



**Safety  
Codes  
Council**

Alberta Safety Codes Authority

---

# **COMPLIANCE & ENFORCEMENT MANUAL**

---

VERSION 1

Effective Date:

November / 1 / 2022

Approved Date:

October / 26 / 2022



## Contents

1: Purpose .....	3
1.1 Purpose.....	3
1.2 Authority and Scope.....	3
1.3 Meanings .....	4
1.4 Roles and Responsibilities .....	7
1.4.1 ASCA:.....	7
1.4.2 Contracted Agencies: .....	7
1.4.3 Safety Codes Officers:.....	7
1.4.4 Permit Issuers: .....	8
1.4.5 Police and Peace Officers:.....	8
1.4.6 Owners:.....	8
2: Guiding Principles .....	8
2.1 Values .....	8
2.2 Safety.....	9
2.3 Respect.....	9
2.4 Courtesy .....	9
2.5 Non-Precedent Setting.....	10
3: Progressive Enforcement Model .....	10
3.1 Overarching .....	10
3.2 Enforcement Model .....	10
4: Compliance .....	11
4.1 Authority .....	11
4.2 Compliance Monitoring.....	11
4.2.1 Permit Issuance:.....	11
4.2.2 Plan Review:.....	11



4.2.3	Inspection:.....	12
5:	Non-compliance – Application of the Progressive Enforcement Model .....	13
5.1	Education.....	13
5.2	Warning.....	14
5.3	Order .....	14
5.4	Enforcement of Compliance Order .....	14
5.5	Negligent and Imminent Serious Danger .....	15
6:	Document Administration .....	16
	Appendix A – ASCA Safety Codes Compliance Orders.....	17
	Appendix B – ASCA Risk Assessment Tool .....	22
	Appendix C – Administrative Penalty .....	27

## 1: Purpose

### 1.1 Purpose

This manual guides the Alberta Safety Codes Authority (ASCA) best practices to assure focus and consistency to achieve safety and compliance within Alberta’s legislative framework.

### 1.2 Authority and Scope

ASCA is established by the Safety Codes Act (Act) as a division of the Safety Codes Council (Council) with duties, authority, and powers provided under the Act and the Alberta Safety Codes Authority Order Regulation.<sup>1</sup>

ASCA’s scope is defined by the:

- Act, on the order of the Minister, the Council shall establish a division of the Council to be known as the “Alberta Safety Codes Authority” to oversee the provision of services pursuant to all or part of this Act identified by the order in areas to be administered by the Crown.<sup>2</sup>
- Act, wherein ASCA may enter into contracts for the exercise of its powers and performance of its duties, and may appear as an appellant or respondent in legal proceedings.<sup>3</sup>
- Alberta Safety Codes Authority Order Regulation, in the areas of Alberta that are not under the administration of an accredited municipality, regional services commission, or corporation, the ASCA shall oversee the provision of permit related services related to:<sup>4</sup>
  - a) buildings, including all codes adopted under the Building Code Regulation,<sup>5</sup>
  - b) electrical systems, including all codes adopted under the Electrical Code Regulation,<sup>6</sup>
  - c) gas systems, including all codes adopted under the Gas Code Regulation,<sup>7</sup>
  - d) plumbing systems, including all codes adopted under the Plumbing Code Regulation,<sup>8</sup>

---

<sup>1</sup> [SCA s30.1 Alberta Safety Codes Authority] [AR 29/2016 Alberta Safety Codes Authority Order s4]

<sup>2</sup> [SCA s30.1(1) Alberta Safety Codes Authority]

<sup>3</sup> [SCA s30.1(3) Alberta Safety Codes Authority]

<sup>4</sup> [AR 29/2016 Alberta Safety Codes Authority Order s4]

<sup>5</sup> [AR 31/2015]

<sup>6</sup> [AR 209/2006]

<sup>7</sup> [AR 111/2010]

<sup>8</sup> [AR 119/2007]



