



**Nova Scotia Environment and Labour's
Competitiveness and Compliance Initiative
Annual Report 2007**



“**Today** *is a reminder that I, too,*
play a role in regulatory change
and continuous **improvement**
in my department.”

– Regulatory Craft in Nova Scotia conference participant

Minister's Message



*The Honourable
Mark Parent*

In this, the second year of the Competitiveness and Compliance Initiative (CCI), we continue to progress toward our goals of improving the competitiveness of business and improving compliance with our laws.


Through the CCI, as a key part of the Better Regulation Initiative, we are reaching our goals by creating good regulatory practice. This year, to help us improve our regulatory practice – how we regulate – we have created a multi-year CCI Strategy. Our strategy complements the strategy of the province-wide Better Regulation Initiative, which is chaired by our own Nancy Vanstone, Assistant Deputy Minister. It brings together much of what we have already learned into an action-oriented plan to achieve our goals and objectives.

We have accomplished much across the divisions of our department this past year. A few highlights include:

- development and implementation of a department-wide Regulatory Management Policy
- launch of a department-wide problem nomination process
- achievement of a 4.5% reduction in paperwork burden for small and medium enterprises
- streamlining of the approval process and better environmental and public health protections for on-site septic systems
- implementation of Inspection and Investigation foundation training for inspectors across divisions
- implementation of an Activity Tracking System for the Occupational Health and Safety division, which will eventually link to the Workers' Compensation Board's "MyAccount" web portal
- improvement of both public safety and competitiveness as a result of changes to Crane Operators, Power Engineer, and Fuel Safety legislation

- successful delivery of the “Regulatory Craft in Nova Scotia” Conference, which shared best regulatory practices across our government and among other jurisdictions
- continuing regulatory development through consistent emphasis on plain language, business impact analysis, priority setting, capacity building, and multi-stakeholder dialogue and partnerships.

These are only a few examples of our successes over the past year. I invite you to read on for more successes, and details about how they are improving protection and business competition in Nova Scotia. The successful initiatives detailed within demonstrate the hard work and determination of the divisions across the department. Together, through regulatory successes like these, we will ensure a brighter future for our people, our economy, our environment and our community.



Minister Mark Parent



Introduction

In its second year, 2006-07, Environment and Labour's Competitiveness and Compliance Initiative (CCI), continued to improve our regulatory system and good regulatory practice throughout the department.

One important achievement this past year was the development of the CCI Strategy. This strategy represents our approach to achieving good regulatory practice throughout Environment and Labour by 2010. It is through implementing this strategy that we will improve how we regulate and change our regulatory culture. This means achieving the CCI Vision; As a leader in regulatory excellence within Nova Scotia and across Canada,

“ **Our good regulatory practice** *contributes to a prosperous business environment that ensures that citizens, communities and the environment are well protected.* ”

The CCI is a key part of the Better Regulation Initiative, which is helping achieve this vision across all government departments. Much of what the CCI is developing is being transferred to other government departments – and the CCI has accomplished a great deal.

The CCI has promoted and sponsored a wide range of initiatives. These span the department's many and varied regulatory responsibilities and divisions of the department. Every one of these initiatives contributes to improving our regulatory practice and, in turn, improves the competitiveness of business and protects the public and environment. In short, the CCI is working to make a brighter future for our people, economy, environment and communities.

This annual report will outline the CCI's four strategic objectives, discuss progress and initiatives that have been developed and implemented over the past fiscal year relating to each of these objectives, and detail the measures for success.



The CCI Strategy

In 2006-07, Environment and Labour's Competitiveness and Compliance Initiative advanced "regulatory excellence" and made progress on many departmental goals. CCI, as a part of the Better Regulation Initiative, aims to advance two main government-wide and departmental goals; to improve protection for the public and environment, and improve the competitiveness of Nova Scotia business.

Environment and Labour, through CCI, is achieving these goals by building a culture of "red-tape avoidance" and continuous regulatory improvement, or what we call *good regulatory practice*, within the department.

Regulatory practice is *how* we regulate, not just the laws themselves. We have divided good regulatory practice into four strategic objectives:

- choosing and designing quality tools
- making it easier for business, especially small and medium enterprises (SMEs), to achieve compliance
- increasing compliance with our regulatory programs
- continuously improving our regulatory programs

These strategic objectives are important in themselves, but they also support each other as an ongoing cycle. We call this the cycle of good regulatory practice.



