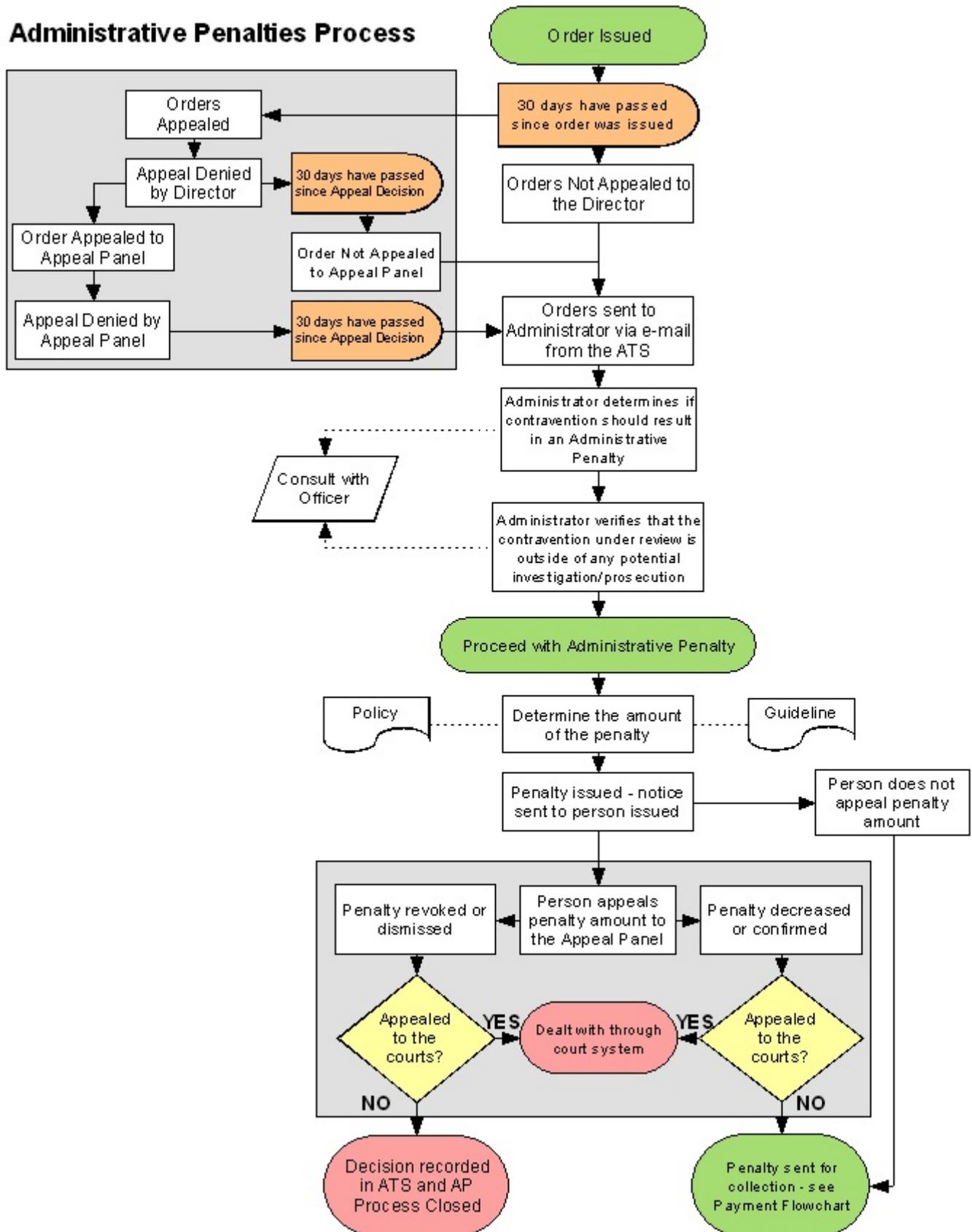
