

What is a Summary Offense Ticket?

An SOT is a ticket issued by a designated Occupational Health Officer. The Ministry of Labour Relations and Workplace Safety (LRWS) created for certain occupational health and safety violations.

There are currently twelve SOTs that an OHO can hand out. They can be delivered in person or by mail, and may take time depending on the situation and circumstances. These fines have a maximum charge of \$1000 with an added victim surcharge. Everyone who receives a ticket will have the right to challenge the ticket in court.

When Will an SOT be Issued?

Saskatchewan.ca says *“Officers will assess the severity of the situation and try to use other tools such as Compliance Undertakings, Officer’s Reports, Notice of Contraventions and Stop Work Orders before issuing a ticket.”*

“In high risk situations (immediately dangerous to life and health), especially those involving fall protection and trenches, an Officer may issue a ticket before using other tools.”

What Other Fines and Penalties Exist?

Section 3-79 of the Saskatchewan Employment Act (SEA) outlines fines and penalties that can apply to organizations and individuals. There are levels of fines and penalties that apply. The maximum penalties under this legislation is \$500,000 for individuals, and \$1,500,000 for organizations. It is important to remember that these are the maximums, while the actual amount charged is determined by the Courts.

These penalties can be applied in different circumstances. There are different dollar amounts based on first offenses, and second or subsequent offences. SEA section 3-79 contains more details on all applicable fines.

Due Diligence

In the context of occupational Health and Safety, Due diligence can be defined as taking all reasonable actions under particular circumstances, to prevent injuries in the workplace. (CCOHS 2019)

In Saskatchewan specific legislation, the term “reasonably practicable” is used. The SEA has these definitions:

- 3-1(1)(x) “Practicable” means possible given current knowledge, technology and invention
- 3-1(1)(z) “reasonably practicable” means practicable unless the person on whom a duty is placed can show that there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money, of the measures to secure the duty

Reasonably practicable appears in the employers general duty clause. (SEA 3-8) In order to avoid prosecution and summary offense ticketing, an organization must prove they have taken these actions. Due diligence is not limited to the minimum legislative requirements. In some cases organizations are expected to exceed legislation, and comply with various standards. I.e. COR, ISO, CSA. Etc.

Due diligence is the most common defense against OHS prosecutions. Organizations must internally decide when they feel they have done “enough”. Reviewing prosecutions handed out in Saskatchewan and creating due diligence checklists are solid benchmarking tools.

Worker Protection

SEA 3-35 discusses when a discriminatory action is prohibited. 3-35(j) says *“No employer shall take discriminatory action against a worker because the worker is or has been prevented from working because a notice of contravention with respect to the worker’s work has been served on the employer”*.

In other words, you cannot fire, layoff, demote or any other action listed in SEA 2-1(d) to any worker in the listed circumstances. This closely follows the internal responsibility system model that the legislation is based on.

Legend- Saskatchewan Employment Act (SEA) Occupational Health and Safety Regulations 2020 (OHSR 2020)

Sources:

- <https://www.saskatchewan.ca/business/safety-in-the-workplace/enforcements-prosecutions-and-investigations/summary-offence-ticketing>
- <https://www.ccohs.ca/oshanswers/legisl/legislation/diligence.html#:~:text=Applied%20to%20occupational%20health%20and,or%20incidents%20in%20the%20workplace.>

Tool Box Talk

When accidents and incidents happen on the jobsite, we are always quick to point the finger at lack of training, not following practices or procedures, or even improper supervision. The idea that the hazards and dangers associated with the job were not properly communicated to all of the workers is often missed.

Tool Box Talks can go by many names, and although formats may vary, these meetings all serve one purpose: to inform employees and contract workers. Tool Box Talks are short, informal, meetings between management and the workers on a jobsite. The goal of these meetings is to reinforce current safe job procedures, inform workers of new and/or relevant procedures, review recent safety violations/incidents, and ensure workers are up-to-date on the information required to complete their work safely.

Always use a Tool Box Talk form to record the meeting topic, date, who was in attendance, and any follow-up actions to be taken. Not only do these forms help with consistency of record keeping, but they also ensure that nothing is missed. At the end of the meeting have management sign off on the form.

One of the most important aspects of a Tool Box Talk is giving workers an opportunity to voice their concerns and ask questions. All employees have a right to participate in health and safety as it relates to their work and it is the supervisor or manager's responsibility to create an environment for them to do so. Once the meeting is over, and the form is filled out, it should be filed with other documented Tool Box Talks.

Remember that Tool Box Talks are short and informal, they are not meant to be intimidating. Use the opportunity to have fun and stay on top of what is necessary to keep safety culture a strong part of the business.

For a full listing of Tool Box Talk topics, visit: www.scsaonline.ca/resources/tool-box-talks

For a copy of the Tool Box Talk form, visit: www.scsaonline.ca/pdf/Tool_Box_Meeting.pdf

About the Saskatchewan Construction Safety Association

The Saskatchewan Construction Safety Association (SCSA) is an industry-funded, membership-based, nonprofit organization that provides cost-effective, accessible safety training and advice to employers and employees in the construction industry throughout the province to reduce the human and financial losses associated with injuries. Registered March 20, 1995, the SCSA is, and has been since inception, committed to injury prevention. Serving almost 10,000 member companies with business offices in both Regina and Saskatoon, the major business units of the association are Advisory Services, Business Development, Corporate Services, Program Services and Training. The mission of the SCSA is constructing safety leadership in Saskatchewan and the vision is to create the safest construction environment in Canada.