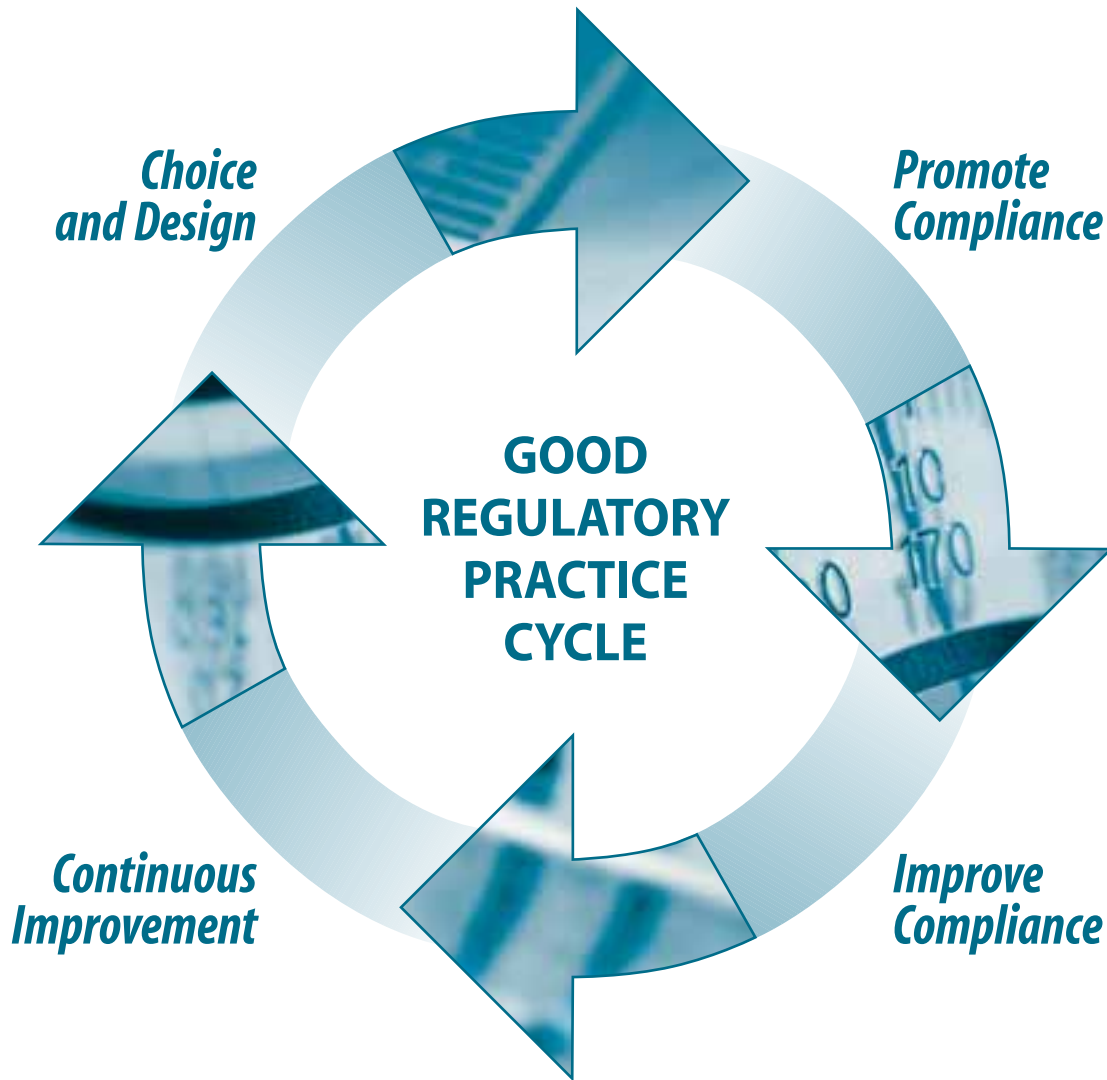


Figure 1: The Cycle of Good Regulatory Practice

Each of the objectives of the strategy are captured in this cycle as: choosing and designing quality tools, making it easier for businesses to comply by promoting compliance, measuring compliance and continuously improving our regulatory programs.

Strategic Objective #1

CHOOSING AND DESIGNING QUALITY TOOLS

As regulators, how we design and select the tools we use to achieve our objectives greatly influences how well we achieve our regulatory objectives and how they impact business competitiveness. Good regulatory practice means seeking out the right tool for the job, focusing on objectives, and ensuring that they are well designed.

In order to achieve this strategic objective, our department needed a standardized and systematic internal process across divisions to ensure we *do* pick the right tools for the job. In the last fiscal year our department developed Regulatory Management Policy and Procedures to guide tool development across the department. The following summarizes our departmental achievements in this fiscal year that are ensuring we choose and design quality tools.

Successes:

• Regulatory Management Policy Development

In 2006, NSEL developed and began to implement its Regulatory Management Policy. The policy sets out a consistent approach and guiding principles for department staff so they can consider how best to tackle a regulatory problem where regulation is one of a number of possible solutions. To supplement the policy, the department also developed procedures and guidelines for issue analysis and creating effective regulatory programs.

• Policy Guidance & Training Implementation

CCI has developed and delivered guidance materials and training for departmental staff to help them implement the Regulatory Management Policy and Procedures.

- NSEL developed detailed procedures concerning issue analysis and regulatory tool development. These procedures help effectively implement the policy.

Principles of the Regulatory Management Policy:

- Prioritize areas to tackle
- Engage stakeholders
- Focus on outcomes or performance objectives
- Harmonize/ Minimize duplication
- Consider a broad set of policy options
- Analyze Costs and benefits
- Minimize paperwork burden
- Make informed decisions
- Plan for effective implementation
- Promote compliance
- Use cross-divisional input
- Measure progress

- Introduction and Training: During the fiscal year, CCI delivered orientation sessions to department staff on the regulatory framework policy, provided advice on regulatory management through department committees, and has dedicated resources to promote awareness and compliance around the policy.
- Instrument Selection Training: CCI continues to develop training sessions and guidance material for department staff respecting policy instrument selection. The purpose of the course is to make staff aware of the various policy tools that are available in problem solving.

- **Tracking system to monitor compliance**

In keeping with the Regulatory Management Policy established by the Department, CCI has developed an internal checklist to track whether regulatory proposals conform to the principles and goals in the Policy. This checklist ensures that proposals have considered impacts, costs and benefits, undergone stakeholder engagement, have performance measures, and meet other principles of the Policy.

“The problem that is well defined is half solved. The problem that is not well defined is rarely solved.”

