

# Designation of Powers Policy

## 1. Introduction

The *Safety Codes Act* (Act) empowers the Administrator of Certification (Administrator) to designate the powers that a safety codes officer may exercise under the Act if the individual holds a certificate of competency in the appropriate discipline, and the ability to designate the authority to non-safety codes officers for the issuance of permits under the Act.

A **designation of powers** authorizes a safety codes officer or non-safety codes officer permit issuer to function within the framework established by an **accredited organization's** Quality Management Plan.

## 2. Purpose

The purpose of this policy is to describe the requirements related to designating powers, to a safety codes officer or non-safety codes officer permit issuer, under the Act.

## 3. Definitions

**accredited organization:** means a municipality, regional services commission, corporation, or agency accredited to administer all or part of the Act.

**Alberta Safety Codes Authority (ASCA):** means a division of the Council who oversees safety codes services in the unaccredited municipalities throughout Alberta.

**designation of powers:** means the authority that a safety codes officer or permit issuer may exercise in administering the Act and the regulations pursuant to the Act.

**employee:** means a person engaged by the Council to perform a service in accordance with an employment agreement.

## 4. Policy

### General

- 4.1. The Administrator may issue a **designation of powers** to a safety codes officer or non-safety codes officer permit issuer upon application and payment of the required fee by an **accredited organization** or **ASCA**.
- 4.2. A **designation of powers** will identify and grant the authority that a safety codes officer or non-safety codes officer permit issuer may exercise in administering the Act and regulations, the individual's level of certification, terms of employment

with an **accredited organization** or **ASCA**, and the scope of accreditation.

- 4.3. A **designation of powers** will be issued in accordance with the tables in Appendix A.
- 4.4. An accredited agency may subcontract to another accredited agency without requiring additional **designation of powers** for its safety codes officers performing work under that contract.
- 4.5. A safety codes officer's or non-safety codes officer permit issuer's **designation of powers** will be cancelled upon that individual leaving the employment of the **accredited organization** or the **ASCA**.

#### Corrective Action

- 4.6. A safety codes officer or non-safety codes officer permit issuer may be subject to corrective action for exceeding limits set in the **designation of powers** certificate, evidence of fraud, criminal activity, acting in bad faith, acting when having a conflict of interest, not following the policies and Quality Management Plan of an employer, incorrect or inappropriate use of designated powers, submitting false credentials, or other grounds as determined by the Administrator.
- 4.7. Corrective actions may include, but are not limited to, an information request letter, a letter of reprimand, a reduced level of **designation of powers** authority, a short term suspension (up to 30 days), a long term suspension (up to six months), or cancellation.

#### Reinstatement

- 4.8. The Administrator may reinstate a **designation of powers** where:
  - 4.8.1. the holder of the **designation of powers** applies for reinstatement;
  - 4.8.2. the issue(s) that resulted in the suspension or cancellation have been corrected to the satisfaction of the Administrator; and
  - 4.8.3. on completion of a personal interview with the Administrator, if requested by the Administrator.
- 4.9. The Administrator may also issue a reinstatement when a safety codes officer or permit issuer leaves an organization and then returns to the same organization.

#### Fees

- 4.10. Fees will apply to applications for a **designation of powers**.

**5. Authority**

This policy is established under the authority of Corporate Governance Policy 1.4 which delegates authority to the President and Chief Executive Officer (CEO) to establish policies and procedures for the management and operation of the Council regarding appeals, corporate operations, and operating programs and Policy 1.7 which delegates responsibility for program and services planning and activities to the President and CEO.

**6. Scope**

This policy applies to all **employees**, safety codes officers, and permit issuers.

**7. Related Policies and Procedures**

- 2.1.1 Safety Codes Officer Certification Policy
- 2.1.1.1 Certificates of Competency Procedure
- 2.1.2 Continuing Education Program Policy
- 2.1.2.1 Continuing Education Program Procedure
- 2.1.4.2 Designation of Powers Procedure

**8. Version History**

Date	Notes
January / 01 / 2020	New policy: replaces Council policies 7.10 - General; 7.20 - Scope; and 7.30 Suspension, Cancellation & Reinstatement
June / 08 / 2020	Updated to enable the designation of Group E Safety Codes Officers in the Fire Discipline for ASCA
August / 06 / 2020	Update to Appendix A - Fire & Pressure Equipment Discipline

