

Workplace Safety and Health

Penalty Settlement Discussion Guidance

If an employer has been issued with a citation and wishes to reduce the fine, they may request a penalty settlement discussion. Reductions should be treated on a case-by-case basis, however the following principles should help guide the discussion.

1. An employer would be a strong candidate for a penalty reduction in the following circumstances:
 - a. They can demonstrate that the fine amount would cause severe financial hardship.
 - b. They can demonstrate extenuating circumstances such that avoiding the violation would have been difficult for any reasonable employer to accomplish.
 - c. They can demonstrate that it has responded to the violation by going above and beyond mere rectification, e.g., by making substantial changes to operations or by reaching out to educate other employers on the issue.
 - d. Any other exceptional circumstance.
2. The extent of any reduction shall be proportionate to the reason for the reduction and shall be decided on a case-by-case basis.