

Background

Section 28 of the *Safety Codes Act* (Act) allows for the accreditation of corporations. Under the Act the Administrator may, by order, designate a corporation as an accredited corporation and authorize it to administer all or part of the Act with respect to any or all things, processes or activities to which the Act applies that are owned by or are under the care and control of the corporation.

The Act provides that the Administrator may include terms and conditions and specify locations and facilities in an Order of Accreditation. The Act also provides that the Administrator may, by order, based on reasonable and probable grounds, suspend or cancel an Order of Accreditation.

The Safety Codes Council (Council) has established this policy in accordance with section 18 of the Act, and Ministerial Order 11/94. The policy will assist the Administrator in carrying out delegated authorities and duties under the Act, and preserve the integrity of the safety codes system in Alberta through maintaining appropriately qualified accredited corporations in locations acceptable to the Administrator.

Policy

Scope of Accreditation

1. Corporate accreditation shall be discipline specific. A corporation may be accredited in the building, fire, electrical, plumbing, or gas disciplines.
2. Corporate accreditation may be location specific.

Eligibility for Accreditation

3. When applying for a new accreditation or making an amendment to the scope of an existing accreditation, a corporation shall submit:
 - a) a completed application form, signed by an authorized senior representative of the corporation;
 - b) a proposed Quality Management Plan (QMP) or revisions to its current QMP in a form that is acceptable to the Administrator;
 - c) the location and description of all operations, facilities, equipment, processes, and activities to which the accreditation the corporation is seeking is intended to apply;
 - d) a transition plan for locations where deemed applicable;

- e) the application fee; and
 - f) any other information required by the Administrator.
4. A proposed QMP shall meet requirements established in the Council Accreditation General Policy.
5. A transition plan for a new accreditation or amendment to the scope of an existing accreditation, shall establish how the transfer of safety codes administration to the corporation will occur and include the following:
- a) a mutually agreed upon date(s) for transfer of jurisdictional responsibilities and services, failing which a reasonable date for the same shall be set by the Administrator;
 - b) the integration of corporate activities with municipal services such as, but not limited to: fire, medical, police, roadways, water, sewer, and other external services;
 - c) a communication plan to advise potentially affected parties;
 - d) how active and outstanding permits, inspections, non-compliances, and orders will be addressed during the transition;
 - e) the transfer of records, files and data; and
 - f) any other considerations identified by the Administrator.

Consideration of Accreditation Application

6. In considering an application for a new accreditation or an amendment to the scope of an existing accreditation, the Administrator may consider any information deemed relevant to the application, including but not limited to:
- a) information provided by the corporation, including the identification of any specialized knowledge privy to the corporation, as part of its application;
 - b) corporate capacity to provide effective, efficient, professional and ethical administration of the safety codes system;
 - c) current and past safety performance of the corporation, including any previous performance as an accredited corporation;
 - d) written submissions forwarded by affected municipalities;
 - e) information identified during a meeting between the Administrator, corporation and affected municipalities; and

- f) submission of an acceptable transition plan for locations, where deemed applicable.
7. The Administrator, upon receipt of a completed application for new accreditation or an amendment to the scope of an existing accreditation, shall direct that a notice of that application be provided to affected municipalities.
8. The Administrator shall, at time of directing the provision of notice under section 7, set terms and conditions respecting the written submissions or how information will be collected from affected municipalities.
9. Affected municipalities may make written submission about a notice received under section 7 to the Administrator with a copy to the applicant. Any information obtained by the Administrator will be provided to the applicant, who may make written representations on that material to the Administrator.
10. The Administrator may accredit a corporation provided that the corporation has successfully satisfied the requirements as described in section 3, and that any written submissions provided by an affected municipalities have been considered.
11. The Administrator shall provide a copy of the completed transition plan to the affected accredited municipality(ies) once the new accreditation or amendment to the scope of an existing accreditation has been approved and a reasonable effective date established.

Accreditation Overlap

12. In the event that the Administrator is of the opinion that an overlap in the administration of safety codes system exists, the Administrator shall:
- a) advise the Minister of the overlapping accreditations, the nature of overlap, and request a resolution under Section 29 of the Act; and
- b) provide to the affected accredited parties, copy of the information submitted to the Minister.

