

Maximum OHS Penalties by Jurisdiction



While penalty amounts vary, most jurisdictions use the same basic structure:

- Initial penalty;
- Additional penalty for each day the offence continues; and
- In some jurisdictions, increased penalties for second and subsequent offences.

Penalty amounts may also be based on other factors, including:

- The type of offence committed; and/or
- Who committed it, e.g., a corporation vs. an individual.

In addition to these OHS penalties that are handed down by a court, many jurisdictions allow OHS officers to issue administrative monetary penalties (AMPs), i.e., smaller fines handed out by an OHS inspector that don't require a court action. Here's a visual summary of how this all works.

OHS Maximum Penalties by Jurisdiction

| Jur. | First Offence | Second (& Subsequent) Offence | Other |
|------|---------------|-------------------------------|-------|
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|-----|---|--|-------------------|--|---|
| FED | Type of Offence | Indict. Conv. (1) | Summary Conv. (1) | Treated same as first offences (2) | NA |
| | general | \$1 million +/- 2 years | \$100K | | |
| | death or injury | \$1 million +/- 2 years | \$1 million | | |
| | willful knowing it will cause risk of death or injury | \$1 million +/- 2 years | \$1 million | | |
| AB | Type of Offence | Max. Penalty | | General offence: \$1 million + \$60K per day for as long as offence continues +/- 12 months | *Creative sentencing *AMPs of up to \$10K per offence + \$10K per day for as long as offence continues |
| | general | \$500K + \$30K per day for as long as offence continues +/- 6 months | | | |
| | Disobeying stop order | \$1 mil + \$60K per day for as long as offence continues +/- 12 months | | | |
| | Knowingly making false statement to OHS officer | \$1K +/- 6 months imprisonment | | | |
| BC | \$707,352.32 + \$35,367.65 per day for as long as offence continues +/- 6 months imprisonment | | | \$1,414,704.73 + \$70,735.24 per day for as long as offence continues +/- 12 months imprisonment | *Repayment of monetary benefits of offence *AMPs of up to \$1,039.72 per offence |
| MB | \$250K + \$25K per day for as long as offence continues +/- 6 months imprisonment | | | \$500K + \$50K per day for as long as offence continues +/- 6 months imprisonment | *Creative sentencing *AMPs of up to \$5K per offence |
| NB | \$250K +/- 6 months imprisonment | | | Treated same as first offences(2) | Court can treat each day offence continues as a <i>new offence</i> |

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|-----|---|--|-----------------------------------|---|---|
| NL | Type of Offender | Max. Penalty | Treated same as first offences(2) | | *Corporate directors liable for offences of corporation *Creative sentencing |
| | Individual | \$500 to \$250K + \$25K per day for as long as offence continues +/- 12 months | | | |
| | Corporation | \$2K to \$250K + \$25K per day for as long as offence continues | | | |
| NS | Type of Offence | Max. Penalty | Type of Offence | Max. Penalty | *Repayment of monetary benefits of offence *AMPs of up to \$500 per offence, \$1K for second offence + \$2K for third or subsequent offences |
| | General | \$250K + \$25K per day for as long as offence continues +/- 2 years | General | \$500K + \$25K per day for as long as offence continues +/- 2 years | |
| | Fatality involved | \$500K + \$25K per day for as long as offence continues +/- 2 years | Fatality involved | \$500K + \$25K per day for as long as offence continues +/- 2 years | |
| | | | | | |
| ON | Type of Offender | Max. Penalty | Treated same as first offences(2) | | |
| | Individual | \$100K +/- 12 months | | | |
| | Corporation | \$1.5 million | | | |
| PEI | \$250K + \$5K per day for as long as offence continues +/- 1 month imprisonment | | Treated same as first offences(2) | | Creative sentencing |
| QC | Type of Offender | Max. Penalty(3) | Type of Offender | Max. Penalty(3) | Creative sentencing |
| | Individual | \$1.5K to \$3K | Individual | *2d offence: \$3K to \$6K *3d + subs.: \$6K to \$12K | |
| | Corporation | \$15K to \$60K | Corporation | 2d offence: \$30K to \$150K 3d + subs: \$60K to \$300K | |
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| SK | Type of Offender | Max. Penalty(4) | Treated same as first offences(2) | | Creative sentencing |
| | Individual | \$500K | | | |
| | Corporation | \$1.5 million | | | |

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|-------------|---|---|-----------------------------------|---|---|
| NWT + NU | Type of Offender | Max. Penalty | Treated same as first offences(2) | | |
| | Employer, Supervisor | \$500K +/-or 1 year | | | |
| | Worker | \$50K +/-or 6 months | | | |
| | Supplier | \$500K +/-or 1 year | | | |
| YK | Type of Offence | Max. Penalty | | | AMPs of up to \$5K per offence + \$500 per day for as long as AMP offence continues |
| | General | \$150K + \$15K per day for as long as offence continues +/-or 12 months | Type of Offence | Max. Penalty | |
| | Disobey stop work order | \$250K + \$20K per day for as long as offence continues +/-or 24 months | General | \$300K + \$30K per day for as long as offence continues +/-or 24 months | |
| | Disobey other kind of order | \$200K + \$17.5K per day for as long as offence continues +/-or 18 months | Disobey stop work order | \$400K + \$30K per day for as long as offence continues +/-or 36 months | |
| | Knowingly make false statement to OHS officer | \$5K +/-or 12 months | Disobey other kind of order | \$350K + \$27.5K per day for as long as offence continues +/-or 30 months | |
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Notes:

- (1) Because summary convictions are considered less serious and don't require a court proceeding the way indictment offences do, they involve lower penalties
- (2) Even though there's no separate maximum fine schedule for repeat offences, the fact that the defendant is a repeat offender is a factor typically resulting in a higher penalty
- (3) In Quebec, there are slightly different fine ranges based on the seriousness of the offence—the listed data show the highest range
- (4) Saskatchewan's fine rules are Canada's most complex—the listed data shows the highest fine range for both individuals and corporations