



Labour Program Consultation

December 21

2018

Proposal for Compliance and
Enforcement Measures under Part IV of
the *Canada Labour Code*



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1. Overview

On June 22, 2017, Parliament enacted legislation through the [Budget Implementation Act, 2017, No.1 \(BIA No.1\)](#), which provides a suite of enforcement tools to address non-compliance under Part II (Occupational Health and Safety) and Part III (Labour Standards) of the [Canada Labour Code](#) (the Code). These tools include the following:

- Administrative Monetary Penalties (AMPs) (for the application of Part II and Part III of the Code)
- Public Naming of Offenders and Violators (for the application of Part II, Part III and Part IV of the Code)
- For the application of Part III of the Code:
 - Protection from employer reprisal;
 - Compliance orders;
 - Internal audits;
 - Measures to improve the wage recovery process;
 - Technical amendments intended to improve the operation of Part III of the Code and provide additional flexibility to employers and directors of corporations who seek to appeal a decision; and
- Transfer of Adjudicative Functions to the Canada Industrial Relations Board (CIRB) (for the application of Part II, Part III and Part IV of the Code).

It is anticipated that the legislative amendments will be fully implemented by mid-2020. The development of regulations and policies is required in order to effectively implement the new provisions, particularly with regard to the AMP system and the authority to publicly name offenders and violators.

1.1 Initial Consultations

A first phase of consultations took place in fall 2017-winter 2018, during which time a consultation paper was provided to a broad range of stakeholders representing employers and employees, which included employer organizations, businesses, labour organizations, advocates for employees' rights, and professional associations. Internal consultations were also conducted with Labour Program officials. Some of the most prevalent comments received, both internally and externally were:

- Education and voluntary compliance measures should remain the primary compliance tools, with AMPs and prosecution available for the most grievous offences.
- Size of business, severity and recidivism should be factors in the determination of AMP amounts.
- Training is instrumental to the implementation of the new compliance and enforcement tools.

- Occupational health and safety violations should be subject to higher penalties than labour standards violations.

The feedback from the first phase of consultations has helped guide research, policy development, and finally, the proposed regulatory framework.

All stakeholder comments have been considered, and have contributed to the proposal for fair and efficient compliance and enforcement measures. The Labour Program intends to use AMPs as a complement to existing compliance and enforcement tools. AMPs will be one of the tools that constitute the Labour Program’s compliance continuum; as such AMPs would generally be issued after voluntary compliance measures have been exhausted, unless the nature of the violation and or the employer’s history of compliance dictate otherwise. To that effect, the Labour Program is working to establish the specific circumstances related to serious and repeat violations that would trigger the issuance of an AMP at an earlier stage of the enforcement continuum. This is not to say that AMPs could not be issued for less serious violations. In such cases, however, an employer would have been given several opportunities to voluntarily comply prior to an AMP being issued. The aim remains to apply the enforcement measure that best suits the particular circumstances, while adhering to the following guiding principles:

Transparency	<ul style="list-style-type: none"> • Stakeholders should have the information they need to fulfill their responsibilities. • Information regarding why an AMP was imposed, the penalty amount and procedural rights would be clearly communicated.
Responsiveness	<ul style="list-style-type: none"> • Decisions should be made promptly in order to encourage compliance.
Effective deterrence (non-punitive)	<ul style="list-style-type: none"> • AMP amounts should deter non-compliance and prevent financial benefit of parties to a violation, while remaining non-punitive.
Proportionality	<ul style="list-style-type: none"> • AMP amounts should reflect the gravity of the conduct.
Consistency	<ul style="list-style-type: none"> • AMPs, and the manner of calculating them, should be consistent and uniform.

1.2 Objective of this paper

The purpose of this paper is to obtain stakeholder feedback on the proposed regulatory framework, which would be put forth in draft regulations. This consultation paper is available in both French and in English.

Written responses or questions regarding the consultation process should be sent no later than **February 8, 2019** to the Labour Program’s delivery mailbox designated for these consultations:

NC-LP-Consultations_Consultations-PT-GD@labour-travail.gc.ca

It is anticipated that this round of consultations will be completed in winter 2019, at which time the Labour Program will review all feedback, conduct any further research and amend the proposal, as necessary. Stakeholders and the public will have an opportunity to provide further comments when the draft regulations are pre-published in *Canada Gazette, Part I*, which is anticipated in the spring of 2019.