Maintenance of Accreditation

13. A corporation shall adhere to its Order of Accreditation and approved QMP.
14. An Order of Accreditation is not assignable or transferable.
15. The Administrator may direct an accredited corporation to review or amend its QMP.
16. Amendments to an Order of Accreditation or QMP require the approval of the Administrator.
17. An accredited corporation shall provide the Administrator with 60 days written notice of an intention to voluntarily relinquish its accreditation.
18. An accredited corporation shall provide the Administrator with a transition plan should the corporation choose to voluntarily relinquish its accreditation in one or more discipline or part of discipline.
19. An accredited corporation shall review the administration of its QMP and submit a report¹ to the Administrator summarizing the results of the review on an annual basis, including:
 - a) organizational successes in administering the QMP;
 - b) opportunities for improving QMP administration and a plan for implementing those improvements;
 - c) status update on improvements to QMP administration that were identified during previous annual internal QMP reviews;
 - d) a current list of facilities and locations to which the corporation applies its accreditation;
 - e) approximate number of personnel, including both employees and contractors, working at facilities or locations to which its accreditation applies;
 - f) any proposed amendments to its QMP; and
 - g) any other information required by the Administrator.

1. The Annual Internal Review report does not need to be submitted to the Council in a year in which the corporation is also subject to a Council audit.

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20. An accredited corporation shall be subject to an external review program or audit established and conducted by the Council or an agent of the Council.
 21. A corporation shall provide the Administrator with an update on the implementation of a transition plan described in section 5 upon request from the Administrator.
 22. At written request of the affected municipality, the Administrator shall provide a copy of the corporation's approved QMP and may charge a fee of the requesting party to do so.

Corrective Action

The Council is committed to working with accredited corporations to resolve identified performance issues and deficiencies, but there are situations in which corrective action through suspension or cancellation of an Order of Accreditation may be warranted.

23. Grounds for corrective action may include but are not limited to:
 - a) failing to meet requirements in legislation, an Order of Accreditation including condition of Accreditation, QMP, or Council policy;
 - b) not cooperating with or refusing to comply with requests from the Administrator;
 - c) not cooperating with or refusing to address deficiencies or follow recommendations identified through a review or audit conducted by the Council or its agent;
 - d) using unqualified staff or failing to have sufficient number of appropriate safety codes officers to respond to workload;
 - e) bad practices, poor procedures, or poor quality work in administering the Act;
 - f) unethical or unprofessional behavior or practice in administering the Act;
 - g) interfering with or attempting to interfere with the independence and impartiality of any safety codes officer(s);
 - h) fraud, related criminal activity, or bad faith in administering the Act;
 - i) failing to submit required Council fees or levies;
 - j) keeping poor or improper records related to administration of the Act;
 - k) conflict of interest in administering the Act;
 - l) being adjudged bankrupt, or making a general assignment for the benefit of creditors, or the appointment of a Receiver on account of insolvency;
 - m) bringing Alberta's safety codes system into disrepute; or

n) breach of confidentiality under section 63 of the Act or the *Freedom of Information and Protection of Privacy Act*.

24. Corrective action may include but is not limited to any one or more of the following:

- a) letter of reprimand;
- b) short-term suspension of an Order of Accreditation (up to 30 days);
- c) long-term suspension of an Order of Accreditation (1-6 months); or
- d) cancellation of an Order of Accreditation.

25. Written notice shall be provided to an accredited corporation that is subject to corrective action. The notice will:

- a) identify the corrective action that will be taken and the time frame within the corrective action must be completed;
- b) provide the reasons for the corrective action;
- c) provide direction respecting the right of appeal should the affected parties wish to appeal a suspension or cancellation of an Order of Accreditation; and
- d) be signed by the Administrator.

26. Upon suspension or cancellation of an Order of Accreditation, the Designation of Powers held by safety codes officers employed by that corporation are also suspended or cancelled.

Reinstatement of Accreditation

27. The Administrator may reinstate an Order of Accreditation that has been suspended or cancelled if:

- a) the issue(s) that resulted in the suspension or cancellation are corrected to the satisfaction of the Administrator;
- b) the corporation develops a plan, approved by the Administrator, to ensure that the issue(s) that resulted in the suspension or cancellation will not re-occur; and
- c) the applicable reinstatement fee has been paid to the Council.

28. The Administrator may waive or shorten a previously imposed suspension of a corporate Order of Accreditation if the conditions of section 25 are met.