

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

Administrative penalties framework engagement

Workers' Safety and Compensation Board (WSCB)

September 2025

Background

Workplace health and safety is a shared responsibility. Administrative penalties are one of the tools used to encourage compliance with workplace health and safety laws.

The *Workers' Safety and Compensation Act*, which took effect on July 1, 2022, broadened the Board's enforcement powers. It now authorizes the issuance of administrative penalties not only for workplace health and safety matters, but also under assessments and claims.

Purpose

WSCB is now modernizing its administrative penalty framework to create a fair, consistent and effective system that supports compliance with the new legislation. The new framework is intended to encourage prevention, deter unsafe practices and improve workplace health and safety across the Yukon.

Process

We asked stakeholders and Yukoners for their input on how and when administrative penalties should be used, how penalty amounts should be set and whether alternatives or reductions should be available in some circumstances.

This engagement was part of the broader process of updating WSCB's compliance and enforcement tools. The input received will inform a framework to develop new policies and procedures for administrative penalties.

Notification

Stakeholders and the public were notified of the engagement by:

- news release;
- boosted Facebook posts and ads;
- wcb.yk.ca project page with survey link; and
- invitations to key stakeholders through labour organizations and industry associations.

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

Engagement activities and participants

- **Stakeholder meeting** (August 27, 2025, WSCB building) – Yukon Contractors Association, City of Whitehorse, Yukon Energy Corporation prevention, Northern Safety Network Yukon, Yukon Federation of Labour and the Government of Yukon.
- **Public facilitated discussion** (August 28, 2025, Gold Rush Inn, Whitehorse) – one member of the public.
- **Online survey** (August 11 to September 5, 2025) – no submissions.
- **Written submission** (September 2025) – one submission.

What we asked

Participants were asked for feedback about:

- when to use administrative penalties;
- refining base penalties and adjustments;
- set penalty amounts for certain violations;
- discretionary category;
- alternative sanctions and penalty reductions; and
- additional comments or suggestions.

What we heard

1. When to use administrative penalties

- **Benefits:**
 - Participants in this engagement generally support using administrative penalties as a tool of last resort to bring employers, workers and supervisors into compliance with the Act.
 - We heard that administrative penalties send a clear message that non-compliance has real costs and can reduce repeat offences.
 - Participants described penalties as a flexible and transparent tool with strong deterrence value, particularly when applied within a structured framework that builds trust among employers, workers and the public.
 - Posting penalties online was seen as both a driver of compliance and a way for workers to assess if an employer prioritizes safety.

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

“Administrative penalties serve as a responsive enforcement tool that escalate accountability when orders are ignored or violations persist, complementing prosecutions and other regulatory actions.”

- **Risks:**
 - Participants expressed concerns that penalties could be applied in a heavy-handed way, potentially straining collaboration and relationships with employers.
 - Some noted the risk that amounts could be seen as too high for small businesses yet too low to deter larger employers.
 - Some cautioned that penalties alone could lead to “check-the-box” compliance, where employers focus only on meeting the minimum requirements instead of fostering a stronger safety culture.
 - We heard that penalties could disproportionately affect low-income workers or supervisors if responsibility is shifted onto them rather than employers.
 - In addition, some cautioned that posting penalties online could discourage employers from reporting incidents, leading to underreporting or concealment of safety issues.
- **When to use:**
 - We heard that some participants believed that penalties should be used as a last resort, for repeated unsafe behaviour, wilful non-compliance, when other avenues have been exhausted, grievous injury or potential loss of life and immediate dangers to health and safety.
 - Other situations mentioned by some as appropriate instances to use penalties included refusal to cooperate with safety officers, or when employers retaliate against or silence workers who raise safety concerns.
- **Other factors:**
 - Some participants emphasized that administrative penalties should not replace criminal or regulatory prosecutions.
 - They said that incidents involving fatalities or severe harm should still be referred for prosecution, with penalties used as an additional tool.

2. Refining base penalties and adjustments

- **Benefits:**
 - Some participants said that adjusting penalties based on intent, harm and seriousness makes the system “firm but fair.”
 - Linking penalty amounts to intentionality or repeated offences was seen as an important way to ensure proportionality.

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

- We heard that consideration should be given to having penalties reflect the size and capacity of an employer, and that a penalty that is meaningful for a small business may not have the same impact on a large company.

"If it's an isolated incident take a 'good faith' approach, if the infraction is repeated then use the penalty."

- **Risks:**
 - Stakeholders emphasized the need for clear, objective criteria to avoid inconsistency or perceptions of unfairness.
- **Other factors:**
 - Some participants suggested an escalation model where penalties increase automatically for repeat offences and higher multipliers in the most serious cases, such as fatalities.
 - We also heard some participants say that employers who demonstrate due diligence, invest in safety programs, or actively engage workers in safety committees should have these efforts considered when setting penalties.