– Malcolm Sparrow

- **Problem Solving Process**

The department’s new problem solving process focuses on identifying important external issues that are not being solved by our current efforts, then zoning in on the root of the problem. Only once the problem has been specifically and measurably defined can an action plan be developed to solve the problem. This process complements our existing departmental and division business plan. Problem Solving reflects the department’s commitment to good regulatory practice and works toward our objective of choosing and designing quality tools that help competitiveness and get compliance.

Environment and Labour held its first problem nomination period this February (2007) and received 20 nominations from staff all over the province. A Selection Committee chose three of the problems to go

through the Problem Solving Process using Malcolm Sparrow's¹ philosophy of "Pick important problems: fix them" as a guideline. NSEL is moving forward on many of these problems through other means, such as divisional projects and CCI sponsored projects. The next step for each of the chosen problems will be to form a problem solving team.



Measure for Success:	Status:
80% of regulatory proposals comply with a department-wide Regulatory Management Policy in 2007-08, and 100% comply by 2010.	At end fiscal year 2006-07, 58% of regulatory proposals comply with a department-wide Regulatory Management Policy. It is important to note the Regulatory Management Policy did not come into effect until October 2006.

¹ Malcolm K. Sparrow is a professor of the practice of public management at the prestigious John F. Kennedy School of Government at Harvard University and an expert in the area of regulatory management. From his latest book "The Regulatory Craft: Controlling Risks, Solving Problems and Managing Compliance" (2000).



Strategic Objective #2

MAKING IT EASIER FOR BUSINESS, ESPECIALLY SMALL AND MEDIUM ENTERPRISES (SMEs), TO ACHIEVE COMPLIANCE

We often hear from businesses that they have difficulty complying with our laws because they are not aware of the law or don't know how to comply. We also hear that there is too much paperwork burden on businesses when they try to comply. Small and medium-sized businesses are disproportionately impacted by regulation because, unlike larger businesses, it is usually the business owner who has to spend time to comply with government laws instead of spending time developing their business. Businesses also tell us that they waste time waiting for government to make decisions on submissions or applications they make.

In order to make it easier for businesses to comply with our laws, we need to:

- improve awareness of our laws
- provide more plain language guidance on how to comply with our laws
- reduce the paperwork burden for businesses
- reduce wait times for licenses, permits and approvals, with appropriate exceptions

Making it easier for businesses to comply with our laws will also improve protection for the environment, workplaces and the public, and reduce the need for regulatory resources.

The following section outlines our departmental achievements that make it easier for business to comply with our laws.

Successes:

• Paperwork Burden Reduction

Reducing the paperwork burden makes it easier for businesses to comply with rules, which leads to higher levels of compliance and ultimately leads to safe and healthy people and better protection of the environment. A number of divisions within Environment and Labour contributed to our progress toward a 20% reduction in paperwork burden by 2010:

- Environmental Monitoring and Compliance (EMC) division introduced online fillable PDF application forms for various activities that require a departmental approval under the Activities Designation Regulations. These activities vary widely, and may require an alteration of a watercourse approval, salvage yard approval, or a major industrial approval, such as a mine.
- Pensions division developed online fillable PDF forms for the *Application for Registration and the Annual Information Return*
- Public Safety division created an online application and a multi-year renewal for *Fuel Safety License Renewal* and the *Fuel Safety Permit*.
- Public Safety division also implemented regulatory changes that extended the term of elevating device licenses and elevator and lift mechanics' certificates from one year to three years.

• On-Site Sewage Approvals: Reducing wait times and improving protection

The CCI initiative facilitated the development and approval of new on-site sewage regulations that allow streamlined approvals for on-site sewage systems. Pilot testing held in two high-volume offices showed that the streamlined system cuts approval waiting times by two-thirds, from an average of three weeks to one.

This dramatic reduction allows applicants to start building sooner. Streamlining approvals

The Competitiveness and Compliance Initiative produces a series of topical, informational fact sheets. They highlight divisional activities that improve and streamline regulation, and the resulting benefits to business and better protection for Nova Scotians. They are available on the Web and by contacting CCI.



reduces wait times and saves builders time and money. This, in turn, boosts businesses and creates a more competitive environment for the construction industry. Meanwhile, the department maintains its role as environmental guardian. Inspectors are able to maximize their time inspecting systems that have been installed by qualified individuals – and minimize time spent reviewing long, detailed application forms. This new system will give inspectors even more time in the field to investigate environmental threats, improving environmental protection.

- **My Account**

Since we reported on the Workers' Compensation Board's MyAccount project in last year's Annual Report, there have been a couple of notable enhancements to the tool. It has new capabilities that make it even more attractive and useful for business.

“I wanted to let you and your team know that the MyAccount initiative is wonderful! I am able to access claim information such as claim numbers and WCB staff responsible for the claim much more quickly. Prior to having this new service, we relied on manual records which were difficult to present to other managers without a huge amount of effort and time investment.

– Shelley James, Disability Claims Management, Northwoodcare Incorporated

- E-forms let employers submit forms online, and view and print them for their records, including (since December '06) the ability to report and send workplace injury information electronically.
- New tools make the business case for safety and injury prevention. The Incident Cost safety calculator can show the impact that improving safety performance would have. It illustrates the hidden costs of injury, and shows the likelihood of serious or even fatal injuries in the workplace.
- New claims tools help employers compare their experience to others in their industry; are they failing to measure up against their peers or are they on the right track with their prevention and return to work programs? They can also access their company's claims information in near-real time, updated every 15 minutes.
- New assessment tools offer a breakdown of how their particular



industry rate is calculated, and a historical look at the rate over time. The tool also includes an Experience Rating Calculator that lets employers see the potential benefits of reducing injuries.