## APPENDIX A

### Designation of Powers - Scope of Authority Tables

#### Amusement Rides Discipline

<i>Safety Codes Act</i>	Employer of Safety Codes Officer			Permit Issuer (any employer)
	Municipality	Agency	Corporation	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	No	No	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	Yes	N/A
Section 38(1) Authority to issue a variance	Yes	Yes	Yes	N/A
Section 44(1) Authority to issue permits	Yes	Yes	Yes	N/A
Section 46(1) Authority to cancel or suspend a permit	Yes	Yes	Yes	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	Yes	Yes	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	Yes	N/A

## Building Discipline

<i>Safety Codes Act</i>	<b>Employer of Safety Codes Officer</b>			<b>Permit Issuer (any employer)</b>
	<b>Municipality</b>	<b>Agency</b>	<b>Corporation</b>	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	Yes	Yes	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	Yes	Yes	Yes	N/A
Section 44(1) Authority to issue permits	Yes	Yes	No	Yes
Section 46(1) Authority to cancel or suspend a permit	Yes	Yes	No	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34/35 and close affected premises	Yes	Yes	No	N/A
Section 49(1) Authority to issue orders	Yes	Yes	No	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	No	N/A

## Electrical Discipline

<i>Safety Codes Act</i>	<b>Employer of Safety Codes Officer</b>			<b>Permit Issuer (any employer)</b>
	<b>Municipality</b>	<b>Agency</b>	<b>Corporation</b>	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	Yes	Yes	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	Yes	Yes	Yes	N/A
Section 44(1) Authority to issue permits	Yes	Yes	Yes	Yes
Section 46(1) Authority to cancel or suspend a permit	Yes	Yes	Yes	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34/35 and close affected premises	Yes	Yes	No	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	No	N/A

## Elevators Discipline

<i>Safety Codes Act</i>	<b>Employer of Safety Codes Officer</b>			<b>Permit Issuer (any employer)</b>
	<b>Municipality</b>	<b>Agency</b>	<b>Corporation</b>	
Section 34(1) Right of entry	Yes	Yes	No	N/A
Section 34(2) Right of entry to private dwellings	Yes	Yes	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	No	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	Yes	Yes	No	N/A
Section 44(1) Authority to issue permits	Yes	No	No	N/A
Section 46(1) Authority to cancel or suspend a permit	Yes	No	No	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	No	No	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	No	No	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	No	No	N/A

## Fire Discipline

Safety Codes Act	Employer of Safety Codes Officer				Permit Issuer (any employer)
	Municipality	Agency	Corporation	ASCA	
Section 34(1) Right of entry	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 34(2) Right of entry to private dwellings	Yes <sup>1</sup>	Yes <sup>1</sup>	No	Yes <sup>1</sup>	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 34(7) Authority to provide advice or report	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 34(8) Authority to detain or remove evidence	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 35(1) Authority to require production of records and documents	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 35(2) Authority to apply for court order	Yes <sup>1</sup>	Yes <sup>1</sup>	No	Yes <sup>1</sup>	N/A
Section 38(1) Authority to issue a variance	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	N/A
Section 44(1) Authority to issue permits	Yes <sup>3</sup>	Yes <sup>3</sup>	No	Yes <sup>3</sup>	N/A
Section 46(1) Authority to cancel or suspend a permit	Yes <sup>3</sup>	Yes <sup>3</sup>	No	Yes <sup>3</sup>	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 49(1) Authority to issue orders	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>	N/A
Section 55(1) Authority to carry out an order	Yes <sup>4</sup>	Yes <sup>4</sup>	No	Yes <sup>4</sup>	N/A

1. *A Fire Safety Codes Officer Investigator Group C shall have the authority to invoke sections 34 and 35 of the Safety Codes Act only when conducting an investigation under section 48 of the Act.*
2. *A Fire Safety Codes Officer Group A, Group B1 and Group C1 and C2 shall not have the authority to issue a variance.*
3. *A Fire Safety Codes Officer Group A, Group B1 and B2, and Group C1 and C2 shall not have the authority to issue, cancel or suspend permits under sections 44(1) and 46(1) of the Act.*
4. *A Fire Safety Codes Officer Group A and Group C1 and C2 shall not have the authority to issue or carry out an Order under sections 49(1) and 55(1).*



## Gas Discipline

Safety Codes Act	Employer of Safety Codes Officer			Permit Issuer (any employer)
	Municipality	Agency	Corporation	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	Yes	Yes	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 44(1) Authority to issue permits	Yes	Yes	No	Yes
Section 46(1) Authority to cancel or suspend a permit	Yes	Yes	No	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	Yes	No	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	No	N/A

1. Only the Technical Administrator may issue a variance for product or equipment approval. A "Probationary Safety Codes Officer" shall not issue a variance without the prior approval of a Safety Codes Officer or the Technical Administrator.

