

**Alberta WCB
Policies &
Information**

Chapter:

GENERAL POLICIES

Subject:

ADMINISTRATIVE PENALTIES

Authorization:

BoD Resolution 2004/02/05

Date:

February 24, 2004

APPLICATION 1: GENERAL

- 1. *What infractions may result in an administrative penalty?***

WCB may levy administrative penalties for failure to comply with sections of the *WCA* as set out in s.152.1(1) (see Addendum A).
- 2. *Are all infractions treated the same?***

No. Some more serious infractions may be subject to prosecution as an alternative to levying a penalty. These include:

 - Unauthorized deductions (s.139)
 - Agreements to waive benefits (s.140)
 - Breach of confidentiality (s.147)
 - Misrepresentation (s.151.1)
 - Failure to comply with a notice to produce (s.19)
 - Failure to comply with an order to cease employment (s.138)
- 3. *How does WCB determine whether to apply a penalty?***

A failure to comply with the requirements of the *WCA* (see Addendum A for a summary of requirements subject to penalties or prosecution) may be identified by a variety of methods such as audits, investigations, automated monitoring of transactions, etc.
- 4. *What criteria does WCB use to determine the amount of the penalty?***

Sections 88.1 and 88.2 of the WCA came into effect on September 1, 2018

Except for penalties under s.88.1 and 88.2 of the *WCA* (see Policy 04-05, Part II, Applications 2 and 3; and Policy 04-02, Part II, Application 4), administrative penalties may not exceed \$25,000 for each contravention, or for each day or part day on which the contravention occurs and continues. In determining a penalty, WCB may consider:

 - the severity of the infraction
 - the extent to which an infraction adversely affects a third party, such as a worker
 - the pattern or history of offences

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Criteria to determine a penalty (continued)

- the need to establish a deterrence
- the need to prevent continued non-compliance

WCB procedures provide detailed guidelines and processes for applying these principles.

5. Will WCB consider waiving a penalty?

WCB considers the nature and severity of the offence along with any extenuating circumstances in applying or waiving a penalty.

6. Can a penalty be appealed?

Yes. The normal review (Dispute Resolution and Decision Review Body) and appeal (Appeals Commission) processes apply to both:

- the decision that there was an infraction and
- the amount of the penalty levied

7. Can WCB charge an administrative penalty and also prosecute for the same contravention?

No. The WCA indicates that when a person pays an administrative penalty, they may not be charged with an offence for that contravention.

8. When is this policy application effective?

This policy application (Application 1 – General) is effective March 1, 2004, except when noted otherwise in a specific policy section(s).

Previous versions

- [Policy 0109 Part II - April 2018](#)
- [Policy 0109 Part II - August 2015](#)
- [Policy 0109 Part II - January 2006](#)
- [Policy 0109 Part II - February 2004](#)