- As MyAccount continues to evolve, it will allow businesses access to information from the Occupational Health & Safety division by the end of 2007. This will include:
 - select inspection reports
 - report and workplace inspections
 - compliance orders – MyAccount will produce a report to indicate whether an order has been complied with or not
 - compliance notice – for each order that is not marked complied, MyAccount will include a feature that allows an employer to submit an online compliance notice saying the order has been complied with
 - report of appeals – complete with order number, dates of appeal and decisions, text of decision, whether a second level appeal has been initiated, etc.

- **Environmental Home Assessment Program**

Under the Environmental Home Assessment Program, NSEL is providing homeowners with a septic system assessment, a water quality sampling kit and water-saving device. Samples of environmentally friendly septic cleaners are distributed as well as information on how to properly maintain home oil tanks. Once the assessment is complete, participants who wish to have their home septic system pumped will receive a rebate of \$50 to be used by the end of fiscal year. Depending on financial need and the state of the septic system, lower-income households may be eligible for a grant of up to \$3,000 that will help cover the cost of necessary repairs.

"Knowing the importance of regular water testing and how to properly maintain your home oil tank and septic system can protect our soil and water, and save you thousands of dollars in repair costs."

– Judy McMullen, Executive Director of Clean Nova Scotia.

NSEL is facilitating the compliance process by providing funding to those in need and is making it easier for people to comply by providing the tools to assist them.

- **Emergency Evacuation Training for Elevating Devices**

This training course allows a number of emergency service agencies to learn to safely extract people from elevating devices without endangering rescuers or passengers or damaging the device. People trapped in an elevator require immediate help; this training greatly reduces the physical safety risks and business consequences for everyone involved in helping them. Less equipment damage and downtime reduces costs to the company that result from repair work or negative appearances. This course will reduce injuries to employees and the public, as well as, reduce the cost to business which, in turn, increases competitiveness.

- **“About Pensions” Website**

Eventually, we all turn our attention to planning for retirement. There are many factors to consider when retiring and a lot of information to absorb. People who are about to retire, or who have recently joined a pension plan, often want to learn more. This site provides information on workplace pensions and personal retirement savings. This is an innovative approach to educating people about different types of government and private pensions. Ensuring people are well-informed about pensions will increase compliance with the pension regulations. This site can be found at www.gov.ns.ca/enla/pensions/about.asp.

- **Easier to Designate Lands for Protection**

Amendments made to the *Special Places Protection Act* in 2006 helped make new land available for designation. The amendments reduced red tape and made it more attractive for private landowners to offer their land for protection. The department is continuing to work with partners to establish a comprehensive system of protected areas in the province.

River Inhabitants Nature Reserve, designated under the Special Places Protection Act in July 2006 with the consent of the owner, Stora Enso Port Hawkesbury Inc. Photo credit: David MacKinnon, Nova Scotia Environment and Labour



- **Labour Standards Compliance Promotion Strategy**

The Labour Standards division initiated a compliance strategy in 2005-06 that was developed in partnership with industry stakeholders. The first stage was the development and implementation of a system of audits and self-audits to help employers comply with minimum standards. This work continued in 2006-07 but – recognizing that lack of awareness is the greatest barrier to compliance – the division placed increased emphasis on helping employers and employees to get information about their rights and responsibilities under the Labour Standards Code. The division enhanced its website and informational materials, ran a number of advertisements and media features, carried out 32 information sessions with employer and employee groups, and increased contact with stakeholder groups.

Presentations to employees specifically targetted recent immigrants and young workers, who are less likely to be informed about their rights. In addition, the division developed and disseminated awareness material for a number of new amendments to the *Labour Standards Code*. They deal with deductions from pay, the right to refuse Sunday work in retail, meal breaks, employment of youth, and job protection for Reservists.



**Not sure where to go
for information about
employment laws?**

We can help.

Contact the
Labour Standards Division
at **1-888-315-0110**

NOVA SCOTIA
Environment and Labour

www.gov.ns.ca/enla/employmentrights

- **Improving Labour Standards' Service Delivery Response Time**

The Labour Standards division continues to reduce the time it takes to respond to complaints. In 2005-06, the division set a goal of assigning all new complaints to a Labour Standards Officer with two weeks of receipt. In 2006-07, the target was assignment within seven days. The division met and exceeded that goal, with an average assignment time of 4.3 days. This is a dramatic change from the situation a few years ago, when employees waited several months to hear from an Officer and employers were left unaware that a complaint had been filed against them. In addition, the division increased the list of complaint types that receive immediate response. This keeps some issues from escalating and, in some cases, preserves employer/employee relationships. In the coming year, the division will develop even more measures to ensure that the concerns of employees and employers are being efficiently addressed.



- **Environmental Regulation Training for Farmers**

The Nova Scotia Department of Agriculture and Nova Scotia Environment and Labour partnered to develop a guide to Environmental Legislation and Regulation for the farming community. The guide will increase the knowledge, understanding and compliance with this legislation within the farming sector.

The first stage of the project involved an inventory and analysis of the legislation and case law that is relevant to agricultural activities in Nova Scotia. Based on the results of the inventory, interviews and a survey, an information resource was developed. A report is complete and currently under review. Discussions are underway to determine the best method of delivering the information to farmers.