- e) private sewage disposal systems, including all codes adopted under the Private Sewage Disposal Systems Regulation,<sup>9</sup> and
- f) storage tank systems, including section 4.3 of Part 4, Division B of the Alberta Fire Code.<sup>10</sup>

The Alberta Safety Codes Authority Order Regulation, ASCA's oversight of permit related services came into force May 1, 2016, with exception of Storage Tank Systems that came into force June 8, 2020.<sup>11</sup>

### 1.3 Meanings

**ASCA Leadership Team:** ASCA Director, ASCA Manager Compliance & Quality Assurance, ASCA Manager Contracts & Service Excellence, ASCA Manager Storage Tanks Systems, and Appeals, Policy and Legal Advisor; and includes their delegate.

**Compliance monitoring:** the activities conducted by a safety codes officer to determine whether a thing, process, or activity meets the intent of safety codes regulatory requirements.

**Consultative advice:** the professional verbal or written consideration provided by a safety codes officer or an official of ASCA, and includes services provided by contracted agencies.

**Discretion:** the liberty or privilege allowed to a safety codes officer or decision-maker to decide and act in accordance with what is fair, equitable, and wholesome, as determined upon the particular circumstances of an instance and as discerned by personal wisdom and experience, and guided by the spirit, principles, and analogy of the law.

**Due diligence:** the diligence reasonably expected from, and ordinarily exercised by, a person who seeks to satisfy a legal requirement or discharge an obligation. In the context of safety codes administration it includes things done and not done in good faith while exercising powers and performing duties under the Act.<sup>12</sup>

---

<sup>9</sup> [AR 229/97]

<sup>10</sup> [AR 29/2016 Alberta Safety Codes Authority Order s4]

<sup>11</sup> [AR 29/2016 Alberta Safety Codes Authority Order s7]

<sup>12</sup> [SCA s12]



**Enforcement:** compelling to comply with a law, rule, or obligation. In the context of ASCA's progressive enforcement once consultation, education, and motivation attempts have been exhausted, it is the escalating functions of **compliance monitoring** reports, warnings, compliance **orders**, administrative penalty, court order, and further or additional penalties. In some instances, it may be the immediate issuance of a compliance order, and in instances of imminent serious danger, it may be the action of mitigating the risk.

**Imminent serious danger:** a thing, action, situation, or other finding that in the opinion of the safety codes officer requires immediate intervention either directly or indirectly to mitigate the danger and ensure the safety of persons and/or property.

**Inspect:** means in the context of progressive **enforcement**, an observation of a safety codes officer in the performance of the officer's duties to assess and determine compliance with safety codes requirements.

**Investigate:** in the context of progressive **enforcement**, the collection process of pertinent facts, related circumstances, and influencing factors; and the analysis of all of them to determine compliance with legislation, contract, best practice, professional conduct, ASCA's Service Reference Manual, or other governing requirements. Investigations will follow the scientific methodology.

**Notice:** in the context of progressive **enforcement**, an official written advisory issued by a safety codes officer or another authorized person pursuant to the Act and Administrative Items Regulation that officially communicates an important message to a specific party(s) such as a decision (i.e. permit refusal) or intent (i.e. to enter property to cause work to be done).

**Owner:** the party holding ownership as identified on the land title and includes a lessee, a person in charge, a person who has care and control, and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership as defined in the Act.

**Order:** in the context of progressive **enforcement**, an Order is an authoritative command to one or more parties to do or not do something within a specific time frame to satisfy one or more specific safety codes legislated requirement that is issued by a safety codes officer pursuant to the Act and the Administrative Items Regulation. An



Order may be applied to remedy **imminent serious danger** to persons or property<sup>13</sup> or upon contravention of the Act.<sup>14</sup> An Order is intended to be used as a last resort to achieve compliance with the intent of legislated safety codes requirements, coming after communication and education attempts have been unsuccessful. An Order may also be in the form of a decision of an appeal tribunal or decision of the Courts.

