

Jurisdictional Scan
Employment Standards Contraventions: Administrative Penalties and Court Fines
as of February 10, 2021

Jurisdiction	Administrative Penalty	Court Fine
British Columbia	<p><u>Mandatory</u> administrative penalty:</p> <ul style="list-style-type: none"> • \$500 for the first contravention • \$2,500 for a contravention of the same requirement within 3 years of the first contravention • \$10,000 for a contravention of the same requirement within 3 years of the second contravention <p>Bill 8 provides authority for the director of Employment Standards to waive a monetary penalty in certain circumstances (e.g., the contravention was not deliberate or due to negligence, the person pays all wages owed to employees as determined by the Director); this authority will come into force by regulation.</p>	<p><i>Offence Act:</i></p> <p>The penalty for a person convicted of an offence under the <i>Offence Act</i> is a fine of not more than \$2,000 or imprisonment for not more than 6 months, or both.</p>
Alberta	<p><u>Discretionary</u> administrative penalty: 3 levels, with the amount charged dependent on the provision of the <i>Employment Standards Code</i> contravened:</p> <p>Level 1: first contravention - \$500; second contravention of the first contravention within 2 years - \$1,000; third or subsequent contravention of the first contravention within 2 years - \$2,000</p> <p>Level 2: first contravention - \$1,000; second contravention of the first contravention within 2 years - \$2,000; third or subsequent contravention of the first contravention within 2 years - \$4,000</p> <p>Level 3: first contravention - \$1,500; second contravention of the first contravention within 2 years - \$3,000; third or subsequent contravention of the first contravention within 2 years - \$6,000</p> <p>In addition, when on-going non-compliance is identified, and an employer receives a notice of an administrative penalty, the employer may be required to pay the following:</p> <ul style="list-style-type: none"> • an amount assessed for each day the contravention or failure to comply occurs or continues (however, no daily administrative penalty amount may exceed \$10,000) • a one-time amount based on the economic benefit the employer has derived from the contravention 	<p><i>Employment Standards Code:</i></p> <p>A corporation - a fine of not more than \$100,000. An individual - a fine of not more than \$50,000.</p>

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Saskatchewan	Mandatory administrative penalty: 10% of the amount of the wage assessment, with a minimum fee of \$100 and a maximum fee of \$500.	<i>The Saskatchewan Employment Act:</i> Every person who is guilty of an offence is liable on summary conviction to a fine of not more than \$10,000. If the offence is committed within six years after the person is convicted of any offence, the fine is not more than \$25,000 for a second offence; and not more than \$50,000 for a third or subsequent offence.
Manitoba	Discretionary administrative penalty: The Director of Employment Standards can impose a penalty of \$500 or \$1,000 (depending on the provision of the <i>The Employment Standards Code</i> contravened), per employee, per offence, to a maximum of \$10,000, when the violation occurs after the person has received a formal letter to comply.	<i>The Employment Standards Code:</i> In the case of an employer that is a corporation, a fine of not more than \$25,000. In the case of a director of a corporation or an employer that is an individual, a fine of not more than \$5,000. In the case of an employee, a fine of not more than \$2,500. In addition, a person guilty of an offence for a second or subsequent time is liable, in addition to the penalty above, to (a) a fine of not more than the maximum fine that applies in the situations set out above; or (b) imprisonment for a term of not more than three months; or both.
Ontario	While there is no administrative penalty, as such, an order issued will require the employer to pay to the Director in trust an administrative fee amount equal to the greater of \$100 and 10 per cent of the wages owing; however, the administrative fee is not intended to be a penalty and the Program does not use it as such. Tickets – Employment Standards Officers also have the power to issue an offence notice (commonly called a "ticket"). Ticketable offences, which carry set fines of \$295, fall into three categories: <ul style="list-style-type: none"> • administrative and enforcement offences (e.g. failure to retain records) • contraventions of wage-based employment standards (e.g. failure to pay overtime pay) • contraventions of non-wage-based employment standards (e.g. requiring employees to work hours in excess of daily or weekly limits). Notice of contravention - Officers also have the power to issue notices of contravention when they believe someone has contravened a provision of the <i>Employment Standards Act, 2000</i> (ESA). If the notice relates to a contravention	<i>The Employment Standards Act, 2000:</i> If the person is an individual, a fine of not more than \$50,000, imprisonment for a term of not more than 12 months, or both. If the person is a corporation, a fine of not more than \$100,000. If the person is a corporation that has previously been convicted of an offence under the Act: <ul style="list-style-type: none"> • one previous conviction: a fine of not more than \$250,000 • more than one previous conviction: a fine of not more than \$500,000.