“Building an awareness that workplace injuries do not have to happen is critical to establishing a true workplace safety culture in Nova Scotia,”

– Shelley Rowan, VP of Marketing, Communications and Human Resources, Workers’ Compensation Board

- **Not Worth It Program**

The Workers’ Compensation Board (WCB) of Nova Scotia has launched a new wave of the highly successful “Not Worth It” advertising campaign. The campaign, now in its third year, aims to raise awareness of workplace injuries among workers under 25.

A key element of the “Not Worth It” campaign is a new website (www.notworthit.ca). This interactive website is set up to look like a typical retail store, but with a twist – visitors can shop for body parts like legs, hands and spines to replace ones they’ve injured while on the job. This tongue-in-cheek design appeals to youth and helps drive home the message of the terrible cost of workplace injuries to a demographic that might not otherwise consider such dangers. This campaign is helping Nova Scotians realize the importance of workplace safety, and helping to prevent workplace injuries. In turn, this increases the competitiveness of business by reducing employees’ absence and injury.

NOTWORTHIT.CA
YOU CAN'T BUY A NEW ONE

YOUNG WORKER INJURIES IN 2006	4,373
TIME-LOSS YOUTH INJURIES IN 2006	907
NUMBER OF FINGER INJURIES (MOST COMMON)	851
NUMBER OF FACE INJURIES	387
NUMBER OF LEG INJURIES	269
NUMBER OF ARM INJURIES	230
NUMBER OF BURNS	240
NUMBER STRUCK BY OBJECT	707
NUMBER OF TIME-LOSS BACK INJURIES (MOST COMMON TIME-LOSS INJURY)	240
# CAUGHT IN OR COMPRESSED BY EQUIPMENT	252
# EXPOSED TO CAUSTIC SUBSTANCES	200
# OF TRAUMATIC INJURIES TO BONES	120
YOUNG NS WORKERS INJURED EVERY DAY	12

SUBTOTAL	TOO MUCH
TOTAL	WAY TOO MUCH

YOU COULD SAVE AN ARM AND A LEG ON YOUR NEXT VISIT	

HAS WORKPLACE INJURY HAPPENED TO YOU, OR ALMOST HAPPENED TO YOU?	
VISIT NOTWORTHIT.CA AND CLICK ON THE VIDEO SCREEN TO TELL US ABOUT IT.	

WORK SAFE. FOR LIFE.	



Measure for Success:

Reduce the paperwork burden for business 7% by 2007-2008, and 20% by 2010.

80% of NSEL regulatory programs have compliance promotion plans by 2010

All divisions will inventory their baseline wait times for all licences, permits and approvals by 2007/08

By 2008, the wait times for 50% of all department licences, permits and approvals will be less than 10 business days, and 100% no more than 10 days by 2010

Status:

End of fiscal year 2006-07, NSEL had a cumulative total reduction of 4.5%

Promoted compliance with aspects of a number of specific initiatives in the department, including:

- Occupational Diving Safety Strategy
- Amusement Devices Regulation,
- Workplace Violence Prevention and
- Electronic Waste Regulation

In progress

In progress

Strategic Objective #3

IMPROVING COMPLIANCE WITH OUR REGULATORY PROGRAMS

In 2000, Environment and Labour was formed through the merge of two departments and a number of agencies. Four separate inspectorates, including Alcohol and Gaming, Occupational Health and Safety, Public Safety and Environment, were combined into one department. Each inspectorate already had its own training sources and practices. While each inspectorate had distinct strengths the department needed to improve the consistency of our practices in order to improve compliance with laws and regulations. Consistent implementation of legislation creates a level playing field for business and improves protection.

The following describes some of the achievements in 06/07 to improve compliance.

Successes:

- **Development of an Environmental Health Protection Joint Framework**

In 2006, The Departments of Agriculture, Environment and Labour, and Health Promotion and Protection developed a joint plan to follow a consistent and systematic approach to making strategic decisions about environmental health protection. The framework emphasizes protection of the public from environmental health risks as a shared responsibility among these three departments.

The strength of partnering on environmental health protection lies in taking advantage of more resources and expertise. Collaboration also expands capacity for action, using a customized selection of regulatory and non-regulatory approaches. The framework identifies common goals, objectives, and principles, and contains a model for decision-making. It outlines mechanisms for engaging multiple disciplines to work together on policy, ongoing operations and infrastructure development.

This partnership will result in the establishment of:

- joint priorities
- uniform applications of formalized procedures across the province

- timely and appropriate responses to hazards and violations
- strong communication among departments, and
- strengthened public information and accountability.

A current demonstration project for the three departments is the evaluation and modernization of both the regulatory and program delivery components of childrens' summer residential camps. These changes exemplify the goals of the CCI by streamlining processes and creating the potential to reduce response time from government officials, which makes it easier for businesses to comply.

- **Roll-out of Inspection and Investigation Training**

The Inspection, Investigation and Prosecution Committee (IIPC) was formed to review current inspection and investigation policies once the procedures and practices of all four inspectorates were united – when the departments of Environment and Labour merged into one. The committee’s review identified opportunities to increase the level of consistency between the various divisional inspectors and officers, and also to enhance professional development of staff, and provide a more effective and efficient level of service to the regulated activities across Nova Scotia.

The committee’s solution was a professional training curriculum for inspectorate staff that includes a core training program based on relevant, tailored topics that NSEL inspectors encounter most often.

The training sessions began in 2006 and have been met with a very positive response.

