

# Administrative Monetary Penalties for OHS Violations – Know The Laws of Your Province



Getting fined isn't the only way to suffer financial loss for not complying with OHS laws. In some parts of Canada, government OHS inspectors can also issue administrative monetary penalties (AMPs) against companies and individuals that commit OHS violations. Unlike fines, OHS enforcers can impose AMPs without going to court to get a conviction, via trial or a guilty plea. AMPs are generally smaller than OHS fines. And companies that pay AMPs can't be prosecuted for the same violation, unless they commit it after they pay the AMP. In the eight jurisdictions where AMPs are allowed for OHS violations, there are important differences regarding:

- The maximum amount of an AMP.
- The grounds for issuing AMPs.
- The statute of limitations for issuing AMPs.
- The deadline to appeal an AMP.
- Whether the due diligence defence applies to an AMP.

British Columbia has the highest AMP maximum, currently a shade under \$800,000. It also issues more AMPs than any other province, including six AMPs of over \$700,000 in 2025. Here's a look at the current AMPs rules (or lack thereof) in each part of Canada.

## FEDERAL

1. AMPs can be imposed for the following violations:
  - a. The contravention of certain provisions of Part II of the Canada Labour Code (covering occupational health and safety, the “Act”), COHS Regulations, or other OHS regulations.
  - b. The contravention of certain directions issued under Part II of the Act.
  - c. The contravention of certain orders made under Part II of the Act (Admin Monetary Penalties (Canada Labour Code) Regs. (“AMP Regs”), Sec. 2).
2. The amount of the AMP is the sum of the:
  - a. Baseline amount; and
  - b. The history of noncompliance amount, if the violator is a repeat offender (AMP Regs, Sec. 4).
3. The baseline amount depends on:
  - a. The category of the person or department that committed the violation:
    - i. **Individual.**
    - ii. **Micro business:** one that, at the time a notice of violation is issued, has fewer than five employees or, at the end of its last fiscal year before a notice of violation is issued, has less than \$30,000 in annual gross revenue.
    - iii. **Small business:** one, other than a micro business, that, at the time a notice of violation is issued, has fewer than 100 employees or, at the end of its last fiscal year before a notice of violation is issued, has less than \$5 million in annual gross revenue.
    - iv. **Large business:** any business that’s not a micro business or a small business or a department of that large business.

b. The category of the violation as an A, B, C, D, or E; Although each section of the Act and COHS Regs are classified individually, in general violations are classified as follows:

A: Administrative or technical.

B: Low-risk hazards involving risk of minor injury or illness but not disabling injury.

C: Medium-risk hazards involving risk of serious injury or illness preventing employees from performing regular duties.

D: High-risk hazards involving risk of fatality or serious injury.

E: Immediate or life-threatening hazards or hazards known to cause latent occupational disease where employees have little to no opportunity to avoid injury, death, or disease (AMP Regs, Sec. 5).

#### **AMP Baseline Amounts for Federal OHS Violations**

<b>Type of Violation</b>	<b>Individual</b>	<b>Micro Business</b>	<b>Small Business</b>	<b>Large Business or Department</b>
A	\$200	\$250	\$500	\$5,000
B	\$500	\$750	\$1,500	\$6,000
C	\$1,000	\$1,500	\$3,000	\$12,000
D	\$2,000	\$3,500	\$7,000	\$25,000
E	\$4,000	\$7,000	\$15,000	\$50,000

4. The history of non-compliance amount is equal to twice the baseline penalty amount (AMP Regs, Sec. 6(1)).

5. A person or department has a history of non-compliance if, in the five years before the day on which the notice of violation is issued, they:

a. Were issued a notice of violation for a violation of the same or more serious type and ultimately determined to have committed the violation.

- b. Were found guilty of an offence.
- c. Were subject to an injunction order made under section 153 of the Act (AMP Regs, Sec. 6(2)).

**6. Statute of limitations:** Two years after the day on which the subject matter of the violation arises (Canada Labour Code, Sec. 280).

