

1. What is a Summary Offence Ticket?

A Summary Offence Ticket (SOT) is a ticket issued by designated Occupational Health Officers. The Ministry of Labour Relations and Workplace Safety and the Ministry of Justice have created summary offence tickets for certain occupational health and safety violations.

There are 12 ticketable offences. They include fall protection, excavations / trenching, personal protective equipment, submission of progress reports to the Occupational Health and Safety Division and submission of information requested by the Director.

Fines range from \$250 to \$1,000 depending on the offence. Summary Offence Tickets are like speeding tickets. They will typically be issued either on the spot or sent by mail depending on the situation and circumstances. Either way, the officer will assess the situation and facts on the ground before issuing a ticket. Everyone who receives a ticket will have the right to challenge the ticket in court.

2. Who can be ticketed?

Tickets will mainly be directed toward employers, contractors, owners, self-employed persons and suppliers.

There is only one offence that applies to workers - clear failure to use personal protective equipment (PPE) that has been provided by ones employer. Before ticketing a worker, officers will assess if the worker was provided with the correct PPE, received adequate training on its use, and was clearly directed to use the PPE but chose not to.

3. When will a ticket be issued?

Summary Offence Tickets will only be issued when all other tools are ineffective in making sure that health and safety in the workplace is not compromised - especially in high risk operations (e.g., trenching).

Officers will assess the severity of the situation and will try to use other tools first, such as Compliance Undertakings, Officer's Reports, Notice of Contraventions and Stop Work Orders. Parties will have ample opportunity to address their health and safety issues before a ticket is issued.

4. How do I pay my ticket?

The Summary Offence Ticket will indicate how to pay the fine and surcharge online, by mail or in person. If you cannot or chose not to pay the fine, the other options are:

- Appear in court at the time and place specified if you wish to work the fine off; and
- Plead guilty or not guilty and request an alternate court date in writing.

5. List of Offences and Fines

The fine for each offence is determined pursuant to *The Summary Offence Procedures Regulations, 1991*. Note that these fine amounts are subject to a victim surcharge established pursuant to section 13 of *The Victims of Crime Act, 1995*.

1. Failing to submit a written progress report –\$600 fine - on each contravention for employers, self employed persons, suppliers, contractors and owners;

Progress report

3-43 Within five business days after the end of the period specified in a compliance undertaking or notice of contravention within which a contravention is to be remedied, the person who entered into the compliance undertaking or on whom the notice of contravention is served:

(a) shall:

(i) provide the occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; or

(ii) if there is no occupational health committee or occupational health and safety representative at the place of employment with respect to which the compliance undertaking or notice of contravention applies, post in a conspicuous location at the place of employment a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention; and

(b) shall provide the occupational health officer who received the compliance undertaking or who served the notice of contravention with a written report of the progress that has been made towards remedying each contravention of this Part or the regulations made pursuant to this Part that is stated in the compliance undertaking or notice of contravention.

2. Failing to submit information requested by the Director – \$600 fine for employers, self employed persons, suppliers, contractors, and owners;

Obtaining information

3-64(1) For the purpose of obtaining any information that is required to determine compliance with this Part or the regulations made pursuant to this Part or is otherwise required for the performance of the duties or the exercise of the powers of the director of occupational health and safety, an occupational health officer, the chief occupational medical officer or the chief mines inspector, the director of occupational health and safety may direct any person to provide the director with any information in any form and manner and within any time that the director may specify.

(2) In the prescribed circumstances, an employer shall compile occupationally related injury and illness statistics for the place of employment.

(3) An employer shall:

(a) compile statistics in the prescribed manner; and

(b) ensure that the compilation of the statistics pursuant to clause (a) includes the prescribed matters.

(4) The statistics must be compiled and provided in a manner that protects the confidentiality of workers.

(5) The employer shall:

(a) post the statistics for the information of workers; and

(b) provide the statistics to:

(i) if there is an occupational health committee, the occupational health committee;

(ii) if there is an occupational health and safety representative, the occupational health and safety representative; or

(iii) if there is no occupational health committee or occupational health and safety representative, the workers.