Inspectorates now have access to the knowledge and tools they need to identify opportunities for increasing compliance and improved service, which ensures appropriate protections for Nova Scotians. Furthermore, having a common foundation of training among the department’s inspectorate staff will help promote greater cooperation and better

Environment and Labour

Inspection and Investigation Training

The Opportunity
In 2000, Nova Scotia Environment and Labour was created from the merger of two departments and a number of agencies. This merger brought four major inspectorates together: Alcohol and Gaming, Occupational Health and Safety, Public Safety and Environment each with their own training sources and practices. Some used RCMP enforcement training, but this did not meet all the needs of our regulatory inspectors. A number of years after the merger it became apparent better training and more cooperation and consistency was needed among the inspectorates.

In 2005, a volunteer team, called the Inspection, Investigation and Prosecution Committee (IIPC) was formed to review current inspection and investigation policies, procedures and practices within all four inspectorates. The committee’s review identified opportunities to increase the level of consistency between the various divisional inspectors and officers, and also to enhance professional development of staff, and provide a more effective and efficient level of service to the department’s regulated clients across Nova Scotia.

The Response
Following an extensive process review, the committee, in consultation with and with assistance from the Nova Scotia Community College (NSCC) and the Public Prosecution Service, developed a professional training curriculum for inspectorate staff that includes a core training program based relevant, tailored topics that NSEL inspectors encounter most often. This training is modelled after an Ontario Program.

During the winter and spring of 2006, the team delivered a pilot program which resulted in twelve inspectorate staff being the first group certified by the new training. The experience of this group of people was particularly valuable, because they further enhanced the quality of the training by agreeing to scrutinize the program and present the committee with feedback. Their suggestions for further improvement were incorporated before the finalization of the development of the program. The resulting program offers inspectors information and training from a regulatory compliance and enforcement perspective, a perfect match for their primary job function.

In fall 2006, an additional twenty inspectors completed the foundation training. The Inspection, Investigation and Prosecution Committee has proposed that the program be conducted twice annually. It is anticipated that all inspectorate staff within NSEL – selected for participation on a priority basis – will be certified through this program within five years.

Better Regulation
Better Training

Competitiveness and Compliance Initiative

communication with regulated stakeholders and among community partners. Offered twice a year, this training should see all inspectors trained by 2010.

- **Activity Tracking System Implementation**

The Activity Tracking System (ATS) is a department-wide system that was developed to manage and report on activities for both staff and clients. The activities being tracked generally relate to inspections, so the system will be rolled out in the four main inspectorate divisions. The ATS provides NSEL staff with the information they require to more effectively manage their time and resources. The ATS was implemented in the Occupational Health and Safety division in 2006-07.

The improved data and reporting capability will allow the department to target the inspections and activities for those areas that have the greatest risk. In addition, it is anticipated that with an improved information system NSEL will be able provide clients with on-line access to their own information regarding interactions with the department. An example of how this can be accomplished is the Worker Compensation Board’s (WCB) *My Account* initiative (see page 11).

- **Compliance Framework**

Building on the Environmental Compliance Model, the department has developed a framework that offers a consistent approach to achieving compliance across our department. This provides better and more consistent guidance and support to our staff.

Measure for Success:	Status:
Improve consistency of compliance programs in all four inspectorates to help create a level playing-field and improve protection by 2010	<ul style="list-style-type: none"> • Development and roll-out of Inspection and Investigation Foundation Training across the department. • Compliance Framework • Activity Tracking System development
30% of our Inspectors and Investigators complete standardized foundation training by 2007-2008; 100% by 2011	As of end of fiscal year 2006-07, 16% of our Inspectors and Investigators have completed standardized foundation training

Strategic Objective #4

CONTINUOUS IMPROVEMENT OF OUR REGULATORY PROGRAMS

Effective regulatory agencies learn from their past practices and continually strive to do better. With our regulatory and socio-economic environment constantly changing, we need to be flexible in delivering good regulatory practice, yet remain dependable to protect the environment and the public.

“To build capacity of employees in order to create a learning organization and enhance professional development.”

– Vision of the Learning Services Branch

The following summarizes our 06/07 efforts to continuously improve our regulatory programs.

Successes:

- **New Learning Services Branch**

Our Department created a new branch to achieve a more consistent approach to ensuring our staff have the training they need to be effective regulators. Learning Services supports the learning needs of all NSEL employees by developing, delivering and evaluating training specific to the needs of the departmental staff, recognizing and supporting employee development opportunities that are complementary to other initiatives, and establishing and maximizing partnerships with other learning providers. With top-quality training, NSEL employees will have the knowledge, skills and support they need to develop and administer consistent, flexible and dependable regulatory programs.

- **Training Inventory**

NSEL has about 200 staff involved in inspection and investigation. Depending on their area of work, inspectorate staff can be required to complete hundreds of hours of training within their first few months on the job, and to renew some training periodically. Therefore, it is essential that NSEL track the training that each and every staff member completes, or is required to complete. The department must be

confident that every employee is fully informed and competent in their role. The inventory will provide managers with an easily accessible and convenient means of tracking mandatory staff training. Learning Services must be able to clearly identify divisional training needs, gaps, and know when certifications are needed. To that end, a training inventory system is being researched. A fully functional system will be in operation by the end of 2007.

