniques and procedures to ensure the health and safety of every person in his or her establishment; and
 - (c) provide the first aid service requirements set out in the regulations pertaining to his or her class of establishment.

Coordination of employers

(2) If two or more employers have charge of an establishment, the principal contractor or, if there is no principal contractor, the owner of the establishment, shall coordinate the activities of the employers in the establishment to ensure compliance with subsection 4(1). S.Nu. 2003,c.25,s.4.

Duty of worker

- 5.** Every worker employed on or in connection with an establishment shall, in the course of his or her employment,
- (a) take all reasonable precautions to ensure his or her own safety and the safety of other persons in the establishment; and
 - (b) as the circumstances require, use devices and articles of clothing or equipment that are intended for his or her protection and provided to the worker by his or her employer, or required pursuant to the regulations to be used or worn by the worker.

Availability of Act and regulations

- 6.** Every employer shall
- (a) maintain a copy of this Act and the regulations for reference by all of his or her workers; and
 - (b) ensure that his or her workers understand the provisions of this Act and the regulations that pertain to his or her establishment.

Duty of supplier

6.1. Every supplier shall

- (a) ensure that any tool, equipment, machine, device, or any biological, chemical or physical agent supplied, sold, leased, distributed, erected or installed by the supplier is safe when used in accordance with the directions provided by the supplier and complies with this Act and the regulations;
- (b) provide directions respecting the safe use of any tool, equipment, machine, device, or any biological, chemical or physical agent supplied, sold, leased, distributed, erected or installed by the supplier for use at an establishment;
- (c) ensure that any biological, chemical or physical agent supplied, sold or distributed by the supplier is labeled in accordance with applicable Acts and regulations of Canada and the regulations under this Act respecting hazardous products and a workplace hazardous materials information system; and
- (d) if the supplier has responsibility under a leasing agreement to maintain any tool, equipment, machine, device or other thing, maintain it in a safe condition and in compliance with this Act and the regulations.

S.Nu. 2003,c.25,s.5; S.Nu. 2015,c.19,s.3.

Safety program

7. Every employer shall implement and maintain an occupational health and safety program for a work site as required by the regulations. S.Nu. 2015,c.19,s.4.

Committees and representatives

- 7.1.** (1) Every employer shall, at a work site, in accordance with the regulations,
- (a) establish a Joint Occupational Health and Safety Committee; or
 - (b) designate an occupational health and safety representative.

Duties of Committee

- (2) The duties of a Committee at a work site are
- (a) to participate in the identification and control of health and safety hazards;
 - (b) to investigate under subsection 13(5) the circumstances that caused a refusal to work;
 - (c) to promote the health and safety of workers; and
 - (d) to perform any other duties specified in this Act or the regulations.

Duties of representative

- (3) The duties of an occupational health and safety representative at a work site are
- (a) to participate in the identification and control of health and safety hazards;

- (b) to promote the health and safety of workers; and
- (c) to perform any other duties specified in this Act or the regulations.

Pay and benefits

(4) Every employer shall ensure, in respect of a worker who is required by this Act or the regulations to do any activity, including performing duties and functions as a member of a Committee or as an occupational health and safety representative, that

- (a) time the worker spends in that activity is credited as time at work; and
- (b) the worker does not lose any pay or benefits as a result of the time the worker spends in that activity.

S.Nu. 2015,c.19,s.4.

Inquiries

8. The Commission may

- (a) cause inquiries to be made into and concerning the health and safety of workers in any establishment; and
- (b) appoint one or more persons to hold an inquiry with authority to exercise all powers required to examine, inquire into, hear and determine all matters and questions referred to that person or persons by the Commission.

S.N.W.T. 1996,c.9,Sch.I,s.19;

S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(a)).

