

ENFORCEMENT

What is Impact Assessment (IA)?

Impact Assessment is a process that helps evaluate the potential consequences—both positive and negative—of a proposed project before it moves forward. The goal is to make informed, evidence-based decisions that minimize harm and maximize positive outcomes. This includes proposing mitigation strategies and follow-up measures to ensure the project's impacts are managed effectively.

Once the licence has been granted, the government's oversight of the development should not end. There are a range of different enforcement actions that the Government of Manitoba can take to ensure licensing conditions are followed, and punish those who do not comply with legal requirements.

Who is involved in the enforcement of impact assessment requirements?

- **Government** ensures licensed developments and the companies who own them do not cause unintended harm or break the law. When unexpected impacts or emergencies are reported, they investigate and take appropriate action to deter similar behaviour in the future.
- **Proponent/Licence holder** monitors the construction and operation of their development and reports any unexpected impacts or emergencies.
- **The Public** reviews available information about the project and reports compliance concerns to government. In some situations, the public can also take legal action against government and/or polluters.

OBJECTIVES

- **Compliance** with the terms and conditions of the licence and other legal requirements.
- **Investigating** situations where there are concerns the law is being broken.
- **Punishing** those who break the law, do not follow the terms and conditions of a licence, and harm the environment.



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This project is funded by:
The Social Sciences and
Humanities Research Council
(892-2024-1048) and
The Manitoba Law Foundation

COMMON ENFORCEMENT TOOLS:



Suspend or Cancel Project Licence: The Government can suspend or cancel all or part of a license or permit, which could mean that all previously approved activities must stop.



Environmental Protection Order (EPO): The Government can issue an EPO to those responsible for causing environmental damage. The order requires the polluter to take any steps the government considers necessary to protect the environment, with a deadline by which these steps should be taken.



Fines: In Manitoba, if you violate impact assessment law, you can be fined \$50,000 (individual) or \$500,000 (corporation) for a first offence and \$100,000 (individual) or \$1,000,000 (corporation) for additional offences. An additional fine of up to \$25,000 (individual) or \$125,000 (corporation) can be charged if an EPO has been issued and is not being followed.



Jail Term: In Manitoba, if you violate impact assessment law, you can be sentenced to up to six months in jail for a first offence, and up to a year for additional offences.



Public Registry: Government can share information about enforcement actions through an accessible public registry (usually online). For example, the federal Impact Assessment Agency of Canada makes information available through their Enforcement Actions registry.

Why do Enforcement Practices Matter in IA?

In Canada, we are considered to have weak environmental enforcement practices. From a public perspective, it often seems like the government stops paying attention once a licence has been granted.

We need to strengthen the enforcement tools available to government so we feel better protected from negative impacts to the environment and human health. We need to create more opportunities for the public to get involved to ensure we continue to protect the people and the world in which they live beyond the approval and licence.



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For more info, use this QR code to visit the [Project page](#) on the Manitoba Eco-Network website.