- **EMC Quality Assurance Protocol**

The Eastern Regional Offices of EMC have facilitated the development of a divisional Quality Assurance (QA) process to be implemented province wide. A pilot trial developed around *Public Drinking Water* was very successful in allowing offices to evaluate their performance using Quality Assurance. As a result, EMC is in the process of continuing development of Quality Assurance review materials around both *Municipal Waters* and *Industrial Activities*. The Quality Assurance process facilitates staff involvement and participation in the assessment of our regulatory programs while providing measurable outcomes that will foster efficient and effective service.

- **Crane Operators Regulations**

Changes to the Crane Operators Regulations took effect in January 2007. The new requirements allow operators to qualify for certification faster because they receive more credit hours for the experience they gain from qualifying training programs. The regulations now refer to the most current national standards for crane installation, operation and maintenance. All these changes are improving industry's competitiveness through clarification and simplification without compromising the safety of workers or the public.



- **Power Engineers Regulations:
Flexible staffing and record keeping**

Stakeholders requested changes to the Power Engineers regulations that would address their immediate concerns about certain regulations that they felt impeded effective operations. Changes to the regulations mean operators who meet certain criteria may no longer need to have a power engineer on staff full time, or that they may be able to use provincially-certified unfired power boiler plant operators. The regulations clarify the duties of Chiefs and power engineers, and allow electronic log keeping. These changes will allow small industry to operate at lower costs during periods of reduced production without compromising safety.

- **Centralized and Improved Fuel Safety**

Nova Scotia's fuel safety regulations were changed to make them easier to interpret, to address safe management of more fuels, and to keep them more current. The new regulations mean that one government department regulates nearly all fuel oil installations. Changes to safety practices in the national code can now be adopted immediately in Nova Scotia. The new regulations also offer better representation and licensing for industry workers, and improve several reporting, compliance, and registration practices, making it easier for businesses to comply and be more competitive.

- **Fuel Safety Memorandum of Understanding (MOU)**

When the Public Safety division upgraded the training standards for gas fitters in 1999, the push within the industry was to standardize training curriculum nationwide – at a very high standard – as the first step toward a Red Seal trade designation for the gas fitter trade.

When New Brunswick adopted the same training criteria as Nova Scotia, discussions began regarding areas like Amherst and Sackville, New Brunswick. These areas, though separated by very few miles, have two separate certification processes and this presents a very real barrier to labour mobility. These talks culminated in the signing of an MOU between NSEL's Fuel Safety Section and New Brunswick's Technical Inspection Services. Now the holder of a valid gas fitter certification from either province can apply for, and be granted, comparable licensing in the adjoining province. This promotes labour mobility



between Nova Scotia and New Brunswick and builds a foundation for talks with other provinces that have equivalent educational standards.

- **Development and Implementation of an Electronics Waste Recycling Program**

Nova Scotia will be cleaner and greener as a result of the province's new e-waste regulations. The government, in partnership with the electronics industry, announced regulations which prohibit the disposal of certain electronic products in Nova Scotia landfills as of February 1, 2008. The regulations will require the electronics industry to ensure the safe and environmentally friendly management of their products. Consumers will be able to drop off old electronic products at collection facilities throughout the province free of charge.



The regulations were shaped through a period of careful consultation with the public and industry, including the completion of a CCI-sponsored business impact study. The study included an assessment of program costs and options, stakeholder interviews, and a survey of affected electronics businesses. The resulting regulations are designed to be performance-based and non-prescriptive, encouraging industry to develop innovative ways to manage electronic waste.

“Banning the disposal of electronic waste in landfills is creating an e-waste processing industry and manufacturers are becoming more innovative.”

– NovaKnowledge

- **Workplace Violence Prevention Strategy**

In this fiscal year, our Department focussed on addressing the problem of workplace violence with a strategy and new regulations. The Workplace Violence Prevention Strategy details the importance of, and government's commitment to, employee protection and safety. The Regulations reinforce the duty employers have under the *Occupational Health and Safety Act* to take reasonable precautions to ensure the health and safety of persons at or near a workplace. They also outline the process to be followed in addressing workplace violence in industry sectors where the problem is most acute. The Occupational Health and Safety division is working with NSCC to offer free information sessions about the new strategy and regulations.

The Occupational Health and Safety division has also prepared a Reference Guide to the regulations that gives a brief overview of the regulations and the Act. Along with this guide, components of the strategy available online include the workplace violence prevention regulations, the Workplace Violence Prevention Strategy, *A Guide to Assessing the Risk of Workplace Violence* and other resources.

"This is an excellent way to introduce new initiatives."

– conference participant, Workplace Violence Risk Assessment Workshop, NSCC

In keeping with our focus on better regulation that offers Nova Scotians better protection alongside flexible options for regulatory compliance, the new regulations contain non-prescriptive measures. They hold employers accountable for specific protections while allowing them to customize their solutions according to their specific hazards and priorities.

- **Internal Responsibility System (IRS) Forum**

The department sponsored a free forum on the Internal Responsibility System during the 2007 Nova Scotia Safety Council annual conference in May. Attended by over 30 safety professionals, the forum asked for and received input into a broad range of IRS issues, from training to support. The department will use this information to draft a more detailed Internal Responsibility System strategy. The strategy will enable business to better understand their regulatory obligations, and provide information and resources they need to achieve compliance.

- **Science Forum: Water Resource Management**

Nova Scotia Environment and Labour, in partnership with Cape Breton University, was pleased to host a full day Science Forum on Water Resource Management on Feb 21, 2007. The management of water resources is steadily growing as an issue of concern for Nova Scotians. Effective management of this resource is key to Nova Scotia's long-term sustainability.