2. Administrative Monetary Penalties

An AMP is a financial deterrent to non-compliance, which may be issued by a regulator, without court proceedings, for the violation of designated legislative or regulatory requirements. An AMP may be issued, in the form of a Notice of Violation (NoV), to a person or department that has committed a contravention of a specified provision of the *Canada Labour Code* or its regulations.

Under the proposed model, an AMP would be an additional enforcement tool to supplement current voluntary compliance measures; it is not intended to replace prosecution, or other compliance measures, where appropriate.

2.1 Legislative Framework

Once in force, the new Part IV of the Code will provide the legislative framework to establish an AMP system. This includes giving the Governor in Council regulation-making powers to prescribe by regulations key details of the AMP system, such as:

- the designation of violations for which AMPs could be issued;
- the determination of the penalty amount payable for each violation; and
- the reduction of the penalty amount for reason of early payment;

The following matters fall under the responsibility of the Minister of Labour and will be established through policy:

- the procedure for issuing AMPs, including who will issue and in which circumstances;
- the content of NoVs, including to whom it will be sent; and
- the short-form description of violations.

2.2 Designation of violations

For the purposes of issuing AMPs, regulations made pursuant to Part IV of the Code would include schedules that designate as violations all provisions of Part II and Part III of the Code, and regulations made under them. In addition to listing the legislative or regulatory provisions, the schedules would also prescribe the classification of each violation.

Based on the gravity of the conduct, as opposed to the gravity of the outcome, a classification scale of “A-E” would be adopted. Category “A” would be used for administrative or technical violations and “E” would be used for violations that would be likely to cause death or severe injury. The classification of Part II and Part III violations would be stated in the Regulations and determined according to the following definitions:

	PART II	PART III
A	Administrative	Administrative
B	Low risk	Related to pay
C	Medium risk	Related to non-monetary requirements
D	High risk	Protection of minors
E	Likely to cause death/injury/illness	N/A

For a more detailed description of the classification and examples of violations, see Annex A.

2.3 Who could receive an AMP?

The Code states that every person (individual or corporation) or department (or other portion) of the federal public administration to which Part II applies, that violates or fails to comply with a provision, direction, order or condition is liable to an AMP; this includes private-sector employers, employees and federal government departments or other governmental organizations.

While the Labour Program proposes to issue AMPs mainly to employers and departments, it would reserve issuing AMPs to employees only in cases of reckless or deliberate behaviour that endangers the health and safety of themselves or others within the workplace.

In addition, the Code also provides for the issuance of AMPs to officers, directors, or agents of a corporation, senior officials of a department, and any other person exercising managerial or supervisory functions if they clearly participated in the violation. Whether an individual and/or the employer would receive an AMP would be determined based on the evidence obtained during an investigation or an inspection. Procedural guidance would be developed on the issuance and distribution of AMPs.

Procedural guidance would also determine which Labour Program official would issue an AMP, based on the classification of the violation and the penalty amount. This approach would allow for maximum responsiveness while ensuring consistency in the application of the AMP system.

2.4 When would an AMP be issued?

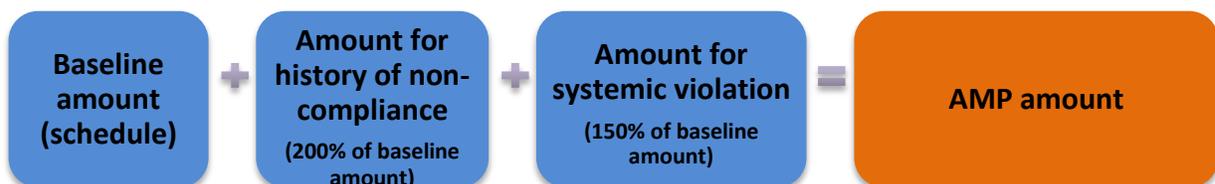
The compliance continuum refers to a graduated approach to enforcement that includes several methods that range in severity to respond to non-compliance. The aim is to apply the enforcement measure that best suits the particular circumstances.

The Labour Program intends to continue using a graduated approach to enforcement, with AMPs being a tool added to the voluntary compliance measures. An AMP would be issued earlier in the enforcement continuum, however, if the nature of the violation or the employer’s history of non-compliance dictates otherwise. AMPs would be issued at an earlier stage of the enforcement continuum in the following circumstances, including:

When violation is detected	Voluntary compliance measures (AVCs)	Direction, Payment order	Canada Industrial Relations Board order	➔
Category “E” violations, Part II		Repeat “A” or “B” violation	Failure to comply with a CIRB order	
Category “D” violation, Part III		≥10 payment orders within one year.		
Obstruction/ hindrance of work of inspector/officer, (e.g. , false or misleading statements, failing to cooperate with an investigation)		Sum of payment orders ≥ 50 000\$ for an employer within one year.		
Repeat “C” or “D” violation		Previous direction/order for a category “C” or “D” violation.		
Non-compliance with a direction/ payment order, compliance order (review/appeal process exhausted and past deadline for compliance)		≥ 3 directions/orders for the same “A” or “B” violation		
Failing to keep or provide records.				

