

Report on How OHS Violations Are Resolved in Ontario



Christina Hall and Adrian Miedema, Fraser Milner Casgrain LLP

More than two-thirds of Ontario companies charged under the Occupational Health and Safety Act plead guilty. Defendants who plead guilty and allow the court to set their fines pay, on average, 40% less in fines than defendants who plead guilty and accept the Ministry of Labour's proposed fine. At least one party is convicted and fined in 82% of Ontario workplace incidents that result in occupational health and safety charges. Two-thirds of corporations that go to trial are found guilty. These are some of the nine findings that we have drawn from our study of unpublished prosecution data obtained from the Ontario Ministry of Labour through a Freedom of Information request.

From the data, which involves 863 defendants ' 592 corporations and 271 individuals such as supervisors and workers ' charged with offences under the Occupational Health and Safety Act, we have been able to paint a statistical picture of what actually happens when employers, supervisors, workers and others are charged under the Occupational Health and Safety Act. All of the charges in our study were resolved during the eighteen-month period from January 2009 to June 2010.

Our nine findings from the data are set out in the report you can download below.