

MLITSD Update: The Implementation of Compliance Commitments

The MLITSD has introduced compliance commitments to the continuum of options that inspectors have when enforcing the OHSA and its regulations.

What are Compliance Commitments?

Compliance commitments are commitments made by workplace parties to an inspector to correct specific administrative or low-risk contraventions of the OHSA and its regulations. Inspectors may choose to use a compliance commitment instead of issuing an order depending on multiple factors, including but not limited to the contravention is against a section of the Act or regulations that have been predetermined to be eligible for the use of a compliance commitment, being administratively or low-risk based, the contravener's OHS history of compliance with the MLITSD, and how well the Internal Responsibility System appears to be functioning at the workplace. These factors must indicate to the inspector that compliance will be achieved without the need for an order, ticket, or prosecution.

*Note: Inspectors are not required to use compliance commitments even if the section is eligible for the use of a compliance commitment. Inspectors will maintain the ability to use their discretion to determine the appropriate compliance or enforcement option for the specific situation. An inspector will issue an order to ensure compliance with the act and its regulations instead of using a compliance commitment when it is necessary to do so.

Why is the MLITSD introducing this as a compliance option?

The introduction of compliance commitments to the ministry's compliance options aligns with the Regulator's Code of Practice and other enforcement bodies that perform similar enforcement work. The Code applies to all Ontario Government ministries with responsibility for front-line regulatory delivery (e.g., compliance promotion, inspections, audits, investigations, enforcement, etc.).

Compliance commitments allow modern regulators to respond to contraventions in a way that is proportionate to the level of risk and the circumstances of the contravention. For example, a compliance commitment may be used to ensure an employer posts the locations of the JHSC members by a specified date, which is an administrative contravention. Whereas an order would be issued to ensure a machine is guarded to

protect a worker from a cutting hazard as this is high risk with a significantly higher likelihood of causing harm.

When will the MLITSD start using compliance commitments?

Inspectors have the ability to use compliance commitments as a compliance option following training and implementation into in the ministry's inspector case management system (May 12, 2025).

Where can inspectors use compliance commitments?

Compliance commitments may be used at all provincially regulated workplaces in Ontario where an inspector has determined it is acceptable to do so.

How does an inspector use a compliance commitment to enforce sections of the OHSA and its regulations?

Upon identifying a contravention of an eligible section for the use of a compliance commitment at a workplace, the inspector would discuss their observation with the relevant workplace parties, determine their ability to correct the contravention without an order, and assess their commitment to do so. If eligible, the inspector would then note the contravention and the compliance commitment in the narrative portion of the field visit. This will be tracked in the inspector's case management system. Tracking commitments allows the ministry to hold the contravener accountable in future interactions. If an inspector learns that a commitment was not met, a progressive enforcement approach will be used to ensure compliance.

Is the Ministry's role in enforcement changing?

No. The compliance continuum model demonstrates our commitment to modern regulatory principles and explains our role in prevention, education, awareness, and enforcement. Our Ministry remains committed to the core mandate of protecting worker health and safety. Several other enforcement ministries and jurisdictions (e.g., MTO, Health Canada, Labour Canada) use similar models.