

## Occupational Health and Safety Act: New & Increased Set Fines

Recent changes to Ontario health and safety law raise maximum fines against convicted individuals and corporations. On April 1<sup>st</sup>, 2018 the Ministry of Labour introduced **over 280 Set Fines**, which can be issued on the spot for non-compliance of the Occupational Health & Safety Act (OHSA) by employers & supervisors. These fines can be issued by MOL inspectors during their inspection blitzes that are currently ongoing.

The new Set Fines for these offences range from:

- Lesser penalties scheduled for workers of either \$250 or \$350.
- More significant penalties for supervisors of either \$450 or \$550.
- The highest penalties for owners, constructors and employers of either \$550 or \$650.

It should be noted that the Set Fine is only part of the penalty because the *Provincial Offences Act* imposes a victim fine surcharge (ranging from \$50 for a \$250 offence to \$125 for a \$650 offence) and court costs (\$5.00 per ticket). The expansion of scheduled offences allows MOL inspectors to use them more frequently, as an immediate means of penalizing workplace parties for contraventions of the *OHSA* or its regulations.

It is important to note that although these penalties have increased, these will not be used to address serious workplace incidents that involve severe injuries or accidents. Those are likely to be addresses using the process outlined in Part 3 of the *Provincial Offences Act*, which was recently amended under [Bill 177, Stronger, Fairer Ontario Act \(Budget Measures\), 2017](#). As of December 14<sup>th</sup>, 2017 maximum penalties available under the *OHSA* are: a fine of up to \$1.5 million, per offence, for a corporation and a fine of up to \$100,000 and/or 12 months in jail, per offence, for an individual.

Below is a fraction of the new Set Fines that can be issues for non-compliance:

**Schedule 67.5, Ontario Regulation 297/13** under the *Occupational Health and Safety Act*

Item	Offence	Section	Set Fine	Previous Set Fine
1.	Employer failing to ensure that worker completes basic occupational health and safety awareness training program	1 (1)	\$550	New
2.	Employer failing to ensure that supervisor completes basic occupational health and safety awareness training program	2 (1)	\$550	New
3.	Employer failing to maintain record of completed basic occupational health and safety awareness training	4 (1)	\$550	New
4.	Employer failing to maintain record of basic occupational health and safety awareness training exemption	4 (2)	\$550	New
5.	Employer failing to carry out training programs necessary for committee member to be certified member	5 (1)	\$550	New
6.	Employer failing to ensure that worker has valid working at heights training	7 (1)	\$550	New
7.	Employer failing to maintain record of working at heights training	10 (1)	\$550	New

**Schedule 67.4, Regulation 851 of the Revised Regulations of Ontario, 1990** under the *Occupational Health and Safety Act*

Item	Offence	Section	Set Fine	Previous Set Fine
0.1	Worker beginning work on electrical installations, equipment or conductors without ensuring safety requirements have been met	42 (1) and (2)	\$250	New
1.	Worker failing to use protective equipment and procedures while doing electrical work	42.1 (2)	\$350	\$295
2.	Worker failing to wear appropriate head protection	80	\$250	\$195
3.	Worker failing to wear appropriate eye protection	81	\$250	\$195
4.	Worker failing to wear appropriate foot protection	82	\$250	\$195
5.	Worker failing to wear fall protection equipment	85	\$350	\$295

Changes to the consolidated Set Fine Schedules from Set Fine Orders or provincial Regulations are found on [here](#). Please refer to the sections below to determine the new set fines that all employers should be aware of.

Schedule 67, Occupational Health and Safety Act (as it relates to Ontario Regulation 213/91)

Schedule 67.1, Ontario Regulation 213/91

Schedule 66.2, Occupational Health and Safety Act

Schedule 67.3 Occupational Health and Safety Act

Schedule 43 Highway Traffic Act

Schedule 83.0.1 Smoke Free Ontario Act, 2017

For more information contact

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