Powers and duties of safety officers

9. (1) A safety officer

- (a) shall make the inspections and inquiries and carry out the tests that the safety officer considers necessary to ensure that this Act and the regulations are being complied with;
- (b) may require an employer to make or provide full and correct statements, in the form that may be required, respecting the conditions of work affecting the health or safety of all or any of his or her workers, and the materials and equipment used by them in their employment; and
- (c) may take or remove for analysis samples of materials and substances used or handled by workers, subject to the employer or his or her representative being notified that the samples or substances are being taken or removed for analysis.

Non-compliance with Act or regulations

(2) Where a safety officer has reasonable cause to believe that this Act or the regulations are not being complied with, the safety officer may

- (a) inspect, examine and take extracts from or make copies of all books and records relating to conditions of work that may affect the health or safety of any person employed on or in connection with any establishment; and

- (b) require any person employed on or in connection with any establishment to make full disclosure, production and delivery to the safety officer of all records or documents or copies of them, or other information, orally or in writing, that the person has in his or her possession or under his or her control and that relates to the conditions of work affecting the health or safety of the worker, or of the other workers, in his or her or their employment.

Right to enter premises

(3) For the purpose of this Act, a safety officer may at any reasonable time enter on and inspect any property, place or thing used in connection with an establishment and may question any worker apart from his or her employer.

Certificate of authority

(4) Every safety officer shall be provided with a certificate or badge of authority by the Commission and when entering on any property, place or thing used in connection with an establishment shall produce the certificate or badge for inspection if so requested.

Duty to assist safety officer

(5) The person in charge of an establishment and every person employed on or in connection with the establishment shall give a safety officer all reasonable assistance in his or her power to enable the safety officer to carry out his or her duties under this Act and the regulations. S.N.W.T. 1996,c.9,Sch.I,s.19; S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(b)).

Obstruction of safety officer

10. (1) No person shall obstruct or hinder a safety officer engaged in carrying out his or her duties.

False or misleading statements

(2) No person shall, with intent to mislead, make a false or misleading statement either orally or in writing to a safety officer engaged in carrying out his or her duties.

Confidential information

11. (1) Subject to subsections (2) and (2.1), any information obtained by a person under this Act is confidential and may only be disclosed

- (a) for the purposes of this Act or the regulations or for the purpose of administering other legislation that is administered by the Commission;
- (b) to agencies or departments of the Government of Nunavut, the Government of Canada or the government of a province or territory;
- (c) to regulatory bodies or agencies approved by the Commission;
- (d) in accordance with the *Access to Information and Protection of Privacy Act*; or
- (e) in accordance with the regulations.

Identity of informant

(2) A safety officer may disclose the identity of any person from whom information is obtained under this Act in confidence if, in the opinion of the safety officer, the disclosure is necessary to investigate or prosecute an alleged contravention of this Act or the regulations.

Privileged information

(2.1) Information provided to a person by an employer or supplier for the purposes of and in accordance with the regulations respecting a claim for exemption under the *Hazardous Materials Information Review Act* (Canada) is privileged, and exempt from disclosure under the *Access to Information and Protection of Privacy Act*.

Conditions of disclosure

(2.2) Except as provided in the regulations, a person who has obtained information described in subsection (2.1) shall not knowingly, without the written consent of the person who provided the information,

- (a) communicate the information, or allow it to be communicated, to any person, or
- (b) allow any person to inspect or to have access to any book, record, writing or other document containing that information.

Inconsistency or conflict

(2.3) To the extent that subsections (2) to (2.2) or the regulations respecting a workplace hazardous materials information system are inconsistent with or in conflict with provisions of the *Access to Information and Protection of Privacy Act*, subsections (2) to (2.2) or the regulations prevail despite that Act.

Disclosure of information

(3) No person shall disclose information obtained under this Act or the regulations except in accordance with subsection (1), (2) or (2.2).

Liability of safety officers and employees

(4) The safety officers and other persons employed in the administration of this Act and the regulations are not liable for loss or damage caused by anything done or not done by them in good faith in the performance of their duties or in the exercise of their powers.