## Passenger Ropeways Discipline

<i>Safety Codes Act</i>	<b>Employer of Safety Codes Officer</b>			<b>Permit Issuer (any employer)</b>
	<b>Municipality</b>	<b>Agency</b>	<b>Corporation</b>	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	No	No	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	No	No	No	N/A
Section 44(1) Authority to issue permits	Yes	No	No	N/A
Section 46(1) Authority to cancel or suspend a permit	Yes	No	No	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	Yes	Yes	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	No	N/A

## Plumbing Discipline

<i>Safety Codes Act</i>	<b>Employer of Safety Codes Officer</b>			<b>Permit Issuer</b> (any employer)
	<b>Municipality</b>	<b>Agency</b>	<b>Corporation</b>	
Section 34(1) Right of entry	Yes	Yes	Yes	N/A
Section 34(2) Right of entry to private dwellings	Yes	Yes	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	Yes	Yes	N/A
Section 34(7) Authority to provide advice or report	Yes	Yes	Yes	N/A
Section 34(8) Authority to detain or remove evidence	Yes	Yes	Yes	N/A
Section 35(1) Authority to require production of records and documents	Yes	Yes	Yes	N/A
Section 35(2) Authority to apply for court order	Yes	Yes	No	N/A
Section 38(1) Authority to issue a variance	Yes <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	N/A
Section 44(1) Authority to issue permits	Yes	Yes	No	Yes
Section 46(1) Authority to cancel or suspend a permit	Yes	Yes	No	N/A
Section 47(1) Authority to take action as necessary	Yes	Yes	Yes	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	Yes	Yes	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	Yes	No	N/A
Section 49(1) Authority to issue orders	Yes	Yes	Yes	N/A
Section 55(1) Authority to carry out an order	Yes	Yes	No	N/A

1. Only the Technical Administrator may issue a variance for product or equipment approval.

## Pressure Equipment Discipline

Safety Codes Act	Employer <sup>1</sup> of Safety Codes Officer				Permit Issuer (any employer)
	ABSA	Municipality	Agency	Corporation	
Section 34(1) Right of entry	Yes	N/A	N/A	N/A	N/A
Section 34(2) Right of entry to private dwellings	Yes	N/A	No	No	N/A
Section 34(4) Authority to inspect, review, examine, evaluate, interview, disconnect or close	Yes	N/A	N/A	N/A	N/A
Section 34(7) Authority to provide advice or report	Yes	N/A	N/A	N/A	N/A
Section 34(8) Authority to detain or remove evidence	Yes	N/A	N/A	N/A	N/A
Section 35(1) Authority to require production of records and documents	Yes	N/A	N/A	N/A	N/A
Section 35(2) Authority to apply for court order	Yes	N/A	No	No	N/A
Section 38(1) Authority to issue a variance	Yes <sup>2</sup>	N/A	No	No	N/A
Section 40(1) Authority to register designs	Yes	N/A	No	No	N/A
Section 44(1) Authority to issue permits	Yes	N/A	No	No	N/A
Section 46(1) Authority to cancel or suspend a permit	Yes	N/A	No	No	N/A
Section 47(1) Authority to take action as necessary	Yes	N/A	N/A	N/A	N/A
Section 48(1) Authority to investigate unsafe condition, accident or fire	Yes	N/A	N/A	N/A	N/A
Section 48(2) Authority to exercise sections 34 / 35 and close affected premises	Yes	N/A	N/A	N/A	N/A
Section 49(1) Authority to issue orders	Yes	N/A	No	No	N/A
Section 56(1) Authority to carry out an order	Yes	N/A	No	No	N/A

- 1. Designation of Powers is only designated to persons employed by an authority having jurisdiction. The province has delegated the Alberta Boilers Safety Association to administer the Act on behalf of the province.*
- 2. Only the Technical Administrator may be designated the powers.*