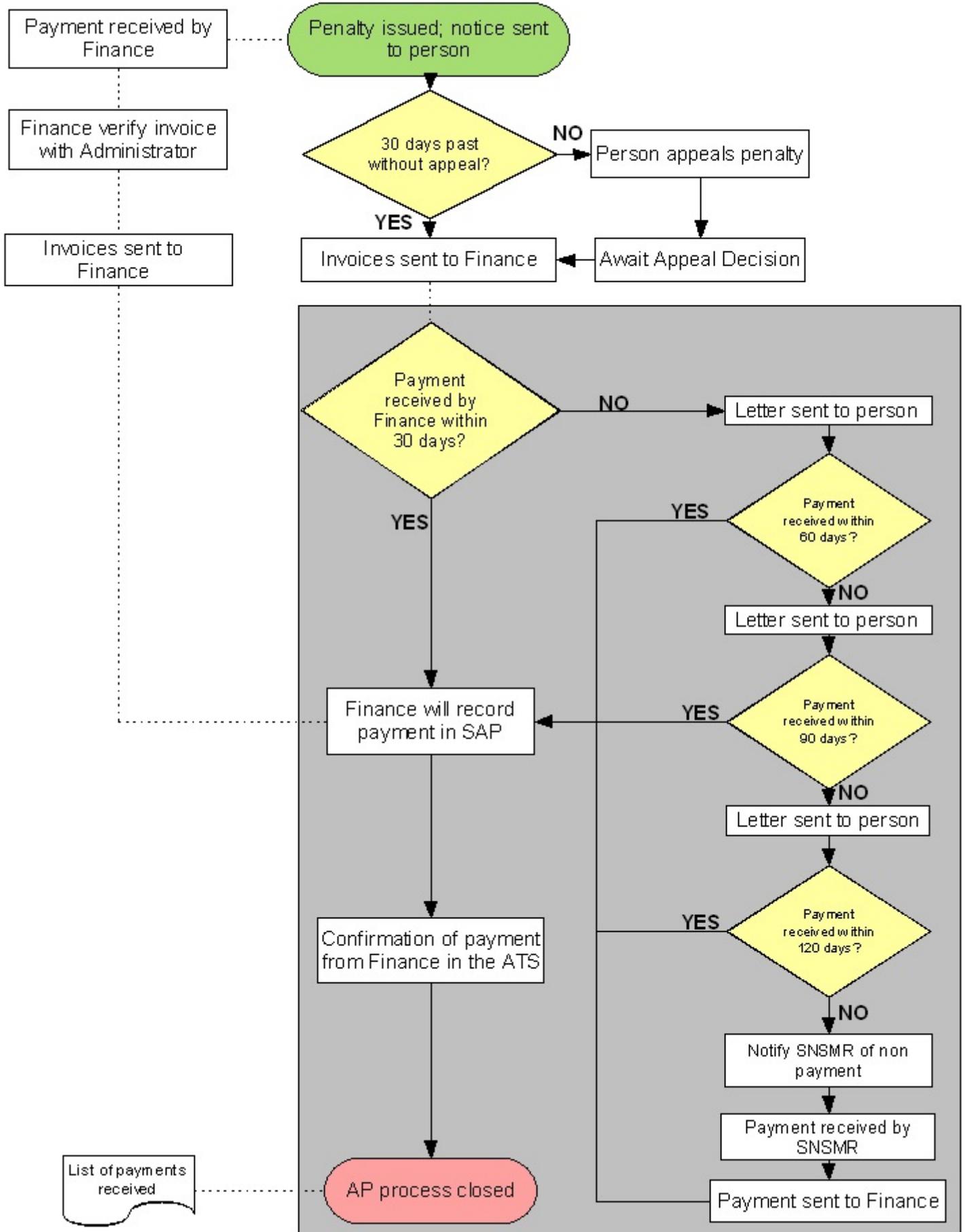