Government and Commission not liable

(5) The Government of Nunavut and the Commission are not liable for loss or damage caused by anything done or not done in good faith by any of the persons referred to in subsection (4) in the performance of their duties or in the exercise of their powers. S.N.W.T. 1996,c.9,Sch.I,s.20; S.Nu. 2003,c.25,s.3(2),7; S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(c)); S.Nu. 2013,c.20,s.35(5)(a); S.Nu. 2015,c.19(5).

Directions arising out of inspection

- 12.** (1) In the course of carrying out an inspection, a safety officer may
- (a) give directions in writing for the carrying out of anything regulated, controlled or required by this Act or the regulations; and
 - (b) require that his or her directions be carried out within the time that the safety officer specifies.

Notice respecting further direction if potential danger

(2) A safety officer who is satisfied that any place, matter or thing that is the subject of a direction that he or she intends to give under subsection (1) is likely to constitute a source of potential danger to the health or safety of persons in an establishment if the direction is not carried out may, in giving a direction under subsection (1), give notice that a further direction may be given under subsection (3).

Potential danger

(3) Where an employer or a person charged with carrying out a direction given under subsection (1) in respect of which a safety officer has given notice under subsection (2), fails to carry out the direction, the safety officer may give a direction that the place, matter or thing shall not be used until the direction given under subsection (1) is complied with.

Work or things necessary for compliance

(4) Nothing in subsection (3) prevents the doing of any work or thing necessary for proper compliance with the direction.

Appeal

(5) The employer or the person charged with carrying out a direction given under subsection (1) or (3) may appeal the direction under section 16. S.Nu. 2003,c.25,s.8.

Posting notice of potential danger

12.1. (1) Where a safety officer gives a direction under subsection 12(3), the safety officer shall affix to or near the source of potential danger a notice of the danger in the prescribed form.

Removal of notice

(2) No person shall remove the notice referred to in subsection (1) unless authorized to do so by the safety officer or by the Chief Safety Officer. S.Nu. 2003,c.25,s.9.

Definition of "unusual danger"

- 13.** (1) In this section, "unusual danger" means, in relation to any work,
- (a) a danger that does not normally exist in that work; or
 - (b) a danger under which a person engaged in that work would not normally carry out his or her work.

Right to refuse work

(2) A worker may refuse to do any work where the worker has reason to believe that

- (a) there exists an unusual danger to the health or safety of the worker;
- (b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person;
- or
- (c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person.

Reporting refusal to work

(3) On refusing to work, the worker shall promptly report the circumstances of his or her refusal to the employer or supervisor who shall without delay investigate the report and take steps to eliminate the unusual danger in the presence of the worker and a representative of the worker's union, if there is such, or another worker selected by the worker who shall be made available and who shall attend without delay.

Refusal to work following investigation

(4) Following the investigation and any steps taken to eliminate the unusual danger, the employer or supervisor, as the case may be, shall notify the worker of the investigation and the steps taken, and where the worker has reasonable grounds to believe that

- (a) there exists an unusual danger to the health or safety of the worker,
- (b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person,
- or
- (c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person,

the worker may refuse to work and the employer, supervisor or worker shall without delay notify the Committee or, where there is no Committee, a delegate of the Chief Safety Officer of the refusal to work.

Decision of Committee or delegate

(5) The Committee or the delegate of the Chief Safety Officer, as the case may be, shall, within 24 hours after receiving notification, investigate the circumstances that caused the refusal to work in the presence of the employer, or a person representing the employer, and the worker, and decide whether an unusual danger exists or is likely to exist, as the case may be.

Performing work if unusual danger exists

(6) Where it is decided under subsection (5) that an unusual danger exists or is likely to exist, as the case may be, no person shall perform the work until

- (a) the employer has taken steps to eliminate the unusual danger, and

- (b) the Committee or the delegate of the Chief Safety Officer, as the case may be, is satisfied that the unusual danger no longer exists or is no longer likely to exist,

and the Committee or the delegate of the Chief Safety Officer, on being satisfied of that, shall without delay notify the worker that the unusual danger no longer exists or is no longer likely to exist, as the case may be.