**7. Appeal period:** 30 days after the notice is served (Canada Labour Code, Sec. 281).

**8.** A person or department who receives an AMP can't raise a due diligence defence (Canada Labour Code, Sec. 277(1)).

## **ALBERTA**

**1.** OHS officers may issue an administrative penalty against a person they believe:

- a. Has contravened a provision of the OHS Act, regulations, or OHS Code.
- b. Has failed to comply with an order made under the Act, regulations, or OHS Code.
- c. Has failed to comply with a term, condition, or requirement of an acceptance issued under the Act.
- d. Has failed to comply with a term, condition, or requirement of an allowance issued under the Act.
- e. Has failed to comply with a term, condition, or requirement of an approval issued under the Act.
- f. Has failed to comply with a term, condition, or requirement of an interjurisdictional recognition issued under the Act.
- g. Makes a false statement or gives false or misleading information to an OHS officer (OHS Act, Sec. 44(1)).

**2.** The amount of the administrative penalty must not exceed:

- a. \$10 000 per incident listed in Item #1 subsection (a) to (g) above.

b. For a contravention or a failure to comply with subsection (a) to (f) that continues for more than one day, \$10 000 for each day or part of a day on which the contravention or failure to comply occurs or continues (OHS Act, Sec. 44(2)).

3. A person who pays an administrative penalty for a contravention can't be charged with an OHS Act offence for the same contravention (OHS Act, Sec. 44(3)).

4. A notice of administrative penalty must be given within two years after the alleged contravention or failure to comply occurs (OHS Act, Sec. 44(4)).

5. **Appeal Period:** 30 days of being served or given notice of the administrative penalty (OHS Act, Sec. 45(3)).

## **BRITISH COLUMBIA**

1. WorkSafeBC may impose an administrative penalty of up to \$1,285.16 on employers for an OHS violation (Workers' Compensation Act, Sec. 94).

2. WorkSafeBC may impose an administrative penalty of up to \$798 867.87 on an employer if it's "satisfied on a balance of probabilities" that:

- a. The employer failed to take sufficient precautions to prevent work-related injuries or illnesses.
- b. The employer didn't comply with an OHS requirement or order.
- c. The employer's workplace or working conditions are unsafe (Workers' Compensation Act, Sec. 95(1)).

3. The administrative penalty under Sec. 95 (Item #2) must not be imposed if the employer establishes that the employer exercised due diligence to prevent the circumstances leading to the imposition of the penalty (Workers' Compensation Act, Sec. 95(3)).

4. In calculating the administrative penalty amount, WorkSafeBC considers the nature of the violation, the company's history of violations, and the size of the company's payroll (WorkSafeBC Policy P2-95-5).

5. If an administrative penalty under Section 95 is imposed, the employer must not be prosecuted under the Act in respect of the same facts and circumstances on which WorkSafeBC based the administrative penalty (Workers' Compensation Act, Sec. 95(7)).

6. An administrative penalty must not be imposed if the employer establishes it exercised due diligence to prevent the circumstances leading to the imposition of the penalty (Workers' Compensation Act, Sec. 95(3)).

7. **Appeal Period:** 90 days (Workers' Compensation Act, Sec. 270(1)(a)).

## **MANITOBA**

1. A person can receive an administrative penalty of up to \$5,000 for:

a. Not complying with:

i. An improvement order within the period specified in the order.

ii. A prescribed provision of the WSH Act or regulations, if an OHS believes that the failure involves, or is likely to involve, an imminent risk of serious physical or health injury to a worker or other person.

b. Failing to notify the branch of a serious incident or provide the required information respecting a serious incident.

c. Failing to maintain compliance with an improvement order after initially complying with it.

- d. Resuming an activity that previously was the subject of a stop-work order.
- e. Taking a reprisal against a worker (WSH Act, Sec. 53.1).

2. The Regulations set out a Schedule listing administrative penalty amounts ranging from \$1,000 to \$5,000 based on:

a. The type of offence, which are grouped into seven types:

- 1. Not complying with an improvement order requiring a control measure.
- 2. Not complying with an improvement order not requiring a control measure.
- 3. Resuming an activity that had been the subject of a previous stop-work order but which was lifted because the person complied with it.
- 4. Being ordered to take action because the person committed discrimination against a worker.
- 5. Not complying with specific fall protection or guardrails requirements under the Operations of Mines Regulation.
- 6. Not complying with any of the following WSH Reg requirements:

(a) s. 25.4(1) (notice to electrical authority re work near overhead electrical line).

(b) s. 26.4 (notice to the branch of an excavation).

(c) s. 26.6(1) (notice to owners of underground facilities of an excavation).

(d) s. 28.22(1) (notice to the branch re suspended work platform use).

(e) s. 37.9(2) (notice to the branch re alteration, renovation or demolition that may release asbestos-containing material).