**Permit issuance:** the documented permission provided by a safety codes officer or permit issuer to an **owner**.

**Review:** in the context of progressive **enforcement**, an analysis and consideration conducted by a safety codes officer in respect to regulatory compliance or by ASCA concerning contract management and service delivery.

**Risk:** an effect of uncertainty on objects or objectives, often a deviation from the expected which may have a positive and/or negative outcome. The uncertainty is a state of deficiency affecting consequences or likelihood. Risk is often expressed in terms of a combination of the consequence of an event (including changes in circumstances) and the associated likelihood of occurrence.

**Risk consideration:** an analysis to comprehend the nature and likelihood of a **risk** event, trend, or course of action and the impact on an object or objective. The consideration determines the level of **risk**, providing the basis for **risk** evaluation and decisions about **risk** treatment, including **risk** estimation. **Risk** consideration applies reasonableness and **discretion**.

**STANDATA:** is “standard data” published by Alberta Municipal Affairs or the Council. The information is in the public domain providing province-wide advisory in the categories of **notice**, bulletin, codes, standards, errata, province-wide variances, and technical interpretations. STANDATA are guidance material that may be utilized however STANDATA have no standing in law.

---

<sup>13</sup> [SCA s47]

<sup>14</sup> [SCA s49]



## 1.4 Roles and Responsibilities

### 1.4.1 ASCA:

Administration of permit related services in building, electrical, gas, plumbing, private sewage, and storage tank systems under the fire code in unaccredited areas of Alberta, including the oversight of its contracted agencies.

ASCA fulfills its duties and responsibilities through its staff and/or contracted agencies. ASCA, under the direction of the Safety Codes Council President and Chief Executive Officer, is the only authority that may engage in **enforcement** proceedings stemming from a compliance **Order**, initiate an Administrative Penalty, or file a complaint respecting accreditation, certification, or professional engagement.

### 1.4.2 Contracted Agencies:

Provide contracted safety code services of permit administration and other related safety codes services or duties that may be assigned.

Services will meet or exceed the provisions of ASCA's Service Reference Manual and adhere to ASCA's protocol related to compliance **Order** issuance. [see Appendix A] Unless under emergency situations involving imminent danger, agencies are required to declare to ASCA Manager, Compliance & Quality Assurance of their intention to issue a compliance **Order**.

### 1.4.3 Safety Codes Officers:

Safety codes officers provide safety codes administration and regulatory services, including applied professional **discretion** within their level of certification and designation of powers, agency contract where applicable, and within ASCA's Service Reference Manual.

Safety codes officer duties include safety codes consultation, **reviews**/examinations, **permit issuance**, **inspections**, investigations, research and collection/documentation of associated influencing or contributing factors (such as but not limited to matters of: development, health, environment, history, **owner**/site operational practices, industry best practices, etc.), and related safety codes correspondence such as decisions, **notices**, reports, and compliance **Orders**.

Safety Codes Officers have a duty to exercise their powers and perform their duties with integrity and professional conduct, including applying reasonability in administering





legislated intent with a preferred outcome of the **owner** achieving the **owner's** objective within the context of legislated requirements.

Safety codes officers may utilize assistance from other persons or officials, including police officers, health inspectors, and environmental officers to assist in dealing with situations in which there is a potential **risk** to safety, health, and the environment. Safety codes officers may utilize police assistance to conduct **inspections**, investigations, or seizure activities. Although such assistance is required infrequently, it can be requested in appropriate cases.

#### 1.4.4 Permit Issuers:

Provide **permit issuance** services within ASCA's contract and ASCA's Service Reference Manual.

Permit issuers provide administrative advice and assistance to **owners** and **owner** representatives to assist with their permitting needs.

#### 1.4.5 Police and Peace Officers:

Provide support services to safety codes officers as may be required from time to time.

#### 1.4.6 Owners:

**Owners** are responsible for safety and compliance with legislative requirements on property owned by or under their care and control.

