

Personal Liability of Officers & Directors for Safety Violations



Under the law, corporations are responsible for their own liabilities. For example, they can be fined for safety and other violations. And in general, a corporation's officers and directors aren't responsible for its violations, which is one of the reasons individuals form corporations in the first place. But this protection from personal liability is limited. For instance, most OHS laws specifically hold officers and directors personally liable for corporate violations under certain circumstances—sometimes even if the corporation hasn't been convicted or even prosecuted. Here's a chart showing the personal liability of officers and directors for safety violations committed by their corporations under the OHS law of each jurisdiction.

OFFICERS' AND DIRECTORS' PERSONAL LIABILITY FOR THE CORPORATION'S SAFETY OFFENCES		
		LAW
FED	If a corporation commits an offence under Part II Occupational Health and Safety, any of the following persons who directed, authorized, assented to, acquiesced or participated in the commission of the offence is a party to and guilty of the offence and liable on conviction for the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted: 1) any officer, director, agent or mandatary of the corporation; and 2) any other person exercising managerial or supervisory functions in the corporation.	<i>Canada Labour Code</i> , Sec. 149(2)
AB	<i>OHS Act</i> doesn't specifically address the personal liability of officers and directors of corporations.	

BC	<p>1) If a corporation commits an offence by violating a provision of Part 3 Occupational Health and Safety, the regulations or an order, an officer, director or agent of the corporation who authorizes, permits or acquiesces in the commission of the offence also commits an offence [Sec. 213(2)].</p> <p>2) The above applies whether or not the corporation is prosecuted for the offence [Sec. 213(3)].</p>	<i>Workers' Compensation Act</i>
MB	When a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced or participated in the commission of the offence is a party to and guilty of the offence and liable, on summary conviction, for the penalty provided for the offence.	<i>Workplace Safety and Health Act, Sec. 56</i>
NB	When a corporation has been convicted of an offence, any officer, director, manager or agent of the corporation who knowingly directed, authorized, assented to, acquiesced or participated in the commission of the offence is a party to the offence.	<i>OHS Act, Sec. 49</i>
NL	When a corporation has been convicted of an offence, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced or participated in the commission of the offence is guilty of the offence.	<i>OHS Act, Sec. 68</i>
NT/NU	<i>Safety Act</i> doesn't specifically address the personal liability of officers and directors of corporations.	
NS	An officer, director, manager or agent of a corporation who directs, authorizes, assents to, acquiesces or participates in the commission of an offence under this Act is guilty of that offence.	<i>OHS Act, Sec. 77</i>
ON	<p>1) Every director and every officer of a corporation must take all reasonable care to ensure that the corporation complies with:</p> <ul style="list-style-type: none"> a) this Act and the regulations; b) orders and requirements of inspectors and Directors; and c) orders of the Minister [Sec. 32]. <p>2) Every person who contravenes or fails to comply with a provision of this Act or the regulations, such as the above, is guilty of an offence [Sec. 66(1)].</p>	<i>OHS Act</i>

PE	When a corporation violates a provision of this Act or the regulations or an order or requirement of an officer or the Director, any officer, director, manager or agent of the corporation who directed, authorized, assented to, acquiesced or participated in the violation is guilty of an offence and liable on summary conviction for the authorized penalties.	<i>OHS Act, Sec. 43(3)</i>
QC	When a legal person has committed an offence, every director, officer, employee or agent of that legal person who prescribed or authorized the action or the omission that constitutes the offence or who consented to it is deemed to have participated in the offence and is liable to the same penalty as a natural person, whether or not the legal person has been prosecuted or found guilty.	<i>An Act respecting occupational health and safety, Sec. 241</i>
SK	When a corporation is guilty of an offence, every officer, director, manager or agent of the corporation who directed, authorized or participated in the commission of the offence is also guilty of the offence and is liable on summary conviction for the designated penalties for the offence, whether or not the corporation has been prosecuted.	<i>OHS Act, Sec. 60</i>
YT	<i>OHS Act</i> doesn't specifically address the personal liability of officers and directors of corporations.	