2.5 Penalty Amount

The Labour Program proposes that the total penalty amount be calculated according to a formula:



Baseline penalty amounts would be fixed by Regulations according to the type of violator (individual, small business or large business/department) and the type of violation (A, B, C, D or E).

A small business would be defined as any business with fewer than 100 employees or less than \$5 million in annual gross revenues. This definition is used by the Treasury Board of Canada and the Temporary Foreign Worker AMP regime, also administered by Employment and Social Development Canada, which would facilitate internal administration.

Like other federal AMP regimes, it is proposed that whenever applicable, aggravating factors are added to the baseline penalty amount in order to deter repeat and widespread violations.

2.5.1 Proposed Baseline amounts

	Individual	Small business¹	Large business/Department²
A	\$200	\$500	\$2,000
B	\$500	\$1,500	\$6,000
C	\$1,000	\$3,000	\$12,000
D	\$2,000	\$7,000	\$25,000
E	\$4000	\$15,000	\$50,000

2.5.2 Aggravating Factor 1 – History of non-compliance

It is proposed that history of non-compliance be added as an aggravating factor if a previous enforcement action, that is an AMP, an injunction or a conviction, has been taken against an employer in the previous five years for provisions related to the same Part of the Code. The additional amount for history of non-compliance would represent 200% of the baseline penalty amount and is aimed at deterring repeat violations. Excluding voluntary compliance measures

¹ “Small business” is defined as any business, including its affiliates, that has fewer than 100 employees or less than \$5 million in annual gross revenues. This is based on commonly used definitions for what is considered a “small” business in Canada, including micro businesses, which have fewer than 5 employees or less than \$30,000 in annual gross revenues. Treasury Board of Canada Secretariat, <https://www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/guidelines-tools/policy-limiting-regulatory-burden-business.html#toc5>.

² “Department” means a department in, or other portion of, the federal public administration (Code, s. 268).

from the application of the history of non-compliance factor would limit its application to the most serious repeat offenders.

Example:

On October 1, 2018, a large business employer contravenes the requirements of section 2.14 of the *Canada Occupational Health and Safety Regulations* (COHSR) by failing to keep an exterior stairway free of hazards. To calculate the penalty amount, the following elements of the employer’s history of non-compliance would be assessed:

Date	Action	Part of the Code	Counts towards history of non-compliance
2018-10-01	Notice of violation, s. 2.14 COHSR	II	
2016-02-05	Conviction on prosecution for making a false or misleading statement under s. 143 of the Code (Part II of the Code)	II	Yes. - <u>Enforcement action (NoV, injunction or conviction)</u> : yes. - <u>Past 5 years</u> : yes. - <u>Same Part of the Code</u> : yes.
2015-07-22	AMP for failing to grant vacation with pay.	III	No. The enforcement action was taken under a different Part of the Code.
2015-01-18	Direction for failure to keep a stairway free of hazards, s. 2.14 COHSR	II	No. A direction does not constitute an enforcement action.
2012-09-03	Notice of violation for failing to install guard rails, s. 2.12 COHSR	II	No. The enforcement action is older than 5 years old.

In this case, given that there was at least one enforcement action taken under the same Part of the Code in the last five years, an amount equivalent to 200% of the baseline amount would be added to the baseline penalty amount.

2.5.3 Aggravating Factor 2 - Systemic violation

It is proposed that the systemic nature of a violation would be added as an aggravating factor to respond to situations where more than one AMP could be issued because the violation detected affects several employees or shows deficiencies in an employer’s systems as a whole. In these instances, instead of issuing AMPs for each violation, an additional amount equivalent to 150% of the baseline penalty amount would be added in order to encourage employers to review their practices and become compliant with the Code.

Example:

A small business schedules ten employees to work in excess of 48 hours per week without an excess hour permit, in violation of subsection 171(1) of the Code. This violation would be classified

as a “C” level violation with a baseline penalty amount of \$3,000 for a small business. The violation affects multiple employees, and ten AMPs could be issued to the employer. Instead, the employer would be issued one AMP with an added systemic violation aggravating factor of \$4,500 for a total penalty amount of \$7,500.