The water science forum was intended to provide an opportunity to exchange knowledge with stakeholders and the public in order to build our mutual capacity and awareness of water resource management



issues. Some of the topics addressed at this one-day event include: climate change, water resource management from a national perspective, collaborative initiatives in the Bras d'Or lake region, and a case study of the development of a water source protection plan in the Chapel Island First Nation.

“National and international presenters on these topics were very informative, and provided access to perspectives which would otherwise be difficult to obtain”

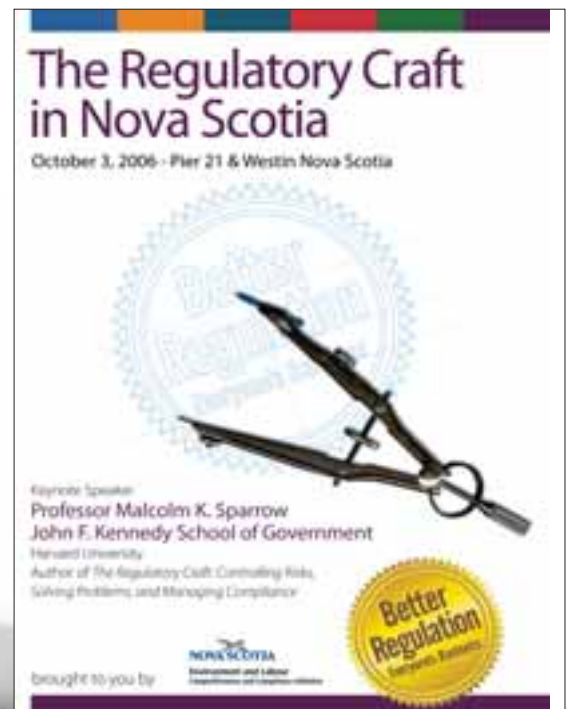
– Regulatory Craft Conference participant

- **Workplace Violence Forum**

The department also sponsored a free forum on Workplace Violence Prevention during the 2007 Nova Scotia Safety Council annual conference. Attended by over 40 safety professionals, the forum asked for and received input into a draft Workplace Violence Prevention Strategy. The Department used this information to refine the strategy, which was formally released on April 26, 2007. The strategy supports the new Regulations and creates a series of aids that allow employers and workers to comply with the regulations, making NS workers safer than they have ever been.

- **The ‘Regulatory Craft in Nova Scotia’ Conference**

In October of 2006, CCI hosted ‘The Regulatory Craft in Nova Scotia’ Conference. Following a national meeting on regulatory reform, the conference focused on sharing best regulatory practices across the provincial government and learning from regulatory successes in other jurisdictions. One-hundred-and-fifty public servants attended the conference from Nova Scotia and across Canada. The conference included speakers on better regulation topics from Nova Scotia government departments as well as from other Canadian and international jurisdictions. The keynote speaker, Dr. Malcolm Sparrow,



summarized our job as regulators in one simple phrase: "Pick important problems: fix them" and went on to explain the necessity of tailoring tools to solve specific problems rather than applying broad brush solutions to all situations.

Concurrent session speakers shared their experiences with assessing the impact of proposed regulations, developing new regulatory programs, taking regulation outside of government to independent agencies, creating an integrated regulatory agency, using alternatives to regulation, improving service to business, and improving inspection and enforcement through training. The day concluded with a panel discussion with business community representatives debating the impact of regulations on competitiveness.

Nearly 90% of the participants who attended the Regulatory Craft conference said the presentation by Malcolm Sparrow was very informative and of particular relevance to their work.

The conference explored the making and enforcement of regulatory tools and programs as a distinct discipline that must be approached with rigour, flexibility and creativity.

- **CCI Knowledge Days**

The CCI holds day-long knowledge day sessions for staff around the province to promote information exchange on best regulatory practices. These sessions give staff an opportunity to learn from the successes of their peers and promote good regulatory practices happening in the department.

CCI held a Knowledge Day on *Problem Solving* in February. This Knowledge Day was a workshop for staff to learn more about how to understand, define and measure problems. CCI brought in an expert from the United States to help staff build skills in formalized problem solving process. The theory behind Problem Solving is that once regulators truly have a grasp on the root of the problem and the data that describes the problem, it becomes easier to tailor effective solutions for solving the problem. The workshop helped staff build skills in

problem solving that were put to use in the department's Problem Nomination process.

- **The Malcolm Sparrow Award for Excellence In Regulatory Practice**

This award is a part of CCI's strategy to build on existing expertise to create an effective, modern regulatory environment. This annual prize for Excellence in Regulatory Practice was established in honour of Professor Malcolm Sparrow, of the John F. Kennedy School of Government, Harvard University. The first annual award recognized Randall Kennedy, NSEL Public Safety Division, and his team for their work on the Amusement Devices Mechanic Training Program. The training program has improved public protection measures for amusement devices, introduced industry standards, and reduced costs for the industry.

The award was presented by Professor Sparrow himself, at the Regulatory Craft in Nova Scotia Conference in October 2006.

Measure for Success:	Status:
90% of new or amended regulatory programs incorporate measures for demonstrating progress toward their objectives by 2010.	In baseline year (06/07), 33% of new or amended regulatory programs have measures in place.

Nova Scotia Environment and Labour
Office of Competitiveness and Compliance
5151 Terminal Road, 5th Floor
PO Box 697
Halifax, Nova Scotia B3J 2T8

T (902) 424-3081
F (902) 428-3139
cci@gov.ns.ca
www.gov.ns.ca/enla/cci