7. Not complying with WSH Reg. requirements for guardrails, fall protection systems, support structures in an open excavation or trench, deep foundation

tunnel, shaft or tunnel or alteration, renovation or demolition involving asbestos containing material; and

b. Whether it's a first, second, or third offence (Admin Penalty Reg, Schedule 4).

#### **Maximum AMPs for Manitoba WSH Violations**

<b>Type of Offence</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third + Subsequent Offence</b>
1	\$2,500	\$5,000	\$5,000
2	\$1,000	\$3,000	\$5,000
3	\$2,500	\$5,000	\$5,000
4	\$1,000	\$3,000	\$5,000
5	\$2,500	\$5,000	\$5,000
6	\$1,000	\$3,000	\$5,000
7	\$2,500	\$5,000	\$5,000

3. **Appeal Period:** 15 days after receiving the penalty notice (WSH Act, Sec. 53.1(5)(c)).

4. A person who pays an administrative penalty under this section may not be charged with an offence in respect of the matter that gave rise to the issuance of the notice of administrative penalty unless the matter continues after the penalty is paid (WSH Act, Sec. 53.1(13)).

### **NEW BRUNSWICK**

1. OHS officers may issue administrative penalties for contraventions for which they issue orders (OHS Act, Sec. 36.1).

2. An administrative penalty payable by an employer, contracting employer, contractor, subcontractor, or supplier may be:

a. Up to \$500 for a first contravention.



- b. Up to \$1,000 for a second contravention.
- c. Up to \$2,000 for a third or subsequent contravention (OHS Act, Sec. 36.3(1)).

3. An administrative penalty payable by a supervisor or owner may be:

- a. Up to \$250 for a first contravention.
- b. Up to \$500 for a second contravention.
- c. Up to \$1,000 for a third or subsequent contravention (OHS Act, Sec. 36.3(2)).

4. An administrative penalty payable by an employee may be:

- a. Up to \$100 for a first contravention.
- b. Up to \$200 for a second contravention.
- c. Up to \$500 for a third or subsequent contravention (OHS Act, Sec. 36.3(3)).

5. A contravention is deemed to be a first contravention if a period of three years has elapsed since the person was issued a notice of administrative penalty for any contravention (OHS Act, Sec. 36.3(4)).

6. If a contravention continues for more than one day, the amount of the administrative penalty payable is the product of:

- a. The penalty imposed under Item #2, #3, or #4 above, and
- b. The number of days that the contravention continues (OHS Act, Sec. 36.3(5)).

7. An administrative penalty for violating an order must be imposed within 14 days after the date the order is served, unless the Commission extends the period (OHS Act, Sec. 36.1(2)).

8. A notice of administrative penalty for an OHS contravention must not be issued more than one year after the officer first had knowledge of the contravention (OHS Act, Sec. 36.4(2)).

9. **Appeal Period:** 14 days after the notice is served (OHS Act, Sec. 37.1(2)).

10. A person who receives an administrative penalty may not be charged with an offence under the Act for the same contravention and vice-versa (OHS Act, Sec. 37(1.01)).

## **NEWFOUNDLAND & LABRADOR**

Newfoundland & Labrador law doesn't provide for imposing AMPs for OHS violations.

## **NOVA SCOTIA**

1. OHS officers may impose an administrative penalty on a person who has contravened the OHS Act or regulation as long as that person has been issued an order for that contravention (WHS Regs, Sec. 31.2(1)).

2. The Regulations set out a Schedule listing AMP amounts ranging from \$100 to \$2,000 based on:

- a. The person who committed the contravention; and
- b. Whether it's a first, second or third offence within a 3-year window (WHS Regs, Sec. 31.5(1)).

### **Maximum AMPs for Nova Scotia OHS Violations**

<b>Type of Offender</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third + Subsequent Offence</b>
Employer, contractor, constructor, supplier, provider, of occupational health or safety service, architect or professional engineer.	\$500	\$1,000	\$2,000

Type of Offender	First Offence	Second Offence	Third + Subsequent Offence
Employee who has supervision responsibilities, owner, or self-employed person.	\$250	\$500	\$1,000
Employee.	\$100	\$200	\$500

3. OHS officers may impose an administrative penalty for each day a contravention continues (WHS Regs, Sec. 31.6).

4. A notice of administrative penalty must be personally served by an officer or presented for service no later than 14 days after the date the written order is issued respecting the contravention for which the administrative penalty is imposed, unless the Director extends the period (WHS Regs, Sec. 31.3(1)).

