

## Compliance Bulletin

### Administrative Penalty FAQs

*Amendments to the General Regulations attendant to the Apprenticeship and Trades Qualifications Act approved on December 3, 2019.*

Amendments to the *Apprenticeship and Trades Qualifications Act* (Act) provide the authority for the Nova Scotia Apprenticeship Agency to issue administrative penalties for persons who are in violation of the Act, General Regulations and Trade Regulations. Administrative penalties enhance the legitimacy of the Nova Scotia Apprenticeship Agency's compliance and enforcement program by adding to the suite of already-existing enforcement tools under the Act.

The amendments provide information on implementing administrative penalties and the amounts charged for each violation.

#### *Questions and Answers*

##### **What is an administrative penalty?**

An administrative penalty is a penalty that is required to be paid by a person who has failed to comply with a compliance order issued for a contravention of the Act, general regulations or trade regulations.

##### **What is a compliance order?**

A compliance order is a verbal or written order issued to a person that states what needs to be done to comply with the Act within the time specified on the order.

##### **What is a contravention?**

A contravention is a violation of, or non-compliance with, the Act, the general regulations or the trade regulations for which the compliance order was issued.

**How is a person notified if they are receiving an administrative penalty?**

A person who has not complied with the compliance order within the period of time stated on the order may be issued a notice of administrative penalty informing them of the amount of the penalty.

**What is a notice of administrative penalty?**

A notice of administrative penalty is a notice in writing issued by the Chief Executive Officer or Director of the Nova Scotia Apprenticeship Agency, indicating that the person is to pay an administrative penalty for failing to comply with a compliance order.

**How long does the Nova Scotia Apprenticeship Agency have to issue a notice of administrative penalty for a contravention?**

The period for administering an administrative penalty is within 30 days immediately after the date a person fails to comply with a compliance order.

**How is a notice of administrative penalty given to a person?**

A notice of an administrative penalty must be served by personal service or service by mail within 30 days of the compliance date of the issued order.

**What are the administrative penalty amounts?**

The maximum administrative penalty is \$5000. The following are the amounts of the penalty:

Person for whom Administrative Penalty Imposed	Administrative Penalty (number of offences)		
	1st	2nd	3rd or subsequent
Employer/Organization	\$1000	\$2000	\$5000
Employee	\$500	\$1000	\$2000

**How is it determined whether the penalty is a second, third or subsequent administrative penalty?**

A second, third or subsequent administrative penalty can only be given within a 3-year period from the date of the previous administrative penalty. For example, once the first (original) notice of administrative penalty is given to a person, if there is a second contravention for the same or different contravention of the Act, a second notice may be issued. A third notice of administrative penalty may be issued, within the same 3-year period for a further contravention of the Act after the second notice. Once 3 years from the original notice has expired, the next contravention will be considered a first notice of administrative penalty.

**How often can an administrative penalty be given to a person in violation of the Act?**

An administrative penalty may be imposed for each day a contravention continues, and the imposition of an administrative penalty does not relieve a person from their duty to comply with an order;

**Is there an appeal process for compliance orders and notice of administrative penalties?**

A compliance order or an administrative penalty can be appealed by filing a notice of appeal with the Utility and Review Board within fourteen (14) days after receiving the order at: <https://nsuarb.novascotia.ca/>.

To view the Apprenticeship and Trades Qualifications Act, General Regulations or Trade Regulations, visit: <https://www.nsapprenticeship.ca/agency/legislation-compliance>.

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