Where worker to remain pending decision or appeal

(7) Pending the investigation and decision by the Committee or the delegate of the Chief Safety Officer under subsections (5) and (6) or pending an appeal under subsection (9), the worker shall remain in a safe place at or near the place of the investigation during his or her normal working hours unless the employer, subject to the provisions of a collective agreement, if any, assigns the worker to temporary alternative work that the worker is competent to perform.

Pay

(8) The worker shall be paid at his or her regular rate of pay during the normal working hours the worker spends at the place of the investigation or in the performance of alternative work.

Appeal

(9) The worker or the employer may appeal a decision of the Committee to the Chief Safety Officer who shall, as soon as is practicable, investigate and decide on the matter.

Decision

(10) Despite section 17, the decision of the Chief Safety Officer under subsection (9) is final. S.Nu. 2003,c.25,s.10; S.Nu. 2013,c.20,s.35(5)(b).

Imminent danger

14. Where a safety officer is satisfied that any place, matter or thing constitutes a source of imminent danger to the health or safety of persons employed on or in connection with an establishment

- (a) the safety officer shall notify the employer or person in charge of the establishment of the danger and give directions in writing to the employer or person in charge directing him or her, within the period of time that the safety officer specifies,
 - (i) to take measures for alleviating or reducing the danger, and
 - (ii) to protect any person from the danger; and
- (b) the safety officer may, if the safety officer considers that the danger cannot otherwise be alleviated, reduced or protected against immediately, direct that the place, matter or thing shall not be used until the directions of the safety officer are complied with, but nothing in this paragraph prevents the doing of any work or thing necessary for the proper compliance with the direction.

Posting notice of danger

15. (1) Where a safety officer gives a direction under section 14, the safety officer shall affix to or near the source of danger, a notice of danger in the prescribed form.

Removal of notice

(2) No person shall remove the notice referred to in subsection (1) unless authorized to do so by the safety officer or by the Chief Safety Officer.

Appeal to Chief Safety Officer

16. (1) Any person who is aggrieved by a direction or decision of a safety officer may, within 30 days after the date the direction or decision is made, appeal to the Chief Safety Officer.

Action by Chief Safety Officer

(2) The Chief Safety Officer shall, within 30 days after receiving an appeal under subsection (1),

- (a) make investigations and hear evidence that the Chief Safety Officer considers necessary to review and consider the matter;
- (b) vary, revoke or confirm the direction or decision appealed against; and
- (c) cause a copy of his or her decision to be served on the appellant.

Appeal to judge

17. (1) An appellant who is dissatisfied with a direction or decision of the Chief Safety Officer may, within 10 days after service on the appellant of a copy of the decision, appeal to a judge of the Nunavut Court of Justice by notice of appeal filed with the Clerk of the Nunavut Court of Justice.

Stay of direction or decision

(2) An appeal to the Chief Safety Officer or to a judge of the Nunavut Court of Justice does not operate as a stay of any direction or decision given by a safety officer or the Chief Safety Officer not to use a place, matter or thing. S.Nu. 2013,c.20,s.35(2),(3).

GENERAL

Chief Safety Officer

18. (1) The Commission shall appoint a Chief Safety Officer.

Duties

(2) The Chief Safety Officer has general supervision and direction of all safety officers in carrying out and enforcing the provisions of this Act and the regulations.

Code of practice

(3) The Chief Safety Officer may approve and issue such codes of practice as he or she considers suitable for the purpose of providing practical guidance with respect to the requirements of any provision of this Act or the regulations.

Notice of code of practice

(4) On approving and issuing a code of practice under subsection (3), the Chief Safety Officer shall cause to be published in the *Nunavut Gazette* a notice

- (a) identifying the code;
 - (b) specifying the provisions of this Act or the regulations to which the code relates;
 - (c) stating the effective date of the code; and
 - (d) indicating where copies of the code can be obtained.
- S.N.W.T. 1996,c.9,Sch.I,s.19; S.Nu. 2003,c.25,s.11;
S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(d)).