2.6 Review and Appeal

A person or department (to which Part II of the Code applies) that receives an AMP would have 30 days to request a review of the penalty, the facts of the violation, or both. The outcome of the review would be served to the applicant in writing with reasons. An appeal of the review decision could subsequently be filed to the Canada Industrial Relations Board (CIRB) in writing, within 15 days.

2.7 Payment of AMPS

2.7.1 Early Payment

The Labour Program proposes to reduce the penalty amount in half if the penalty is paid within the first 15 days after the AMP was served. As outlined in the Code, once a person makes a payment, that person will be considered to have committed the violation. This would be clearly indicated in the NoV to ensure that a person is aware of the impact of providing early payment to reduce the AMP amount.

2.7.2 Recovery of AMPs

AMP payment instructions would be detailed in the NoV. If no review or appeal is sought, the full amount becomes payable after 30 days from service of the NoV. A person who does not request a review or appeal and who fails to pay the penalty during that time will be considered to have committed the violation and will be liable to the full penalty amount. The Labour Program is exploring the collection of penalties through all available means. Unpaid penalties would be filed for recovery in Federal Court or any other court of competent jurisdiction. In addition to any recovery action, those who fail to pay a penalty would be subject to the public naming provisions until payment is received.

3. Public Naming

Public naming is another new enforcement tool aimed at deterring non-compliance and creating an additional incentive to comply with Parts II and III of the Code.

The practice of naming offenders and violators seeks to inform members of the public (especially those seeking employment) about employers who do not respect their obligations and employees’

rights provided under the Code and its regulations. This enforcement measure aims to deter non-compliance for those employers who wish to maintain their reputation.

3.1 Legislative Framework

Once in force, the new legislative provisions will authorize the publication of employers' information pertaining to offences and violations under Part II, Part III and Part IV of the Code.

The Code stipulates that only employers can be publicly named. Although employees may be subject to AMPs and other compliance tools, they will not be named publicly for non-compliance. In the case of AMPs, information would not be published until all review and appeal processes have been exhausted.

The new Code provisions specify the following three pieces of information that will be published:

Information	Detail
Legal name of the employer	This would include, where applicable, the business' registered name (the name, registered with the province, under which the business is publicly known) and corporation name/corporation number.
Nature of the violation/offence	For violations, the established short-form description would be published, along with particulars of the violation. This information would not identify any other party associated with, or affected by, the violation or offence.
Penalty amount or punishment imposed	The AMP amount or the punishment imposed for offences would be made public.

The Labour Program proposes that regulations also provide for the publication of the employer's compliance status and the dates of key decisions related to the file.

Information	Detail
Compliance status	Information on whether or not the employer has returned to compliance would be posted.
Dates of key decisions	This information would highlight the date on which the AMP was issued, the penalty was paid or the date on which the review/appeal concluded. Where applicable, a link to any CIRB order or court decision would be included.

3.2 Policy Guidelines

The Labour Program recognizes the need to establish parameters dictating the use of this new enforcement tool through policy guidelines.

Whereas the majority of government departments publish the names of all AMP recipients, and in consideration of the potential effects of naming, the Labour Program proposes to limit the use of the naming tool to the five circumstances listed below (left column). Furthermore, while the legislation does not provide for the removal of published material, limitation periods would be set through operational policy (right column).

Circumstances for public naming	Duration of Publication
Offences (successful prosecution)	Indefinite publication
Part II, category “E” violations	Publication would remain for five years following the date of AMP payment.
Category “C” or “D” violation where an aggravating factor was added to the penalty amount (systemic or repeat violators)	
Failure to comply with a direction or order	Publication would remain until the violator successfully complies with the official order.
Failure to pay AMP by the prescribed due date.	Publication would remain until the outstanding AMP is paid in full.

3.3 Naming Platform

For the naming tool to be effective, it is important that offenders and violators be publicly named in a manner that is readily accessible to the federally regulated workforce, while easily managed to ensure the addition and removal of published information is performed in a timely fashion. For this reason, it is proposed that the Government of Canada (Labour Program) website be used for this purpose.

4. Other measures

4.1 Internal audits

The amendments to Part III of the Code provide the authority to order an employer to conduct an internal audit and submit a report detailing the results of the audit. The Code states that the

internal audit may be conducted in relation to the employer's practices, books, payrolls and other records.