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	<p>of the poster requirements of the ESA, to a failure to keep proper payroll records, or to keep records readily available for inspection, an officer can issue a notice of contravention with the following prescribed penalties:</p> <ul style="list-style-type: none"> • \$250 for a first contravention; • \$500 for a second contravention in a three-year period; • \$1,000 for a third contravention in a three-year period. <p>If an officer has found a contravention of any other provision of the ESA, the penalties prescribed are:</p> <ul style="list-style-type: none"> • \$250 for a first contravention multiplied by the number of employees affected; • \$500 for a second contravention in a three-year period multiplied by the number of employees affected; • \$1,000 for a third contravention in a three-year period multiplied by the number of employees affected. <p>There is no requirement for the administration fee to be applied to tickets or notices of contravention.</p>	
Quebec	<p>Discretionary administrative penalty: an amount equal to 20% of the amount due under the <i>Act Respecting Labour Standards</i>.</p>	<p><i>Act Respecting Labour Standards:</i> Fines range from \$600 to \$6,000 and, for any subsequent conviction, \$1,200 to \$12,000, depending on the provision of the Act contravened.</p>
Nova Scotia	N/A	<p><i>Labour Standards Code:</i> In the case of a corporation, not more than \$25,000. In the case of a person, other than an employee, that is not a corporation or in the case of a director of a corporation, not more than \$5,000. In the case of an employee, not more than \$2,500. A person guilty of a subsequent offence is liable, in addition to the fine above, to (a) an additional fine of not more than the maximum fine set out above; or (b) imprisonment for a term of three months, or both.</p> <p>Where a contravention or failure to comply continues for more than one day, the person is guilty of a separate offence for each day that the offence continues.</p>

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New Brunswick	<p>Discretionary administrative penalty: \$150 for a first violation; the second and any subsequent violations of the same provision in the Act continue to increase by increments of \$150 for each violation, up to a maximum of \$900.</p> <p>A notice of non-compliance per violation, per employee, or per violation, per group of employees, can be issued.</p>	<p><i>Offences Procedure Act:</i> Not less than \$140 to not more than \$10,200, depending on the section of the Act violated, multiplied by the number of days during which the offence continues.</p>
Prince Edward Island	N/A	<p><i>Employment Standards Act:</i> A fine of not less than \$200, and not more than \$10,000.</p>
Newfoundland and Labrador	N/A	<p><i>Labour Standards Act:</i> Natural person: a fine of not less than \$100 and not more than \$500 and in default of payment to imprisonment for a term not exceeding 3 months. Person is a corporation: a fine of not less than \$200 and not more than \$1,000.</p> <p>Where a person is guilty of a 2nd or subsequent offence, the person is liable on summary conviction to double the fine or to double the term of imprisonment.</p>
Yukon	<p>Discretionary administrative penalty for certain offences under the <i>Employment Standards Act</i> of \$500. If multiple instances of the same violation are found on the same investigation, the multiple instances are treated as a single violation for which only one penalty may be levied.</p>	<p><i>Employment Standards Act:</i> A fine not exceeding \$10,000.</p> <p>If an offence committed by a corporation is committed with the consent or connivance of any director, manager, secretary or official of the corporation in charge or apparently in charge of a project that person, as well as the corporation, then that person also commits an offence and is liable on summary conviction to a sentence not exceeding three months or to a fine not exceeding \$10,000, or to both fine and imprisonment.</p>
Nunavut	N/A	<p><i>Labour Standards Act:</i> A fine not exceeding \$10,000 or imprisonment for a term not exceeding one year, or both.</p> <p>Every employer who refuses or neglects to comply with an order of a convicting court is liable on summary conviction to a fine not exceeding \$50 for each day on which the refusal or failure continues.</p>

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Northwest Territories	N/A	<p><i>Labour Standards Act:</i></p> <p>In the case of a corporation, a fine not exceeding \$100,000. In the case of an individual, a fine not exceeding \$50,000, imprisonment for a term not exceeding one year, or both.</p> <p>An employer who refuses or neglects to comply with an order of a court is liable to a fine not exceeding \$250 for each day on which the refusal or failure continues.</p>
Federal Government	<p>Discretionary administrative penalty: A new Part IV (Administrative Monetary Penalties) of the <i>Canada Labour Code</i> came into force on January 1, 2021, establishing an Administrative Monetary Penalties System that penalizes employers who do not comply with the Code's health and safety or labour standards.</p> <p>Monetary penalties are calculated based on the type of violation, the size of business and any previous monetary penalties for violations of same or higher classification. (To provide employers with more time to adjust to the changes, monetary penalties for administrative violations—for example, record keeping and reporting requirements—will not be imposed until January 1, 2022.)</p> <p>The ranges of penalties are:</p> <ul style="list-style-type: none"> • Individuals: \$200 - \$4,000 • Micro Businesses: \$250 - \$7,500 • Small Businesses: \$500 - \$15,000 • Large Businesses or Departments: \$2,000 - \$50,000 <p>Penalties cannot exceed \$250,000.</p>	<p><i>Canada Labour Code:</i></p> <p>A corporation - up to \$50,000 for the first offence, up to \$100,000 for the second offence, and up to \$250,000 for the third (and any subsequent) offences.</p> <p>An employer that is not a corporation - up to \$10,000 for the first offence, up to \$20,000 for the second offence, and up to \$50,000 for the third (and any subsequent) offence.</p> <p>A serious offence (a failure by an employer to offer workers' compensation coverage; providing long term disability coverage through an entity that is not licensed to provide insurance under the laws of a province) – a fine of up to \$250,000 for the first (and any subsequent) offences.</p> <p>A repeat offence occurs if the first offence occurred within the preceding five years.</p>