## 2: Guiding Principles

### 2.1 Values

The Council's values will be embraced:

- Foster public confidence  
Public confidence is established through transparency, accountability, and enhancement of public service.
- Fuel innovation in the safety codes system  
The Council responds to industry needs and system innovations by finding efficient and effective ways to drive meaningful change and invests in technologies to help meet the evolving needs of the safety codes system.
- Utilize expertise



The Council's members and staff have deep and diverse expertise. Their talent and dedication to excellence strengthen the safety codes system.

- Act with integrity will be embraced  
The Council demonstrates responsibility by upholding the highest ethical standards, acting with integrity, and generating trust.

Regulatory duties and responsibilities to customers will be conducted in a fair, reasonable, respectful, efficient, effective, transparent, and value-added manner.

Variability and severity of influencing factors, including escalating levels of health and safety impacts and the diminishing likelihood of achieving compliance will be considered.

## 2.2 Safety

ASCA's staff and its contracted agency staff are expected to treat their safety as their priority. They should assess *risk* and make appropriate decisions. Whenever they have concerns regarding their personal safety or those under their care (such as others assisting), they should remove themselves from the situation and seek direction and support from their supervisor. Other resources such as police, health, environment, municipal departments, etc., may be utilized as required or deemed appropriate.

## 2.3 Respect

ASCA's staff and its contracted agency staff are always expected to treat people with respect. They are entitled to be treated with respect in return. ASCA's staff and its contracted agency staff are not expected to endure physical or verbal abuse.

## 2.4 Courtesy

ASCA's staff and its contracted agency staff are expected to identify themselves and clarify their legislated responsibilities and duties and explain the reason for their actions with all persons they are dealing with.

ASCA's staff and its contracted agency staff are expected to treat people courteously, even when dealing with individuals who may not extend the same courtesy in return.



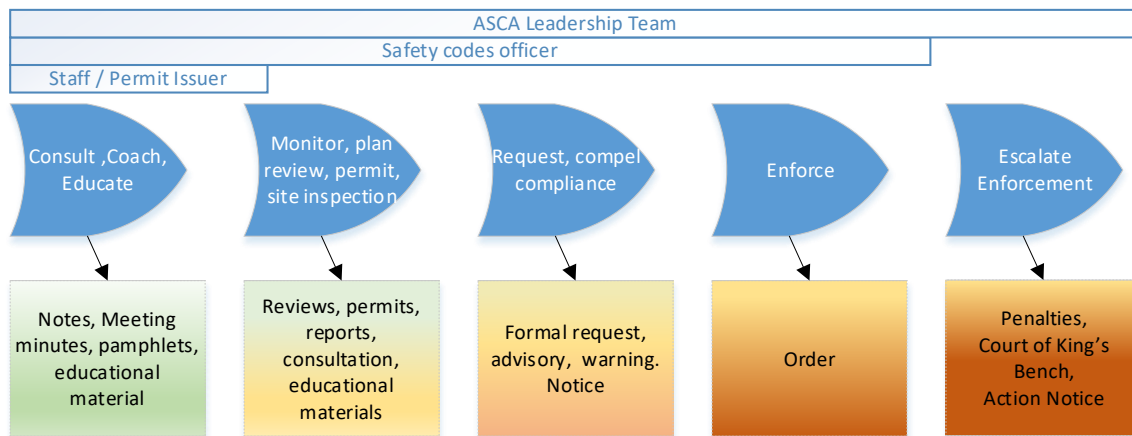
### 2.5 Non-Precedent Setting

ASCA recognizes that each site and instance is unique, having its own circumstances and influencing factors. Each instance is to be treated individually, based upon its own merits.

Decisions made in administering compliance and **enforcement** are not precedent-setting.

This manual is intended to be applied with consistency.

## 3: Progressive Enforcement Model



### 3.1 Overarching

**Enforcement** is a progressive continuum, applying reasonableness and **discretion** in working with the **owner** to achieve the **owner's** objectives while meeting or exceeding safety codes requirements.

