

COMPLIANCE & ENFORCEMENT FEE CRITERIA**Date of Issue: March 7, 2018****No: IB-CE-2018-02****Topic: Compliance & Enforcement Fee Application Criteria**

The following information bulletin is being issued to clarify when and how Compliance & Enforcement Program fees will be applied.

Definitions

Compliance audit: An evaluation of a duty holder's adherence to *The Act* and regulations, and how they systematically meet their obligations.

Duty holder: A person or company who is responsible for compliance because they either own regulated products, or perform regulated work.

Enforcement tool: An action or series of actions intended to change an individual's behaviour to promote compliance with requirements of *The Act*, using powers specified within *The Act*.

Flat Fee: A single fixed fee for service, regardless of usage.

Investigation (permit): The systematic collection, evaluation, and analysis of facts and information related to a regulated product or work.

Non-compliance: A failure of regulated product, equipment or work to meet applicable regulatory requirements

Physical assessment: A type of assessment where the regulated product, equipment or work has been directly evaluated by Technical Safety BC.

Regulated work: Regulated work is the assembly, manufacture, construction, installation, operation, testing, alteration, maintenance, or repair of a regulated product or equipment.

Undervalued work: Relates to an instance where a duty holder purchases permit(s) that are not within the scope of the work being performed, resulting in a reduced permit value.

Unpermitted work: Regulated work that has been done without the required permissions in place.

Warning notice: A document issued to a person or company by Technical Safety BC identifying non-compliant behaviour and further advising that future non-compliance of a similar nature may result in progressive enforcement action.

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Investigation of Undervalued Work

The *investigation of undervalued work* fee has been implemented to recover the administrative costs associated with the discovery, *investigation* and correction of an *undervalued permit*. This fee will be applied in addition to the permit amendment value in the following way:

First instance: Of a *duty holder* identified with *undervalued permit(s)* after February 1, 2018:

- a. The fee will be applied in groupings of five up to a maximum of five applications. For example:
 - i. 1-5 undervalued permits identified = flat fee x 1
 - ii. 6-10 undervalued permits identified = flat fee x 2
 - iii. 11-15 undervalued permits identified = flat fee x 3
 - iv. 16-20 undervalued permits identified = flat fee x 4
 - v. 21 or greater undervalued permits identified = flat fee x 5

Subsequent instance(s): Of a *duty holder* identified with *undervalued permit(s)* after February 1, 2018:

- a. The flat fee may be applied to each instance of undervalued work identified up to a maximum of 5 applications. For example:
 - i. 5 undervalued permits identified = flat fee x 5

Investigation of Unpermitted Work

Technical Safety BC undertakes administrative and investigative activities to identify and follow-up on *unpermitted work* which is distinct from the day-to-day assessment work performed by safety officers. The *investigation of unpermitted work* fee has been implemented to recover the administrative costs associated with the discovery, *investigation* and follow-up activity ensuring resolution of work performed without a permit. This fee will be applied in addition to the permit cost in the following way:

First instance: Of *unpermitted work* identified after February 1, 2018:

- a. For a *duty holder* who has no documented instances of unpermitted work within two years prior to the initiation of the *investigation* and has never received a *warning notice* or *enforcement tool* related to *unpermitted work*, the fee will be waived;
- b. For a *duty holder* who has documented instances of *unpermitted work* within two years prior to the initiation of the *investigation* or has previously received a *warning notice* or *enforcement tool* related to *unpermitted work*, the flat fee will be applied to one permit (*investigation*) only.

Subsequent instance(s): Of *unpermitted work* identified after February 1, 2018:

- a. The flat fee may be applied to each permit (*investigation*) up to a maximum of 5 fees.

The *investigation of unpermitted work* fee will not be applied where a *special inspection* fee has previously been applied.

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Re-inspection

The *re-inspection* fee has been implemented for application when a safety officer performs a *physical assessment* of a previously identified *non-compliance* and determines that the duty holder has not corrected the *non-compliance*.

Special Inspection

The *special inspection* fee has been implemented as a standardized fee across all programs for application when a safety officer identifies *unpermitted work* and performs a *physical assessment*.

Once a safety officer has documented the unpermitted work and the associated *inspection*, Technical Safety BC will apply the *special inspection* fee on a per permit basis in addition to the permit cost. The *special inspection* fee will not be applied in instances where the *investigation of unpermitted work* fee has already been deemed applicable.

Compliance Audit

The *compliance audit* fee has been implemented to recover the costs associated with the performance of *compliance audits* by Technical Safety BC. This fee will be applied on a per hour basis to all compliance audit activity initiated after February 1, 2018.

In circumstances where a *duty holder* has been selected for a *compliance audit*, and no significant non-compliance is identified through the audit process, Technical Safety BC may stay the application fee and waive fees for the audit activities at the discretion of the Compliance & Enforcement Program.



Eric Samuelson
Provincial Safety Manager
Compliance & Enforcement

References:

Safety Standards Act
Electrical Safety Regulation
Elevating Devices Safety Regulation
Gas Safety Regulation
Power Engineers, Boiler, Pressure Vessel & Refrigeration Safety Regulation
Safety Standards General Regulation
Safety Standards Act Repeal and Transitional Provisions Regulations

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