

BOARD OF DIRECTORS
Douglas Enns, Chair

Terry Brown
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Stephen Hunt
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March 2003

Update 2003 – 3

TO: HOLDERS OF THE *PREVENTION MANUAL*

This update of the *Prevention Manual* contains amendments to the *Manual* implemented since update 2003 – 2.

This update contains consequential changes to policy item D12-196-3 (Administrative Penalties – Prior Violations and Orders) as the result of the adoption of the new *Assessment Manual*.

If you have any questions regarding this update or the *Prevention Manual*, please call Publications and Video Distribution at 1-866-271-4879.

DOUGLAS ENNS
Chair, Board of Directors

Attachments

PREVENTION MANUAL

Instructions for Update #3 – (March 2003)

**Check
As
Done**

Remove Old Pages Numbered/Titled:

Insert New Pages Numbered/Titled:

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| <input type="checkbox"/> | D12-196-3 Administrative Penalties – Prior Violations and Orders | D12-196-3 Administrative Penalties – Prior Violations and Orders |
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**RE: Administrative Penalties -
Prior Violations and Orders**

ITEM: D12-196-3

BACKGROUND

1. Explanatory Notes

The criteria set out in Item D12-196-1 require consideration of whether a prior violation or order should be considered in deciding to impose an administrative penalty on an employer following a later violation or order.

2. The Act

See D12-196-1.

POLICY

The Board will consider imposing an administrative penalty when an employer is found in violation of the same section on more than one occasion. This includes where, though a different section is cited, the violation is essentially the same, for example, citations of sections 8.11 and 20.11 of the *OHS Regulation* for failure to use safety headgear.

Violations at one of several locations of a firm will normally be considered as though that location were the firm's only location. Violations at more than one location may be considered together if they result from a failure of the firm's overall program of compliance with the *Act* and regulations. This would include failure to:

- effectively communicate with all locations regarding health and safety concerns;
- provide adequate training to managers and others who implement site health and safety programs;
- make local management accountable for health and safety performance; and
- provide local management with sufficient resources for health and safety issues.

A business may be sold or reorganized between two occurrences of violations. Item AP1-42-3 of the *Assessment Manual* sets out guidelines for the Board's decision on whether a new experience rating position will be assigned to the reorganized business.

For the purpose of an administrative penalty, the prior violations are treated as part of the firm's history, where the same experience rating position is assigned to the new firm.

PRACTICE

There is no PRACTICE for this Item.

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|--------------------------|--|
| EFFECTIVE DATE: | March 18, 2003 |
| AUTHORITY: | s. 196(1), <i>Workers Compensation Act</i> |
| CROSS REFERENCES: | See also Administrative Penalties – Criteria for Imposing (Item D12-196-1). |
| HISTORY: | Effective March 18, 2003, references to policy items in the former <i>Assessment Policy Manual</i> were replaced with references to policy items in the <i>Assessment Manual</i> . |
| APPLICATION: | Not applicable. |