To ensure the effectiveness of this tool, it is proposed that employers who fail to make a report of non-compliance or wages owed, or provide false or misleading information, be subject to an AMP.

During the first round of consultation, the Labour Program heard that stakeholders had concerns about the administrative burden this tool could impose. Furthermore, stakeholders expressed a need for clear direction on how to conduct the audit and report the results.

While the legislation provides authority to make regulations respecting the operation of internal audit orders, regulations are not being contemplated at this time. It is proposed that the conditions related to internal audits be detailed through policy to allow the Labour Program to ensure the use of this tool is easily managed. This would allow the Labour Program to continue gauging the impact of internal audits on employers to minimize the administrative burden. Should the need eventually arise, regulations would be developed to properly delineate the conditions related to internal audits.

To properly assist employers, the Labour Program is committed to developing clear guidelines to:

- assist officers in their decision to order an internal audit, ensuring that a reasonable basis supports any decision to exercise the power to order internal audits;
- set parameters around the frequency and scope of the audit to avoid the transfer of costs to the employer and the disruption of operations; and
- detail specific information to provide in the report, in a flexible format to lessen administrative burden.

4.2 Service of Documents

Part III of the Code currently provides for two methods of serving documents: (i) through personal service, or (ii) using registered or certified mail. The new amendments will remove certified mail as a means of service as it is no longer offered by Canada Post. Documents will continue to be deemed as having been served on the seventh day after they were sent by registered mail. Additionally, the Code confers the authority to adopt regulations that provide for other methods of service.

To align with today's realities and in order to increase efficiency, the Labour Program is exploring including in the regulations provisions allowing the use of electronic means of service. This is the case for other AMP regimes such as the Environmental Violation Administrative Monetary Penalties. The Labour Program is aware of the sensitive information contained in the documents being served and, as such, will seek different ways to preserve the safety and privacy of Canadians. Documents that may be subject to the new service provisions include:

- Notices of unfounded complaint
- Notices of voluntary compliance
- Compliance orders
- Payment orders

- Internal audit orders
- Review decisions for payment orders, unfounded complaints, and notices of voluntary compliance
- Notices to furnish information
- Notices of violation

5. Implementation

The Labour Program has considered all of the feedback that has been received in response to the first round of consultations. This feedback will be used to inform operational policies, and communication and training materials that will be required to ensure the successful implementation of the new enforcement tools proposed in this paper.

Furthermore, the Labour Program looks forward to receiving additional feedback on the proposals advanced in this paper prior to submitting draft regulations for publication in the *Canada Gazette, Part I*. It is anticipated that full implementation of the new compliance enforcement measures will be completed by mid-2020. That said, a number of legislative changes, such as technical amendments and the clarification of wage recovery provisions, could come into force earlier.

Annex A – Classification of violations

The following represent examples of violations classified in accordance with the proposed methodology. Those are presented for information only and may be subject to change.

	Part II		Part III	
Type	Description	Examples (<i>Canada Occupational Health and Safety Regulations</i>)	Description	Examples (<i>Canada Labour Code, Canada Labour Standards Regulations</i>)
A	Related to administrative and technical provisions.	<p>10.4(1)(b) (Hazardous Substances - Hazard Investigation) - Failure to notify the work place committee or the health and safety representative of the investigation and the name of the qualified person.</p> <p>10.3 (Hazardous Substances) - Failure to keep and maintain a record of all hazardous substances used, produced, handled or stored and to keep and maintain such a record in the workplace.</p> <p>15.8(2)(b) (Hazardous Occurrence Investigation - Recording and Reporting) - Failure to submit a copy of the report to the Minister within 14 days after the hazardous occurrence.</p>	Related to administrative and technical provisions.	<p>24(2) (Keeping of records) – Failure to keep a record for at least three years after work is performed by an employee.</p> <p>13(3) (Annual vacations) - Failure to give an employee at least two weeks’ notice of the commencement of annual vacation when there is no agreement concerning when the vacation may be taken.</p> <p>6(4) (Averaging) – Fail to post a notice containing the prescribed information.</p>
B	Related to <u>low-risk</u> hazards that may result in a minor injury or illness that requires medical treatment but that does not result in disabling injuries.	<p>10.26.8(3)(b) (Hazardous Substances) - Failure to make air sampling test results available to the policy committee, if any, the work place committee and the health and safety representative within 24 hours of obtaining the results.</p> <p>9.40(g) (Sanitation) - Failure to ensure lunch rooms have non-combustible covered receptacles for the disposal of waste food or waste material.</p> <p>7.3(1)(a) (Levels of Sound) - Failure to appoint a qualified person to investigate where exposure to prescribed sound pressure level is likely to endanger hearing.</p>	Related to the calculation and payment of wages.	<p>178 (1) (Minimum Wage) – Failure to pay an employee minimum wage.</p> <p>220 (Wages) – Failure to pay a member of a joint planning committee for time necessary to carry out committee functions.</p> <p>11.1 (Reporting Pay) – Failure to pay an employee who reports for work at the call of the employer wages for not less than three hours of work at the employee’s regular rate of wages.</p>