### 3.2 Enforcement Model

- Understanding the **owner's** objective, methodology, and plan to achieve it,
- Providing consultative engagement including educational materials,
- Applying a value-added approach to safety codes administration,
- Providing timely and effective **compliance monitoring**,
- Issuance of a warning before the issuance of a compliance **Order**,
- Issuance of a compliance **Order**,



- Monitoring the **Order** for compliance, and
- **Enforcement** of the compliance **Order**.

## 4: Compliance

ASCA's staff and its contracted agency staff are expected to exercise rational judgement, reasonableness, and **discretion** in all instances.

### 4.1 Authority

Safety codes officers and permit issuers, within their respective level of certification and designation of powers,<sup>15</sup> are responsible for applying legislated safety codes requirements.

- A safety codes officer or permit issuer provides pertinent educational material, receives and **reviews** permit applications, and issuance of safety codes permits, and
- A safety codes officer provides discipline-specific technical compliance assessments, **inspections**, and **enforcement**.

### 4.2 Compliance Monitoring

**Compliance monitoring** is a systemic, logical assessment to ensure compliance with legislative requirements.

#### 4.2.1 Permit Issuance:

Permit applications are **reviewed** to ensure completeness, including all required supporting documentation and any other pertinent documentation the safety codes officer or permit issuer requires to assess the application. A permit is only issued (with or without conditions) when the safety codes officer or permit issuer is reasonably assured the proposal will be compliant.

#### 4.2.2 Plan Review:

A safety codes officer will conduct a plans **review** of all submitted supporting documentation pertaining to a permit and provide a plans **review** report to the permit applicant. The plans **reviewed** by the safety codes officer will be stamped and signed by the officer; one copy returned to the permit applicant, and one copy will be retained to the permit file.

---

<sup>15</sup> [SCA s31, 32]



#### 4.2.3 Inspection:

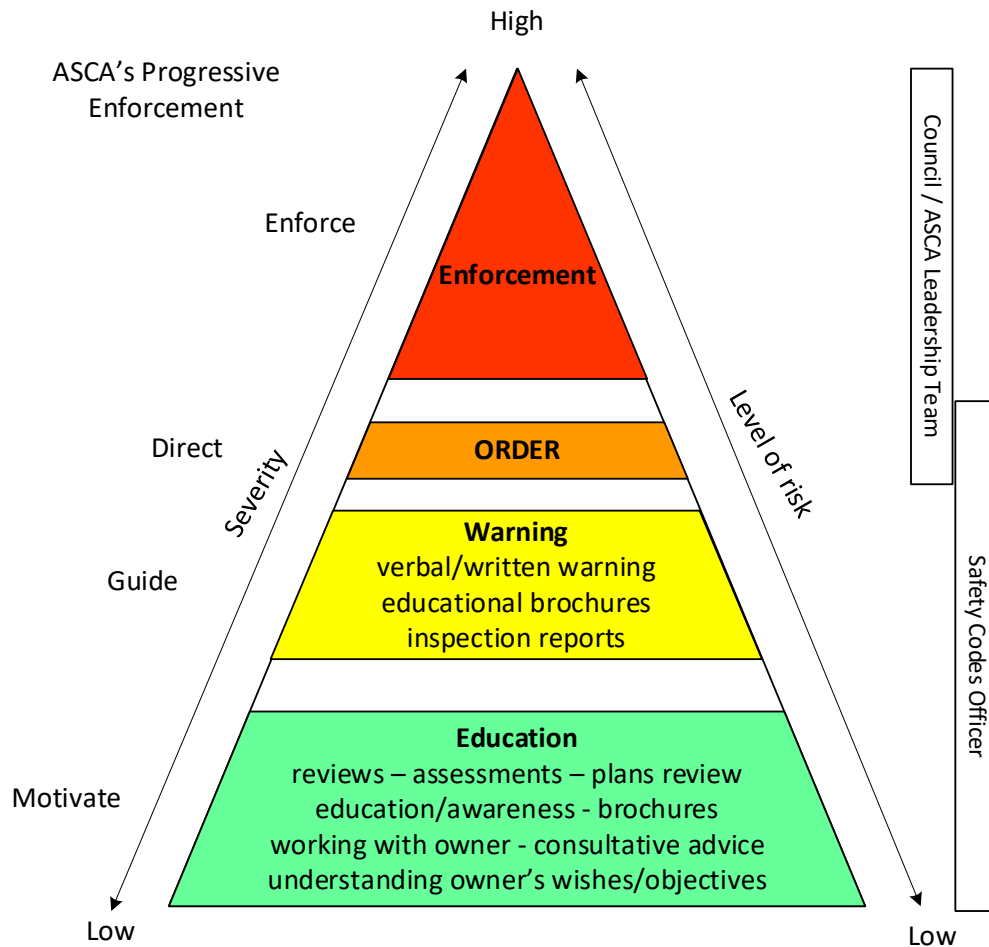
Safety codes officers will conduct site **inspections** focusing on overall safety and assessing whether what is observed complies with the intent of the applicable legislative requirements. **Inspections** will be conducted in relation to:

- Permits:  
Permit-related **inspections** are conducted at the stages and timing described in ASCA's Service Reference Manual and ASCA's Storage Tank Systems Procedures Manual.
- Request/operations:  
Request and operational **inspections** are conducted as scheduled through a specific request or based on ASCA's **risk** assessment [see Appendix B.
- Enforcement:  
An **inspection** must be conducted within ten business days prior to issuing a compliance **Order**, the start of an appeal hearing, or start of a court proceeding to verify through observation that the infraction exists including any circumstances or influencing factors.
- Compliance **Order** follow-up:  
Follow-up **inspections** related to a compliance **Order** are conducted to determine and report on whether the compliance **Order** has been satisfied. For more information, refer to Appendix A – ASCA Safety Codes Compliance **Orders**.



## 5: Non-compliance – Application of the Progressive Enforcement Model

Except in cases of negligence or *imminent serious danger*, ASCA’s staff and its contracted agency staff are expected to undertake compliance **enforcement** on a continuum.



### 5.1 Education

Education and awareness is the beginning of the non-compliance progressive **enforcement** path. Education and awareness includes **consultative advice** which may be verbal and written follow-up, or only written correspondence as appropriate, and may include educational materials.

The safety codes officer exercises professional **diligence** to consider and understand the **owner’s** objective, approach and methodology, and plan to achieve the **owner’s** wishes.



The safety codes officer provides professional and reasonable advice to the **owner** that in the opinion of the safety codes officer, is in the **owner's** best interest and would satisfy the intent of safety codes requirements.

Education and **consultative advice** may be in the form of explanation, educational material such as brochures, relevant **STANDATA**, plans **review** or other assessment of the project, meeting and meeting minutes, or other means of informing the **owner**.

## 5.2 Warning

Progressing to verbal warning with written follow-up or only written warning as appropriate. Warnings may be in the form of an **inspection** report and/or a warning letter and may contain educational material such as brochures.

## 5.3 Order

Progressing to the stronger deterrent of serving a compliance **Order** under the Act following ASCA's *Safety Codes Compliance Orders* procedure [see Appendix A], including safety codes officer's monitoring for compliance and reporting. A compliance **Order** may be forwarded to all parties having a registered interest in the property's land title and with the municipality that the property is located within.

## 5.4 Enforcement of Compliance Order

**ASCA's Leadership Team** will consider enforcing a compliance **Order** should the compliance **Order** remain outstanding past its due date. The team's consideration will take into account the **owner's** objective and method to achieve it, the events leading to the issuance of the compliance **Order**, the property and its characteristics, interactions with the **owner** and/or **owner's** representative preceding issuance of the compliance **Order**, influencing and contributing factors, **risk considerations** including the application of ASCA's **Risk** Assessment Tool [see Appendix B], and any other matter or information the team considers pertinent. ASCA may:

- Discuss with a safety codes officer the merit and considerations of the compliance **Order** should **ASCA's Leadership Team** believe that:
  - There was an error in judgment, interpretation, or application,
  - The compliance **Order** was unreasonable,
  - The intent of the code has been satisfied,
  - The **risk** respecting the safety of persons or property is minimal, or
  - There is no loss of public confidence in the safety codes system.