Safety officers

19. The Commission shall appoint the safety officers that the Commission considers necessary to ensure that this Act and the regulations are complied with.

S.N.W.T. 1996,c.9,Sch.I,s.19; S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(e)).

Research

20. The Commission may

- (a) undertake the research into the cause of and the means of preventing accidents;
- (b) publish the results of any research undertaken under paragraph (a); and
- (c) undertake the research referred to in paragraph (a) in co-operation with the Government of Nunavut, the Government of Canada, the government of a province or territory or with any person or organization undertaking similar research.

S.N.W.T. 1996,c.9,Sch.I,s.19,21; S.Nu. 2003,c.25,s.12;
S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(f)).

Safety education programs

21. The Commission may

- (a) develop and promote safety education programs; and
- (b) where the Commission considers it appropriate, co-operate with the Government of Nunavut, the Government of Canada, or the government of a province or territory or with any person or organization in developing and promoting safety education programs.

S.N.W.T. 1996,c.9,Sch.I,s.19,22; S.Nu. 2003,c.25,s.12;
S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(g)).

Fees

21.1. Every fee that is payable under this Act shall be paid to the Commission and form part of the Worker's Protection Fund. S.N.W.T. 1996,c.9,Sch.I,s.23;

S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(h),(5)(a)).

OFFENCES AND PUNISHMENT

Offences by employer

22. (1) Every employer or person acting on behalf of an employer or person in charge of an establishment is guilty of an offence who

- (a) contravenes this Act or the regulations;
- (b) fails to comply with a direction made by a safety officer; or
- (c) discharges, suspends or disciplines, or threatens to discharge, suspend or discipline, or otherwise discriminates or threatens to discriminate against a person because that person
 - (i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act,
 - (ii) has given information to the Commission or a safety officer regarding conditions of work affecting the health or safety of that person or of any of the workers with whom that person works,
 - (iii) is a member of a Committee or is an occupational health and safety representative, or exercises the powers or performs the duties as a member of a Committee or an occupational health and safety representative, or
 - (iv) has exercised his or her right to refuse to work under section 13.

Punishment

(2) Every employer or person acting on behalf of an employer or person in charge of an establishment who is guilty of an offence under this Act or the regulations is liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year or to both.

Reinstatement and compensation

(3) Where there is a conviction under paragraph (1)(c), the court may, in addition to any other punishment, order the employer

- (a) to cease the disciplinary or discriminatory action;
- (b) to pay compensation for loss of employment to the worker that, in the opinion of the court, would have accrued to the worker up to the date of conviction but for the discharge, suspension or disciplinary or discriminatory action;
- (c) to reinstate the worker to his or her former position on a date that, in the opinion of the court, is just and proper in the circumstances and under the same terms and conditions under which the worker was formerly employed; and
- (d) to remove any reference to the discharge, suspension, disciplinary or discriminatory action from the worker's record.

Offence by worker and punishment

(4) Every person employed on or in connection with the operation of an establishment who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding six months or to both.

Where worker condones offence

(5) Where an employer is guilty of an offence under this Act or the regulations, every worker of that employer who condoned the offence is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one month or to both.

Offence by supplier

(5.1) Every supplier who contravenes or fails to comply with a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year or to both.

Application of fines

(6) Every fine imposed under this Act shall, when collected, be paid over to the Commission and form part of the Workers' Protection Fund. S.N.W.T. 1994,c.15,s.2,3,4; S.N.W.T. 1996,c.9,Sch.I,s.19,24; S.Nu. 2003,c.25,s.13; S.Nu. 2007,c.15,s.177(Sch.,s.15(4)(i),(j),(5)(b)); S.Nu. 2015,c.19,s.6.

Code of practice admissible in prosecution

22.1. (1) Where a person is charged with an offence for contravening or failing to comply with a provision of this Act or the regulations in respect of which the Chief Safety Officer has approved and issued a code of practice, that code is admissible as evidence in the prosecution of the offence.