C	Related to medium-risk hazards that may result in a serious injury or illness that prevents an employee from effectively performing their regular work duties.	<p>14.20(1) (Materials Handling) - Failure to set out in writing instructions on the inspection, testing and maintenance of motorized or manual materials handling.</p> <p>13.9 (Tools and Machinery) - Failure to report defects in a tool or machine to the employer.</p> <p>10.34(1)(a) (Hazardous Substances) - Failure to keep readily available for examination the work place safety data sheet where an employee is likely to handle or be exposed to a hazardous product.</p>	Related to leave or other non-monetary requirements, which could have an impact on financial security, or health and safety, of an individual or group of individuals.	<p>205 (1) (Reassignment and Job Modification) – Failure to grant a request for job modification or reassignment to a pregnant or nursing mother at risk when job modification or reassignment would have been reasonably practicable.</p> <p>209.3(2) (Prohibition) – An employer dismisses, suspends, lays off, demotes or disciplines an employee because the employee has taken a leave of absence related to compassionate care, critical illness or the death or disappearance of a child.</p> <p>239 (1) – (Sick Leave) Dismissal, suspension, lay off, demotion or disciplinary action against an employee who was absent due to illness or injury and meets the eligibility requirements.</p>
D	Related to high-risk hazards that may result in serious injury or fatality.	<p>3.12(1) (Temporary Structures and Excavations) - Failure to mark the location of underground pipes, cables and conduits before excavation.</p> <p>16.3(1) (First Aid) - Failure to ensure there is a first aid attendant at a workplace in which six or more employees are working at any time.</p> <p>17.3(1) (Safe Occupancy of the Workplace) - Failure to ensure fire protection equipment is installed, inspected and maintained.</p>	Related to the employment and protection of employees under 17 years of age.	<p>10(1) (Employees Under Minimum Age) – Employing a person under 17** years of age in an occupation not specified in the regulations.</p> <p>10(2) (Employees Under Minimum Age) - Employing a person under 17** years of age between 11 p.m. on one day and 6 a.m. on the following day.</p>
Classification “E”, Part II Only				
E	Involves immediate life-threatening hazards or hazards known to cause latent occupational disease. These hazards give the employee little to no opportunity to avoid or minimize severe injury or death or	<p>3.12(3)(a) (Temporary Structures and Excavations) - Failure to support the walls of a tunnel, excavation or trench more than 1.4 m deep by shoring and bracing.</p> <p>12.10(1)(a) (Safety Materials Equipment Devices and Clothing) - Failure to provide a fall-protection system to applicable persons working from an unguarded structure or on a vehicle as prescribed (2.4 m).</p> <p>11.3(a) (Confined Space) - Failure to establish procedures for the entry, exit, and occupation of a confined space or class of confined spaces as</p>		

	occupational disease.	<p>prescribed.</p> <p>10.26.1(1) (Hazardous Substances – Asbestos) - Failure to ensure a qualified person takes into consideration types of asbestos, the condition of asbestos material, the friability of asbestos-containing material and the accessibility and likelihood of damage and release of asbestos-containing material and employee exposure.</p> <p>8.6 (Electrical Safety – High Voltage) Work on or near high voltage electrical equipment without authorization.</p> <p>8.13(1)(b) (Electrical Safety – Isolation and Lockout) Perform work on or live test of electrical equipment without determining that every control device and locking device is set in a safe position, is locked out and bears a distinctive tag or sign.</p> <p>17.11(2)(a) (Safe Occupancy of the Workplace – Combustible Dust) - Failure to ensure the atmosphere and surfaces are substantially free of combustible dust.</p>
<p>* Short-form descriptions will be developed under ministerial authority and will appear in policy rather than in Regulations. The above descriptions are provided for information only.</p> <p>** The age provided in these provisions will be amended to 18 years old by Bill C-86.</p>		