

Guidelines for Issuing Administrative Penalties

Issuing a Penalty

Officers have discretion to issue an administrative penalty for any contravention of the Act or a regulation made under the Act. To assist them in ensuring administrative penalties are issued as fairly and consistently as possible, officers will be guided by division policy.

An officer shall consider issuing an administrative penalty to a person in any of the following circumstances:

- a) a person has contravened a section of the Act or a regulation made under the Act as set out in the list titled “High Risk Sections of the OHS Regulations” and the contravention posed a serious risk to health or life (as per the definition below);

“Serious risk to health or life” means exposure to a hazard or danger that could reasonably be expected to cause serious injury, serious illness or death to the person exposed to it.
- b) a person has contravened any section of the Act or regulation where the contravention posed a serious threat to health and life and where a Stop Work Order has been issued;
- c) a person has contravened a section of the Act or a regulation made under the Act and the person has contravened the same section at least once before this contravention, whether or not an administrative penalty was issued for the previous contravention; or
- d) a person has contravened a section of the Act or a regulation made under the Act and the person has contravened a different section of the Act or regulation at least once before this contravention, whether or not an administrative penalty was issued for the previous contravention, and in the officer’s opinion the circumstances demonstrate a lack of commitment to the Internal Responsibility System under Section 2 of the Act.

High Risk Sections of the OHS Regulations

Category and Regulation	Section (Part)	Part or Section Title
Fall Protection and Scaffolding		
Workplace Health and Safety Regulations	Part 21	Fall protection
	Part 22	Work requiring rope access
	Part 23	Scaffolds and other elevated work platforms
Lockout / Tag Out		
Occupational Safety General Regulations	Section 51	Interpretation, application, control and energizing
	Section 52	Lock-out procedure
	Section 53	
	Section 54	

Guarding		
Occupational Safety General Regulations	Section 86	Contact with machines
	Section 87	Safeguards
	Section 88	Starting and stopping machines
	Section 89	
Confined Space Entry		
Occupational Safety General Regulations	Section 130	Assessment and written procedures
	Section 131	Certification of confined space conditions
	Section 132	Purging and further testing
	Section 133	Response to hazardous condition
	Section 134	Protective equipment and security measures
	Section 135	Respiratory protective equipment
	Section 136	Hazard of electrical shock
Excavation and Trenches		
Occupational Safety General Regulations	Section 166	Excavation and trenches
	Section 168	
	Section 169	
	Section 170 (3, 4)	
	Section 171 (3)	
	Section 173	
First Aid		
Occupational Health and Safety First Aid Regulations	Section 18	Remote location plans
Personal Protective Equipment		
Occupational Health and Safety First Aid Regulations	Section 13	Respiratory hazard
	Section 14	Risk of drowning
WHMIS		
WHMIS Regulations	Section 3 (1)	Prohibition
Traffic Control		
Workplace Health and Safety Regulations	Part 24	Temporary workplaces on highways
Welding		
Occupational Safety General Regulations	Section 113	Work on containers
Electrical Safety		
Occupational Safety General Regulations	Section 120	General provisions
	Section 121	
	Section 122	
	Section 123	Personal protective equipment
	Section 124	
	Section 125	Hazardous work
	Section 126	
	Section 128	Electrical rooms
Conveyors		

Occupational Safety General Regulations	Section 96	Conveyors
Hoists and Mobile Equipment		
Occupational Safety General Regulations	Section 55	General provisions
	Section 56	
	Section 57	Signaller
	Section 58	Safety protection and precautions
	Section 59	
	Section 60	
	Section 62 (1,2)	Overhead protection
	Section 63	Rollover protection
	Section 65	
	Section 70 (2)	Operating precautions
	Section 71	
	Section 76	Hoists
	Section 77	Mobile cranes
	Section 78	
Blasting		
Blasting Safety Regulations	Section 6	Blasting operation under direction and control of blaster
	Section 7	General duty to comply with the Act and these regulations
	Section 8	Person participating in a blasting activity
	Section 9	Coordination of activities in blasting area
	Section 10	Persons designated to access explosives
	Section 17	Blasting activity to be conducted by or supervised by blaster
	Section 18	Blasting activity restricted to Blaster (1st Class)
	Section 19	Blasting activity restricted to Blaster (1st Class) and Blaster (2nd Class)
	Section 20	Blasting activity conducted by Blaster (2nd Class) and Blaster (3rd Class) under supervision
	Section 21	Employer must ensure no prohibited blasting activity
	Section 23	Work procedure for specialized blasting and blasting by uncertified persons
	Section 25	Following work procedure
	Section 26	Handling explosives
	Section 27	Using equipment according to manufacturer's instructions
	Section 28	No priming charge where explosives are stored
	Section 29	Tools used to open container of explosives
	Section 30	No carrying explosive in clothing
	Section 31	Storing explosives
	Section 32	Explosives must be attended
	Section 33	Storing detonators
Section 34	Handling detonators	
Section 35	Maintaining magazine	
Section 38	Repairing magazine	

