

Ontario OHS Convictions At Six-Year Low In 2013/14, Average Fine Relatively Steady



The number of Ontario *Occupational Health and Safety Act* convictions was at a six-year low in the government's fiscal 2013/14 year, Ontario Ministry of Labour statistics show.

There were 780 convictions in 2013/14, compared to the previous five years' conviction numbers of 814 (in 2012/13), 903, 948, 1,164 and 1,303 (in 2008/09), a consistent downward trend over that six-year period.

The average fine per conviction in fiscal 2013/14 was \$11,932, compared with \$13,139, \$10,821, \$11,911, \$11,091 and \$10,849 over the previous five-year period. Interestingly, this shows that the average fine has remained relatively steady over that period.

The MOL notes that more than one conviction may be related to a single incident. For instance, one workplace accident on a construction site could result in two convictions against the constructor, three against a subcontractor and one against a supervisor.

Our extensive 2012 study of *Occupational Health and Safety Act* prosecutions and fines showed that 68% of companies charged with OHSA offences plead guilty, and fines negotiated with the MOL tend to be much higher than those set by the court after hearing submissions from the MOL and the defendant.

Note that the Ministry of Labour statistics include Part I contested tickets, Part I summonses and Part III prosecutions. Our 2012 study looked at Part III prosecutions (reserved for more serious cases, which tend to involve significantly higher fines) and did not include Part I tickets or summonses. Part I tickets and summonses carry a maximum fine of \$1,000 per conviction while Part III prosecutions have a maximum fine of \$500,000 per conviction. As such, the average fines in our study were higher than those in the MOL statistics referenced above.

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