

# Jail Sentences under the OHS Laws



## KNOW THE LAWS: Jail Sentences under the OHS Laws

Here's a look at what the OHS acts in each jurisdiction say about jail sentences for safety violations.

FED	<p><i>Canada Labour Code:</i></p> <p>Subject to this section, every person who contravenes a provision of Part II; contravenes a provision the direct result of which is the death of, serious illness of or serious injury to an employee; or willfully contravenes a provision knowing that the contravention is likely to cause the death of, serious illness of or serious injury to an employee is guilty of an offence and liable on conviction on indictment to a fine of not more than \$1,000,000, <b>imprisonment for a term of not more than two years</b> or both [Sec. 148].</p>
AB	<p><i>OHS Act:</i></p> <p>1) A person who contravenes this Act, the regulations or an adopted code or fails to comply with an order made under this Act, the regulation or an adopted code or with an acceptance issued under this Act is guilty of an offence and liable) for a first offence, to <b>imprisonment for a term not exceeding 6 months</b>, or to both fines and imprisonment; andb) for a 2nd or subsequent offence, to <b>imprisonment for a term not exceeding 12 months</b>, or to both fines and imprisonment [Sec. 41(1)].</p> <p>2) Notwithstanding the above, a person who fails to comply with an order made under Sec. 10 or as varied under Sec. 16 is guilty of an offence and liable to <b>imprisonment for a term not exceeding 12 months</b> or to both fine and imprisonment [Sec. 41(2)].</p> <p>3) A person who knowingly makes any false statement or knowingly gives false information to an officer or a peace officer engaged in an inspection or investigation under Sec. 8 or 19 is guilty of an offence and liable to <b>imprisonment for a term not exceeding 6 months</b> or to both fine and imprisonment [Sec. 41(3)].</p>
BC	<p><i>Workers' Compensation Act:</i></p> <p>1) On conviction for an offence, a person is liable to the following penalties) in the case of a first conviction, <b>imprisonment for a term not exceeding 6 months</b> or both a fine and imprisonment; andb) in the case of a subsequent conviction, <b>imprisonment for a term not exceeding 12 months</b> or both a fine and imprisonment [Sec. 217].</p>

MB	<p><i>The Workplace Safety and Health Act:</i></p> <p>Where a person is convicted for an offence under this Act, in addition to the penalties set out in Sec. 55(1), he may be <b>imprisoned for a term not exceeding six months</b> [Sec. 55(3)].</p>
NB	<p><i>OHS Act:</i></p> <p>Every person who violates or fails to comply with any provision of this Act or the regulations or fails to comply with an order made under this Act or the regulations, commits an offence and is liable on conviction to a term of <b>imprisonment not exceeding six months</b> or to both a fine and imprisonment [Sec. 47(1)].</p>
NL	<p><i>OHS Act:</i></p> <p>Where a person, other than a corporation, is convicted of an offence under Sec. 67(1), he or she is liable to a <b>term of imprisonment not exceeding 12 months</b> or to both a fine and imprisonment [Sec. 67(2)].</p>
NT/NU	<p><i>Safety Act:</i></p> <p>1) Every employer or person acting on behalf of an employer or person in charge of an establishment who is guilty of an offence under this Act or the regulations is liable on summary conviction to <b>imprisonment for a term not exceeding one year</b> or to both a fine and imprisonment [Sec. 22(2)].2) Every person employed on or in connection with the operation of an establishment who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to <b>imprisonment for a term not exceeding six months</b> or to both a fine and imprisonment [Sec. 22(4)].3) Where an employer is guilty of an offence under this Act or the regulations, every worker of that employer who condoned the offence is liable on summary conviction to <b>imprisonment for a term not exceeding one month</b> or to both a fine and imprisonment [Sec. 22(5)].</p> <p>4) Every supplier who contravenes or fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to <b>imprisonment for a term not exceeding one year</b> or to both [Sec. 22(5.1)].</p>
NS	<p><i>OHS Act:</i></p> <p>A person who contravenes this Act or the regulations; or fails to comply with an order or direction made pursuant to this Act or the regulations, or a provision of a code of practice adopted pursuant to Sect. 66, is guilty of an offence and liable on summary conviction to a <b>term of imprisonment not exceeding two years</b>, or to both a fine and imprisonment [Sec. 74(1)].</p>
ON	<p><i>OHS Act:</i></p> <p>Every person who contravenes or fails to comply with a provision of this Act or the regulations; an order or requirement of an inspector or a Director; or an order of the Minister is guilty of an offence and on conviction is liable to <b>imprisonment for a term of not more than twelve months</b>, or to both a fine and imprisonment [Sec. 66(1)].</p>
PE	<p><i>OHS Act:</i></p> <p>A person who contravenes or violates a provision of this Act or the regulations; or an order or requirement of an officer or the Director is guilty of an offence and is liable on summary conviction to <b>imprisonment for one month</b> or to both a fine and imprisonment [Sec. 43(1)].</p>
QC	<p><i>An Act Respecting Occupational Health and Safety</i> doesn't specifically address jail sentences for safety offences.</p>

SK	<p><i>OHS Act:</i> Where an individual is convicted of an offence that causes the death of or serious injury to a worker, the convicting judge or justice, in addition to imposing a fine, may order the convicted individual to be <b>imprisoned for a term not exceeding two years</b> [Sec. 58(8)].</p>
YT	<p><i>OHS Act:</i> 1) A person who contravenes this Act or the regulations commits an offence and is liable on summary conviction) for a first offence, to <b>imprisonment for as long as 12 months</b>, or to both the fine and imprisonment; and b) for a second or subsequent offence, to <b>imprisonment for as long as 24 months</b>, or to both the fine and imprisonment [Sec. 44(1)]. 2) A person who fails to comply with an order made under this Act or the regulations commits an offence and is liable on summary conviction: a) for a first offence, to <b>imprisonment for as long as 18 months</b>, or to both the fine and imprisonment; and (b) for a second or subsequent offence, to <b>imprisonment for as long as 30 months</b>, or to both the fine and imprisonment [Sec. 44(2)]. 3) Despite Sec. 44(2), a person who fails to comply with an order made under section 40 commits an offence and is liable on summary conviction: a) for a first offence, to <b>imprisonment for as long as 24 months</b>, or to both the fine and imprisonment; and b) for a second or subsequent offence, to <b>imprisonment for as long as 36 months</b>, or to both the fine and imprisonment [Sec. 44(3)]. 4) Despite Sec. 44(1), a person who knowingly makes any false statement or knowingly gives false information to a safety officer, a peace officer, a safety committee, or a health and safety representative commits an offence and is liable on summary conviction to <b>imprisonment for as long as 12 months</b>, or to both a fine and imprisonment [Sec. 44(4)].</p>