

# Tool Box Talk

# Summary Offence Ticketing

June 2017

## What is an SOT?

The Ministry of Labour Relations and Workplace Safety (LRWS) and the Ministry of Justice have created Summary Offence Tickets (SOT), issued by designated Occupational Health Officers from the Ministry of LRWS, for certain Occupational Health and Safety (OHS) violations.

SOTs are like speeding tickets. They will typically be issued either on the spot or sent by mail depending on the situation and circumstances. Either way, the officer will assess the situation and facts on the ground before issuing a ticket. Everyone who receives a ticket will have the right to challenge the ticket in court.

## Who can be ticketed?

Tickets will mainly be directed toward employers, contractors, owners, self-employed persons, and suppliers.

There is only one offence that applies to workers – clear failure to use Personal Protective Equipment (PPE) that has been provided by their employer. Before ticketing a worker, officers will assess if the worker was provided with the correct PPE, received adequate training on its use, and was clearly directed to use the PPE but chose not to.

## When will a ticket be issued?

SOTs may be issued when other tools are not effective in making sure that health and safety in the workplace is followed and in especially high-risk operations like trenching and roofing where there is a serious risk to workers.

Officers will assess the severity of the situation and will try to use other tools first, such as Compliance Undertakings, Officer's Reports, Notice of Contraventions, and Stop Work Orders.

## List of Offences and Fines

SOTs came into effect on July 1, 2014. The table to the right shows the offences and their respective fines. The fine for each offence is determined pursuant to *The Summary Offence Procedures Regulations, 1991*. Note that these fine amounts are subject to a victim surcharge that is collected with the fine.

Item #	Offence	Section of Act or Regulations	Fine Amount / Liable Parties
1	Failing to submit a written progress report <sup>1</sup>	3-43(b)	<b>\$600</b> Employers, self employed persons, suppliers, contractors, owners
2	Failing to submit information requested by the Director <sup>2</sup>	3-64(1)	<b>\$600</b> Employers, self employed persons, suppliers, contractors, owners
3	Failing to supply approved personal protective equipment	87(1)(a) Regulations	<b>\$1,000</b> Employers, contractors
4	Failing to ensure that workers use personal protective equipment	87(1)(b) Regulations	<b>\$1,000</b> Employers, contractors
5	Worker failing to use provided personal protective equipment	87(4)(a) Regulations	<b>\$250</b> Workers
6	Failing to ensure that workers use a fall protection system where a worker may fall three metres or more	116(2)(a) Regulations	<b>\$1,000</b> Employers, contractors
7	Failure to ensure that workers use a fall protection system where there is a possibility of injury if a worker falls less than three metres	116(2)(b) Regulations	<b>\$1,000</b> Employers, contractors
8	Failing to ensure that any opening or hole is covered and clearly marked or otherwise protected	124(1) Regulations	<b>\$1,000</b> Employers, contractors, owners
9	Failing to provide an effective safeguard	137(1) Regulations	<b>\$1,000</b> Employers, contractors
10	Failing to ensure that workers are protected from cave-ins or sliding material in an excavation	262(1) Regulations	<b>\$1,000</b> Employers, contractors
11	Failing to ensure that workers are protected from cave-ins or sliding material in a trench	263(1) Regulations	<b>\$1,000</b> Employers, contractors
12	Failing to implement a hazardous confined space entry plan	272(3) Regulations	<b>\$1,000</b> Employers, contractors

<sup>1</sup> "failing to submit a written progress report"

Section 3-43(b) of *The Saskatchewan Employment Act* (Act) establishes the requirement to provide a progress report to the occupational health officer explaining what actions have been taken to remedy each violation stated in a notice of contravention. The progress report acts as formal recognition by the employer and advises the OHS Division how the violations have been remedied within the required timelines. Failure to submit a report could result in an SOT.

<sup>2</sup> "failing to submit information requested by the director"

Section 3-64(1) of the Act allows the director of occupational health and safety to request information that the OHS Division needs for the performance of its duties and the exercise of its powers. Failure to provide this information could result in an SOT.