## Administrative Penalty Process and Guidelines

### Administrative Penalties Process



## Payment process for Administrative Penalties



## Guidelines for the Administrator

**The following is a model that provides an opportunity to have the penalty amount reduced or increased based on three factors listed in Section 6 of the Administrative Penalties Regulations.**

**Step 1: Determine the gravity value of each criteria in relation to the contravention for which the penalty is being levied.**

### 1. Efforts to prevent the contravention from occurring

a. The person made considerable efforts to prevent the violation from occurring.		
<b>Employer Class</b>	<b>Supervisor Class</b>	<b>Employee Class</b>
<p><b>Inspection report, Order, File Activities, Compliance Notices and/or any submitted information show evidence of the following:</b></p> <ul style="list-style-type: none"> <li>• Availability of equipment, machines, and materials which are provided and maintained</li> <li>• Evidence that information, instruction, training, supervision and facilities were provided or available</li> <li>• Evidence that the employees were made familiar with health or safety hazards at the workplace</li> <li>• Evidence that the employees are familiar with the proper use of all devices, equipment and clothing required for their protection</li> <li>• Evidence of policies and procedures related to preventing the contravention were in place and communicated</li> <li>• Evidence of a corrective action/ performance management system or contract measures used to correct non-compliant behaviour</li> </ul>	<p><b>Inspection report, Order, File Activities, Compliance Notices and/or any submitted information show evidence of the following:</b></p> <ul style="list-style-type: none"> <li>• Evidence that a supervisor acted upon any hazards reported by employee(s) and reported hazards to the employer</li> <li>• Evidence that an owner made information available to persons at a workplace</li> <li>• Evidence that a supervisor, self-employed person, or owner co-operated with other workplace parties to address workplace concerns</li> <li>• Evidence that a supervisor, self-employer person, or owner followed policies and procedures and any training that was provided</li> <li>• Evidence of a corrective action/ performance management system or contract measures used to correct non-compliant behaviour</li> </ul>	<p><b>Inspection report, Order, File Activities, Compliance Notices and/or any submitted information show evidence of the following:</b></p> <ul style="list-style-type: none"> <li>• Evidence that an employee used/wore protective devices, equipment or clothing required (i.e. hard hat)</li> <li>• Evidence that an employee co-operated with other workplace parties to address workplace concerns</li> <li>• Evidence that an employee reported hazard(s) to a supervisor</li> <li>• Evidence that an employee followed policies and procedures and any training that was provided</li> </ul>
b. The person made some effort to prevent the violation but was lacking in certain areas.		
<b>Employer Class</b>	<b>Supervisor Class</b>	<b>Employee Class</b>
Inspection report, Orders, File Activities, Compliance Notices and submitted information have evidence of some compliance efforts (Per 1a).	Inspection report, Orders, File Activities, Compliance Notices and submitted information have evidence of some compliance efforts (Per 1a).	Inspection report, Orders, File Activities, Compliance Notices and submitted information have evidence of some compliance efforts (Per 1a).
c. The person did little or nothing to prevent the violation from occurring.		
<b>Employer Class</b>	<b>Supervisor Class</b>	<b>Employee Class</b>
Inspection report, Orders, File Activities, Compliance Notices and submitted information show no evidence take the prevent the violation from occurring (Per 1a).	Inspection report, Orders, File Activities, Compliance Notices and submitted information show no evidence take the prevent the violation from occurring (Per 1a).	Inspection report, Orders, File Activities, Compliance Notices and submitted information show no evidence take the prevent the violation from occurring (Per 1a).

## **2. Whether or not the person on whom the administrative penalty is imposed derives any economic benefit from the contravention**

Upon review of the inspection report, order, file activities, compliance notices, etc., it was determined that:

- a. The contravention resulted in a cost to the person
  - i. For example, the employer may have provided employees with equipment that someone chose not to wear and the employer now has a compensation claim involving that employee.
- b. There was no identified economic benefit from the contravention.
  - i. The Administrator could not identify any economic benefit for the person based on a review of the documents available.
- c. The person derived some economic benefit from the contravention. Examples of economic benefit include:
  - i. Required training not provided
  - ii. Required PPE not provided
  - iii. Failure to inspect or maintain equipment
  - iv. Failure to ensure adequate resources (human or equipment) to complete work
  - v. Failure to provide supervision
  - vi. Evidence that work was completed in a shorter time period and/or at a lower standard of safety by not providing required equipment

## **3. The harm the contravention causes to any person**

Upon review of the inspection report, order, file activities, compliance notices, etc., it was determined that:

- a. There was no actual harm as a result of the contravention.
- b. The actual harm resulting from the contravention was minor property damage or a personal injury or health effect that required no more than first aid.
- c. The actual harm from the contravention resulted in significant property damage or bodily injury to one or more persons as defined in Step 1 (see the following list):
  - i. Loss of a substantial amount of blood
  - ii. Fracture of a leg or arm
  - iii. Amputation of a leg, arm, hand or foot
  - iv. Burns to a major part of the body
  - v. Loss of sight in an eye
  - vi. Any injury that places life in jeopardy

Factor	Description	Gravity Value*	History
1	Efforts to prevent the contravention from occurring	0	The person made considerable efforts to prevent the violation from occurring.
		1	The person made some effort to prevent the violation but was lacking in some areas.
		2	The person did little or nothing to prevent the violation from occurring.
2	Any economic benefit from the contravention	0	The contravention resulted in a cost to the person.
		1	There was no identified economic benefit from the contravention.
		2	The person derived some economic benefit from the contravention.
3	Harm the contravention causes to any person	0	There has been no actual harm as a result of the contravention.
		1	The actual harm resulting from the contravention was minor property damage or a personal injury or health effect that required no more than first aid.
		2	The actual harm from the contravention resulted in significant property damage or bodily injury to one or more persons as defined in Step 1.

