

## Safety and Health Penalty Discussion Guidance

If an employer has been issued with a citation and wishes to reduce the fine, it may request a penalty discussion. However, the amount should only be reduced in exceptional circumstances. Reductions should be treated on a case-by-case basis, however the following principles should help guide the discussion.

1. The employer should not normally receive a reduction for a reason that has already been accounted for in statute or rule. For example, an employer will not receive a reduction for abating the violation in time, because they are already legally required to abate the violation in time and may be fined for failing so to do. Similarly, an employer would not receive a reduction merely due to its size, as by the time the penalty amount is calculated, the employer's size has already been taken into account.
2. An employer would be a strong candidate for a penalty reduction in the following circumstances:
  - a. It can demonstrate that the fine amount would cause severe financial hardship;
  - b. It can demonstrate extenuating circumstances such that avoiding the violation would have been difficult for any reasonable employer to do;
  - c. It 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; or
  - d. Any other exceptional circumstance.
3. The extent of any reduction shall be proportionate to the reason for the reduction and shall be decided on a case-by-case basis.