3. Failing to supply approved personal protective equipment - \$1000 fine for employers or contractors

General responsibilities

87(1) Where an employer or contractor is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment, the employer or contractor shall:

(a) supply approved personal protective equipment to the workers at no cost to the workers;

4. Failing to ensure that workers use personal protective equipment - \$1000 fine for employers or contractors

General responsibilities

87(1) Where an employer or contractor is required by these regulations or any other regulations made pursuant to the Act to provide personal protective equipment, the employer or contractor shall:

b) ensure that the personal protective equipment is used by the workers

5. Worker failing to use the required personal protective equipment - \$250 fine for workers

General responsibilities

87(4) A worker who is provided with personal protective equipment by an employer or contractor shall:

(a) use the personal protective equipment

6. Failing to ensure that workers use a fall protection system where a worker may fall three metres or more - \$1000 fine for employers or contractors

Protection against falling

116(2) An employer or contractor shall ensure that workers use a fall protection system at a temporary or permanent work area where:

(a) a worker may fall three metres or more; or

7. Failure to ensure that workers use a fall protection system when there is a possibility of injury if a worker falls less than three metres - \$1000 fine for employers or contractors

Protection against falling

116(2) An employer or contractor shall ensure that workers use a fall protection system at a temporary or permanent work area where:

(a) there is a possibility of injury if a worker falls less than three metres

8. Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected - \$1000 fine for employers, contractors or owners

Openings in floors, roofs, etc.

124(1) An employer, contractor or owner shall ensure that any opening or hole in a floor, roof or other work surface into which a worker could step or fall is:

- (a) covered with a securely installed covering that is capable of supporting a load of 360 kilograms per square metre and that is provided with a warning sign or permanent marking clearly indicating the nature of the hazard; or
- (b) provided with a guardrail and a toeboard.

9. Failing to provide an effective safeguard as required - \$1000 fine for employers or contractors

Safeguards

137(1) Except where otherwise provided by these regulations, an employer or contractor shall provide an effective safeguard where a worker may contact:

- (a) a dangerous moving part of a machine;
- (b) a pinch point, cutting edge or point of a machine at which material is cut, shaped, bored or formed;
- (c) an open flame;
- (d) a steam pipe or other surface with a temperature that exceeds or may exceed 80° Celsius;
- or
- (e) a cooled surface that is or may be less than minus 80° Celsius.

10. Failing to ensure that workers are protected from cave-ins or sliding material in an excavation - \$1000 fine for employers or contractors

Protection against cave-in of excavations

262(1) Where a worker is present in an excavation that is more than 1.2 metres deep and is required to be closer to the wall or bank than the distance equal to the depth of the excavation, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

- (a) cutting back the upper portion of the walls of the excavation in accordance with subsection 260(2);
- (b) installing a temporary protective structure; or
- (c) a combination of cutting back the walls to the slope specified in subsection 260(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

11. Failing to ensure that workers are protected from cave-ins or sliding material in a trench - \$1000 fine for employers or contractors

Protection against cave-in of trenches

263(1) Where a worker is present in a trench that is more than 1.2 metres deep, an employer or contractor shall ensure that the worker is protected from cave-ins or sliding material by:

- (a) cutting back the upper portion of the walls of the trench in accordance with subsection 260(2);
- (b) installing a temporary protective structure; or
- (c) a combination of cutting back the walls to the slope specified in subsection 260(2) and installing a temporary protective structure that extends at least 300 millimetres above the base of the cut-back.

12. Failing to implement a hazardous confined space entry plan - \$1000 fine for employers or contractors

Entry plan

272 (3) An employer shall ensure that the following workers are trained in and implement a hazardous confined space entry plan:

- (a) a worker who is required or permitted to enter the hazardous confined space;
- (b) a worker who attends a worker in the hazardous confined space pursuant to subsection 274(4) or (5);
- (c) a worker who may be required or permitted to implement the rescue procedures mentioned in clause (2)(g).