3. Set penalty amounts for certain violations

- **Benefits:**
 - Fixed penalty amounts were viewed by some as clear, predictable and transparent. We heard set penalty amounts would "allow safety officers to spend more time on inspections and education".
 - Employers would know what to expect, while the public would see accountability in action.
- **Risks:**
 - Some worried this approach could encourage a "cost of doing business" mindset or reduce the necessary discretion of decision-makers.
 - They also said a "fixed dollar amount" may not reflect aggravating circumstances.
 - Suggestions included higher starting ranges for serious violations, such as obstruction.

"A fixed dollar amount may not reflect aggravating circumstances or company size."

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

4. Discretionary category

- **Benefits:**

- A discretionary category was seen as valuable in allowing decision-makers to weigh all relevant factors, especially in serious cases such as fatalities.

(A discretionary category) “signals that the framework can respond to ... circumstances not captured in tables.”

- **Risks:**

- Concerns were raised that discretion could become too subjective, burdensome to administer, or problematic in the Yukon’s small, interconnected communities.
- Some participants preferred embedding discretion within existing categories rather than creating a separate new one.

- **Other factors:**

- Some suggested it would be helpful to define a clear “fatality or near-miss” category with objective criteria to guide discretionary penalties.

5. Alternative sanctions and penalty reductions

- **Benefits:**

- We heard that alternatives could be used as a flexible tool that builds partnership and supports learning and a change in safety culture, particularly for small business.
- Some suggested using training or safety programs instead of monetary penalties for first time offences.
- Some participants said that reductions of penalties should be limited to first time offences where no serious injuries occurred.
- Other suggestions included using a sliding scale based on revenue, so penalties are fair but still act as a real deterrent for all employers.

- **Risks:**

- Some participants cautioned that employers might not take alternatives seriously, or that they could create inconsistencies and set precedents.
- There were also concerns raised about scheduling training outside regular work hours.

- **Other factors:**

- While some participants supported the use of training or other remedial actions as alternatives to monetary penalties, they stressed that these options should not be considered for repeat or serious violations.
- Some participants indicated that reductions should be limited to first-time, lower-harm cases, or after a period of safety or restorative justice.

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

“Employers might appear to cooperate just to reduce penalties, unless follow-up checks are in place to confirm real improvements.”

6. Additional comments or suggestions

- **Communication and education:**

- We heard that WSCB should communicate clearly about how penalties will work, while some suggested that collected penalty funds could be reinvested into safety education and training.

“Communication and education about increased penalties must be robust.”

- **Support for Employers:**

- We heard that WSCB should provide resources and training for employers in the Yukon, with an emphasis on helping and supporting them to improve compliance.

- **Collaboration:**

- Concerns were raised that relying too heavily on penalties could erode the collaborative approach to workplace health and safety between WSCB and employers.

- **Policy design and flexibility:**

- Build clarity and flexibility into policy wording.

- **Incentives:**

- Some participants suggested that WSCB consider opportunities to reward or formally recognize employers who set strong examples of compliance.
- These types of incentives could reinforce positive workplace safety culture.

- **Public registry:**

- Some participants suggested that WSCB publish administrative penalties online in a public registry.
- They felt this would improve transparency, help workers and contractors make informed choices and create added incentives to encourage compliance.

- **Regular reviews:**

- Some participants recommended that WSCB commit to regular reviews of the administrative penalty framework to ensure it remains fair and effective.
- They also suggested exploring new approaches, such as restorative justice in serious cases and ensuring that policies and training are inclusive of the Yukon's diverse workforce, including First Nations organizations.

What We Heard report

New Administrative Penalties—*Workers' Safety and Compensation Act*

Summary

Participants in this engagement expressed support for strengthening the administrative penalty framework, but also emphasized the importance of fairness and transparency.

- **Trade-offs:** Higher penalties may improve deterrence but could strain small businesses. More discretion may allow fairness, but could lead to inconsistency. Clear criteria and robust communication will be essential.
- **Communication and education:** A recurring theme was the need for WSCB to implement training and education, so that both employers and workers clearly understand when and how administrative penalties may be applied. Transparent guidance, plain-language explanations and proactive outreach were seen as critical to building trust and ensuring penalties are used as a learning tool, as well as a deterrent.
- **Balance:** Some participants said that penalties should be part of a continuum and used after education and cooperation have been tried and applied, in relation to the conduct of the employer and the proportion of its size.

What's next

The input received will inform the development of new administrative penalty framework to create new policies and procedures under the *Workers' Safety and Compensation Act*. Future updates will be posted on wcb.yk.ca.