	Section 39	Construction and marking of day box
	Section 40	Certifying day box
	Section 41	Storage in day box
	Section 43	No hazardous items around explosive, day box or magazine
	Section 44	Smoking prohibition
	Section 45	Destroying explosives
	Section 46	Nitroglycerine-based product
	Section 47	Frozen explosives
	Section 48	Electrical storms
	Section 49	Drilling in previously blasted area
	Section 50	Drilling near hole containing an explosive
	Section 51	Drill hole size
	Section 52	No excessive pressure when tamping or stemming
	Section 54	Tamping rods
	Section 55	No slit or tamped primed explosives
	Section 58	Pneumatic loading of ammonium nitrate and fuel oil
	Section 59	Identifying loaded holes
	Section 60	Security measures for area where loaded holes are present
	Section 61	Driving or moving over loaded hole, explosive or blasting accessory
	Section 65	Flying material
	Section 66	Guarding or barricading approaches
	Section 67	Warning signals
	Section 68	Protecting persons
	Section 74	Safety fuse assemblies
	Section 75	Extraneous electricity
	Section 76	Minimum distances from radio frequency transmitters
	Section 77	Testing continuity
	Section 78	Electric blasting circuit
	Section 79	Blasting meters
	Section 80	Blasting machines
	Section 82	Firing in presence of power line
	Section 83	Firing from a power line
	Section 84	Inspecting blasting area after blast
	Section 85	Waiting period after blast with misfired hole
	Section 87	Blast fired electrically
	Section 88	Blast fired using blasting switch
	Section 89	Treating misfired hole
	Section 90	No metallic equipment after misfire
	Section 91	Checking burden after misfire
Surface Mine Workings		
Occupational Safety General Regulations	Section 184	Wall or working face
Underground Mining		

Underground Mining Regulations	Sections 1 - 554	Underground mining
Diving		
Occupational Diving Regulations	Section 10	Standby diver
	Section 12	Certificate of fitness
	Section 15	Person who is unfit must not dive
	Section 16	Competency of diving supervisor, diver and diver's tender
	Section 20	Dive plan
	Section 21	Briefing dive team
	Section 22	Maximum time of dive as in dive plan
	Section 23	List of hyperbaric chambers and hospitals
	Section 25	Decompression tables and procedures
	Section 26	Observation period after dive
	Section 28	Care of diver with pressure-related ailment
	Section 29	Dive site
	Section 30	Dive base
	Section 31	Diving supervisor's communication with dive team
	Section 32	2-way communication between diving supervisor and diver, ADS operator or SCC attendant
	Section 33	Communications for deep dive or dive using ADS or SCC
	Section 34	Communications used with a stage
	Section 35	Breathing mixture selected
	Section 36	Primary and secondary breathing mixture supplies
	Section 37	Breathing mixture supply system
	Section 38	Compressors
	Section 39	Oxygen supply system
	Section 40	Oxygen storage facility
	Section 41	Condition and testing of diving equipment
	Section 42	Equipment maintenance and operating materials at dive site
	Section 43	Diving equipment malfunction
	Section 44	Personal diving equipment
	Section 45	Head protection
	Section 46	Gauges and metering equipment
	Section 47	Lifelines
	Section 48	Monitoring lifelines
	Section 49	Safety precautions for dives conducted without a lifeline
	Section 50	Umbilical bundle
	Section 51	Stages
Section 52	Fall arrest system for stage	
Section 53	Hoisting device for stage	
Section 54	Wet bell	
Section 55	Condition of compression chamber	
Section 56	Pressure leak [test] on compression chamber	
Section 57	Internal pressure test on compression chamber	
Section 58	Breathing mixture required for compression chamber	

Section 59	Pressurized container used to hold compressed gases
Section 60	Hyperbaric chamber at dive site
Section 61	Submersible compression chamber (SCC)
Section 63	Saturation chamber
Section 64	Atmospheric diving system (ADS)
Section 66	Exiting from lock-out submersible
Section 67	Hoisting device for SCC or ADS
Section 68	Liveboating
Section 69	Dynamically positioned vessel dive
Section 70	Water flow hazards
Section 71	Hazardous mechanisms
Section 72	Blasting with explosives at dive site
Section 73	Low visibility
Section 74	Weather or water conditions
Section 75	Sonar emissions
Section 76	Radiation
Section 77	Impressed current cathode protection devices
Section 79	Work zones at dive base
Section 80	Contaminant management plan
Section 81	Protective equipment to protect against contaminants
Section 82	Diving equipment exposed to contaminant
Section 86	When SCUBA not permitted
Section 87	Permitted use of SCUBA
Section 88	Rebreathers
Section 89	Rebreather hazard training
Section 90	Monitoring of time and depth of SCUBA dives
Section 91	Helmets and masks
Section 92	Bail-out systems
Section 93	Breathing mixture supply line
Section 94	Breathing mixture supply line during dive
Section 95	Maintaining decompression stop depths and times
Section 96	When SCC required for deep dive
Section 97	Exposure limits for deep dives
Section 98	Rest period before and between deep dives
Section 99	Restrictions on diving following deep dive
Section 100	Back-up power source
Section 101	SCUBA and deep dives