

Occupational Health and Safety Act

Bill 88 - Amendments in force July 1, 2022

Subsection 66 (1) of the Act is amended by,

(a) adding “Subject to subsections (2) and (2.1),” at the beginning; and

(b) striking out “\$100,000” in the portion after clause (c) and substituting “\$500,000”.

Subsection 66 (2) of the Act is repealed and the following substituted:

Same

(2) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$1,500,000.

Same

(2.1) A director or officer of a corporation who contravenes or fails to comply with section 32 is guilty of an offence and on conviction is liable to a fine of not more than \$1,500,000 or to imprisonment for a term of not more than twelve months, or to both.

Aggravating factors

(2.2) Each of the following circumstances shall be considered an aggravating factor for the purposes of determining a penalty under this section:

1. The offence resulted in the death, serious injury or illness of one or more workers.
2. The defendant committed the offence recklessly.
3. The defendant disregarded an order of an inspector.
4. The defendant was previously convicted of an offence under this or another Act.
5. The defendant has a record of prior non-compliance with this Act or the regulations.
6. The defendant lacks remorse.

7. There is an element of moral blameworthiness to the defendant's conduct.
8. In committing the offence, the defendant was motivated by a desire to increase revenue or decrease costs.
9. After the commission of the offence, the defendant,
 - i. attempted to conceal the commission of the offence from the Ministry or other public authorities, or
 - ii. failed to co-operate with the Ministry or other public authorities.
10. Any other circumstance that is prescribed as an aggravating factor.

Section 66 of the Act is amended by adding the following subsection:

Additional orders

- (5) If a person is convicted of an offence under this section, the court may, in addition to any fine or imprisonment that is imposed, make any prescribed order.

Clause 67 (2) (a) of the Act is amended by striking out “a director” and substituting “an officer or director”.

Clause 67 (2) (b) of the Act is repealed and the following substituted:

- (b) by registered letter addressed to an individual or corporation mentioned in clause (a) at the last known place of business of the individual or corporation,

Section 69 of the Act is amended by striking out “one year” in the portion before clause (a) and substituting “two years”.

Amendments in force June 1, 2023

The Act is amended by adding the following section:

Naloxone kits

- 25.2** (1) Where an employer becomes aware, or ought reasonably to be aware, that there may be a risk of a worker having an opioid overdose at a workplace where that worker performs work for the employer, or where the prescribed circumstances exist, the employer shall,

- (a) provide and maintain in good condition a naloxone kit in that workplace; and
- (b) comply with any other prescribed requirements respecting the provision and maintenance of naloxone kits and the training referred to in subsection (3).

Location of kit

(2) The employer shall ensure that, at any time there are workers in the workplace, the naloxone kit is in the charge of a worker who works in the vicinity of the kit and who has received the training described in subsection (3).

Training

(3) The training shall include training to recognize an opioid overdose, to administer naloxone and to acquaint the worker with any hazards related to the administration of naloxone, and shall meet such other requirements as may be prescribed.

Limit on disclosure

(4) No employer shall disclose to any person more personal information than is reasonably necessary to comply with this section.

Employer duties

(5) For greater certainty, the employer duties set out in section 25 apply, as appropriate, with respect to the administration of naloxone in the workplace.

Definition

(6) In this section,

“naloxone kit” means a kit that includes the prescribed contents.

Subsection 70 (2) of the Act is amended by adding the following paragraph:

43.1 governing the employer’s obligations under section 25.2 respecting the provision and maintenance of naloxone kits and the training referred to in subsection 25.2 (3);