Evidence of code of practice

(2) In any prosecution for an offence referred to in subsection (1), a copy of a code of practice purported to have been approved and issued under this Act and purporting to have been signed by the Chief Safety Officer shall be accepted in evidence without proof of the signature or of the authority of the person by whom it purports to be signed. S.Nu. 2003,c.25,s.14.

Evidence of direction

23. In any prosecution for an offence under this Act or the regulations, a copy of a direction purported to have been made under this Act or the regulations and purporting to have been signed by a person authorized by this Act or the regulations to make the direction shall be accepted in evidence without proof of the signature or authority of the person by whom it purports to be signed.

Limitation period

24. Proceedings in respect of an offence under this Act may not be commenced more than one year after the date on which the offence was reported to the Chief Safety Officer. S.Nu. 2013,c.20,s.35(4).

REGULATIONS

Regulations

25. On the recommendation of the Minister, the Commissioner may make regulations respecting the health and safety of persons employed on or in connection with any establishment or class of establishment and for the provision therein of safety measures in the operation or use of plants, machinery, equipment, vehicles, materials, buildings, structures and premises used or to be used in connection with any establishment and, without restricting the generality of this power to make regulations, may make regulations

- (a) respecting the structural design and maintenance of any building or other structure;
- (b) respecting the ventilation, lighting and temperature of places of employment and prescribing the minimum amount of space for workers;
- (c) respecting the guarding and fencing of machinery, equipment and places;
- (d) respecting the handling, transportation, storage, use and disposal of substances or devices dangerous to the health or safety of workers;
- (e) prescribing standards for protective clothing and equipment to be used by workers and the use of, and the responsibility for providing, protective clothing and equipment;
- (f) prescribing mechanical standards for vehicles and equipment;
- (g) respecting the reporting and investigation of accidents and dangerous occurrences and the maintenance and inspection of records relating to that;
- (h) respecting fees that may be levied for any inspection or other service provided under this Act;
- (i) respecting the adoption and implementation of safety codes;
- (j) prescribing first aid facilities to be provided by employers, the provision by employers of first aid training to workers and the services of first aid attendants to be provided by employers on or in connection with an establishment;
- (k) respecting medical examinations of workers including, when examinations are required, the nature and scope of the examinations and the information to be contained and recorded as a result of the examinations;
- (l) respecting occupational health and safety programs that must be implemented and maintained by employers under section 7;
- (m) respecting Committees and occupational health and safety representatives;

- (n) respecting hazardous products and a workplace hazardous materials information system;
- (o) prescribing the procedure for an appeal to the Chief Safety Officer under subsection 13(9);
- (p) prescribing forms and fixing fees to be charged pursuant to this Act; and
- (q) generally for the due enforcement and carrying into effect of this Act.
S.Nu. 2015,c.19,s.7.

SAFETY ADVISORY COMMITTEE

Safety Advisory Committee

26. (1) The Minister shall establish a Safety Advisory Committee consisting of the Chief Safety Officer and

- (a) three members whom the Minister considers as representing the interests of workers;
- (b) three members whom the Minister considers as representing the interests of employers; and
- (c) such other members as the Minister considers advisable to appoint.

Term of members

(2) A member of the Safety Advisory Committee appointed under paragraph (1)(a), (b) or (c) holds office for a term not exceeding three years as fixed in the appointment.

Chairperson

(3) The Chief Safety Officer is the chairperson of the Safety Advisory Committee.

Functions

(4) The Safety Advisory Committee shall make recommendations respecting amendments to this Act and the regulations that it determines are required or desirable in the interests of occupational health and safety.

Meetings

- (5) The chairperson shall convene a meeting of the Safety Advisory Committee
- (a) when he or she considers it necessary;
 - (b) within one year after the coming into force of this section; and
 - (c) within one year after the last meeting.

Advisors

(6) The chairperson may retain any professional or technical advisors that he or she considers necessary and their remuneration shall be paid out of the Workers' Protection Fund. S.Nu. 2003,c.25,s.16; S.Nu. 2007,c.15,s.177(Sch.,s.15(6)).

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