5. **Appeals Period:** 30 days of being served the notice of administrative penalty (WHS Regs, Sec. 31.13(1)).

6. A person required to pay an administrative penalty for a contravention may not be charged with an offence for the same contravention (WHS Regs, Sec. 31.11).

## **NORTHWEST TERRITORIES**

There are currently no AMPs for OHS offences in Northwest Territories. However, the WSCC has called for the territories to change the law and allow for AMPs based on the violation and who commits it, according to the following schedule.

### **WSCC Proposed Ticketing & Fine Schedule for OHS Offences**

<b>Fineable Party</b>	<b>Fineable Offence (Safety Act Section(s))</b>	<b>Fine Amount</b>
Employer	Failure to comply with direction issued by a safety officer (as required by Sec. 22(1)(b)).	\$2,000
Worker	Failure to: <ul style="list-style-type: none"> <li>• Use required safeguards, safety equipment and personal protective equipment.</li> <li>• Follow required safe work practices and procedures required by or developed under these regulations (Sec. 13).</li> </ul>	\$250
Worker	Violation of duty to not start powered mobile equipment until worker makes complete visual inspection of equipment and surrounding area to ensure a worker isn't endangered by start-up (Sec. 163(2)).	\$250
Worker	Violation of duty to not deactivate a lockout process or remove a lockout device unless a worker is designated by an employer (Secs. 147(10) and (11)).	\$250

## **NUNAVUT**

There are currently no AMPs for OHS offences in Nunavut. However, the WSCC has called for the territories to change the law and allow for AMPs based on the violation and who commits it, according to the following schedule:

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Employer	Failure to comply with direction issued by a safety officer (as required by Sec. 22(1)(b)).	\$2,000
Worker	Failure to: <ul style="list-style-type: none"> <li>• Use required safeguards, safety equipment and personal protective equipment.</li> <li>• Follow required safe work practices and procedures required by or developed under these regulations (Sec. 13).</li> </ul>	\$250
Worker	Violation of duty to not start powered mobile equipment until worker makes complete visual inspection of equipment and surrounding area to ensure a worker isn't endangered by start-up (Sec. 163(2)).	\$250
Worker	Violation of duty to not deactivate a lockout process or remove a lockout device unless a worker is designated by an employer (Secs. 147(10) and (11)).	\$250

## **ONTARIO**

1. MOL inspectors may impose an administrative penalty on a person that contravenes or fails to comply with the OHA Act, regulations or the order or requirement of an inspector or director (OHS Act, Sec. 69.1).

2. AMP amounts to be determined by regulation.

3. A notice of administrative penalty may not be issued more than one year after the contravention first comes to the knowledge of the inspector (Admin Penalties Reg, Sec. 8).

4. **Appeals Period:** 15 days after receiving the notice of

administrative penalty unless the Board extends the appeals period (Admin Penalties Reg, Sec. 5(2)).

5. A person who pays an administrative penalty can't be charged with an offence under the Act in respect of the same contravention or failure to comply (OHS Act, Sec. 69.1(11)).

## **PRINCE EDWARD ISLAND**

Prince Edward Island law doesn't provide for imposing AMPs for OHS violations.

## **QUÉBEC**

Québec law doesn't provide for imposing AMPs for OHS violations.

## **SASKATCHEWAN**

Saskatchewan law doesn't provide for imposing AMPs for OHS violations.

## **YUKON**

1. Board may impose an administrative penalty on a person it believes has:

- a. Contravened or failed to comply with the Act or regulations.
- b. Not complied with a Board order or decision (WSC Act, Sec. 174(1)).

2. The amount of an administrative penalty must not be more than:

- a. \$250,000 for a contravention or failure to comply.
- b. In the case of a continuing contravention or failure to comply, a further administrative penalty of not more than

\$15,000 for each day or part of a day during which the contravention or failure to comply continues (WSC Act, Sec. 174(2)).

3. A person who pays an administrative penalty may not be charged with an offence for the same contravention or failure to comply, unless the contravention or failure to comply continues after the penalty is paid (WSC Act, Sec. 174(3)).

4. A notice of administrative penalty must not be issued more than one year after the last occurrence of the act or omission to which the administrative penalty relates (WSC Act, Sec. 174(4)).

5. **Appeals Period:** 21 days after receiving the notice of administrative penalty (WSC Act, Sec. 176(2)).