

## OCCUPATIONAL HEALTH AND SAFETY TICKETING

### What is ticketing?

Ticketing is an enforcement tool that allows health and safety inspectors to issue on-the-spot offence notices, also known as “tickets”, under the Provincial Offences Act for certain violations of Ontario’s Occupational Health and Safety Act (OHSa) regulations.

Acting as provincial offences officers, inspectors can issue tickets for health and safety violations in the construction, mining and diving sectors. This ability has now been expanded to include the industrial sector. The industrial sector is Ontario’s largest and most diverse sector, covering a variety of subsectors and a greater proportion of workplaces and workers than any other sector.

Inspectors may issue tickets in the course of proactive workplace inspections, or as a result of investigating a complaint, an injury, or a work refusal. In the industrial sector, tickets for specified offences can be issued to employers, supervisors or workers. If issued a ticket, the party can choose to either pay the fine or appear in a provincial court to dispute the offence.

In addition to issuing tickets, health and safety inspectors can enforce the OHSa by issuing an order to comply or a stop-work order. Other prosecution procedures under the Provincial Offences Act remain available as alternatives to ticketing.

### Types of offences

Tickets can be issued for 81 workplace health and safety violations in the industrial sector. These violations pose an immediate and potentially serious hazard to a worker, are immediately observable by inspectors and do not raise complex legal or factual issues. The tickets are aimed at high-risk activities or activities with a high incidence of critical injuries, such as:

- Use of chainsaws
- Work on or near electrical installations or with electrical tools
- Lifting devices (e.g. forklifts)
- Portable ladders
- Logging.

### Fines

Set fines for ticketing in the industrial sector became effective January 15, 2005. Depending on the offence, the tickets carry fines, including court costs, of \$200 or \$300, as set by the Chief Justice of the Ontario Court of Justice. Money collected from the fines goes to the municipality in which the offence took place. In addition, there is a victim fine surcharge, which goes into the provincial Victims’ Justice Fund account.

For a complete listing of fines, please visit the Ontario Court of Justice website at [www.ontariocourts.on.ca/ocj.htm](http://www.ontariocourts.on.ca/ocj.htm)

### **Options if issued a ticket**

An employer, supervisor or worker has three options if issued a ticket:

- Plead guilty by signing the guilty plea on the ticket and paying the set fine at the court office specified on the ticket.
- Give notice of intention to appear in court and request a trial. At trial, plead guilty and make submissions respecting the fine before a provincial judge or justice of the peace. The provincial judge or justice may impose the set fine or reduce it.
- Plead not guilty by giving notice of intention to appear in court and requesting a trial before a provincial judge or justice.

### **Increased enforcement**

On July 8, 2004, the government announced its plan to reduce workplace injuries by 20 per cent over the next four years. To achieve this goal, the government is implementing an enhanced enforcement strategy that includes hiring 200 new health and safety enforcement staff and targeting inspections at workplaces with the highest lost-time injury rates and higher than average claims costs for the sector.

The expanded ticketing system is an important part of this enforcement plan, as it will raise awareness of health and safety requirements, increase accountability for workplace safety among employers, supervisors and workers, and promote compliance with the law in Ontario's largest and most diverse sector.

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