*\* The gravity value is a score on a scale of 0-2 assigned to a particular factor, where 0 indicates a degree of lesser serious, and 2 indicates a degree of very serious.*

**Step 2: Add the values for each factor and determine the adjustment required from the list below.**

- Gravity Value of 6 = Base Value\*2
- Gravity Value of 5 = Base Value\*1.5
- Gravity Value of 4 = Base Value\*1.25
- Gravity Value of 3 = No adjustment**
- Gravity Value of 2 = Base Value/1.25
- Gravity Value of 1 = Base Value/1.5
- Gravity Value of 0 = Base Value/2\*

**Penalty Amounts**

<b>With Injury</b>	<b>(0) /2</b>	<b>(1) /1.5</b>	<b>(2) /1.25</b>	<b>(3) Base</b>	<b>(4) X1.25</b>	<b>(5) X1.5</b>	<b>(6) X2</b>
<b>Employer</b>	\$ 500.00	\$ 666.67	\$ 800.00	\$1,000.00	\$ 1,250.00	\$ 1,500.00	\$ 2,000.00
<b>Supervisor</b>	\$ 250.00	\$ 333.33	\$ 400.00	\$500.00	\$ 625.00	\$ 750.00	\$ 1,000.00
<b>Employee</b>	\$ 100.00	\$ 133.33	\$ 160.00	\$ 200.00	\$ 250.00	\$ 300.00	\$ 400.00
<b>NO Injury</b>	<b>(0) /2</b>	<b>(1) /1.5</b>	<b>(2) /1.25</b>	<b>(3) Base</b>	<b>(4) X1.25</b>	<b>(5) X1.5</b>	<b>(6) X2</b>
<b>Employer</b>	\$ 250.00	\$ 333.33	\$ 400.00	\$500.00	\$ 625.00	\$ 750.00	\$ 1,000.00
<b>Supervisor</b>	\$ 125.00	\$ 166.67	\$ 200.00	\$ 250.00	\$ 312.50	\$ 375.00	\$ 500.00
<b>Employee</b>	\$ 50.00	\$ 66.67	\$ 80.00	\$ 100.00	\$ 125.00	\$ 150.00	\$ 200.00

## EXAMPLES OF PENALTY ADJUSTMENTS

EMPLOYER	SUPERVISOR	EMPLOYEE
<p><b>Example #1</b>            Base Amount for with Injury = \$1000            1. Effort = 2            2. Economic Benefit = 0            3. Harm = 2            Total Amount = 4            Adjustment to base amount = X1.25%            Adjusted administrative penalty = \$1250</p>	<p><b>Example #1**</b>            Base Amount with Injury = \$500            1. Effort = 1            2. Economic Benefit = 1            3. Harm = 1            Total Amount = 3            Adjustment to base amount = None            Adjusted administrative penalty = \$500</p>	<p><b>Example #1</b>            Base Amount with Injury = \$200            1. Effort = 3            2. Economic Benefit = 3            3. Harm = 3            Total Amount = 6            Adjustment to base amount = X2            Adjusted administrative penalty = \$400</p>
<p><b>Example #2*</b>            Base Amount for with Injury = \$1000            1. Effort = 0            2. Economic Benefit = 0            3. Harm = 1            Total Amount = 1            Adjustment to base amount = /1.5            Adjusted administrative penalty = \$666.67</p>	<p><b>Example #2</b>            Base Amount without Injury = \$250            1. Effort = 3            2. Economic Benefit = 0            3. Harm = 2            Total Amount = 5            Adjustment to base amount = x1.5            Adjusted administrative penalty = \$375</p>	<p><b>Example #2</b>            Base Amount without Injury = \$100            1. Effort = 1            2. Economic Benefit = 0            3. Harm = 1            Total Amount = 2            Adjustment to base amount = /1.25            Adjusted administrative penalty = \$80</p>