- Take no action, allowing the compliance **Order** to remain outstanding until compliance is obtained.
- Cause corrective action to be undertaken if of the opinion:
  - Such action would satisfy the compliance **Order**,
  - Such action would be in the best interests of the Council, and the **owner** and both parties are in agreement, or without consent of the **owner** whereby a written **notice** of actions to be taken is served upon the **owner**,
  - The corrective action is under the direction of a safety codes officer, and
  - The cost of undertaking the corrective action is less than \$5,000. Such costs will be collected through means available to the Council.
- Application to the Courts to support the compliance **Order**:
  - In support of an application to the Courts, a safety codes officer will **inspect** the property within 30 days of the application and within 30 days of the Court proceeding.
  - Notify the Minister regarding legal actions undertaken for an offence under the Act.
- Apply for an administrative penalty under the Act.[See appendix C]

### 5.5 Negligent and Imminent Serious Danger

Negligent matters are recognized as a failure to exercise reasonable or prudent care in performance, duty, responsibility, or function in singular or accumulative instances. Such matters including all pertinent supporting facts, are to be reported to **ASCA's Leadership Team** in a timely manner.

**ASCA's Leadership Team** will consider such matters and may:

- Dismiss the matter,
- Address the matter through contract management if applicable,
- Forward the matter to Council complaints for an investigation which could engage Council accreditation and/or certification for resolution,
- Forward the matter to the police if there is suspected criminal activity,
- Apply for an Administrative Penalty under the Act, and/or
- File a complaint with an appropriate professional organization (i.e. APEGA, AAA, etc.) with authority over its members including professional designation, competencies, and practices. When referring a disciplinary matter, ASCA will consult with the appropriate association and work with the association's disciplinary process respecting the filing of the complaint.





**Imminent Serious Danger** are emergent instances recognized by a safety codes officer while on-site which, in the opinion of the safety codes officer are likely to result in death, serious injury, or significant property loss or damage should immediate action not be taken to mitigate or remove the **risk**. The safety codes officer will engage the emergency powers under the Act<sup>16</sup> to:

- Take reasonable measures to assure the officer’s safety,
- Take reasonable and appropriate measures to remove or control the **risk**,
- Report the incident to the **owner** or person responsible for the site including measures taken by the safety codes officer, and
- Report the incident as soon as is practical to the officer’s supervisor and provide a copy of the report to ASCA.

**Imminent serious danger** is not limited to the safety codes officer’s discipline. These matters may be code related or in the realm of general health and safety.

## 6: Document Administration

ASCA management will review and update as necessary, the ASCA Compliance & Enforcement Manual annually. ASCA will ensure its staff and contracted agencies have ongoing access to a copy of the manual. ASCA will inform its staff and contracted agencies of amendments within five (5) business days of issuance.

The Council’s Executive Leadership Team approval is required for amendments to the Authority & Scope, ASCA’s Leadership Team, and the Progressive Enforcement Model.

ASCA’s Leadership Team approval is required for operational amendments.

<b>Manager Responsible:</b>	ASCA Manager, Compliance & Quality Assurance
<b>Review Date:</b>	New

<sup>16</sup> [SCA s47]

## Appendix A – ASCA Safety Codes Compliance Orders

### ASCA Safety Codes Compliance Orders

#### Preamble:

A Compliance Order (Order) under the Safety Codes Act (Act) is referenced in different contexts; one instance is as a compliance **enforcement** tool to achieve an acceptable level of safety to persons and property. An Order is intended to be used as a last resort to achieve the intent of legislated safety codes requirements; coming after communication, education, and a warning have failed. The Order is an authoritative command to one or more parties to do or not do something within a specified time frame to satisfy one or more specific safety codes legislated requirement. The Order may be served upon singular or multiple persons or entities. An Order may be issued and served by a safety codes officer to remedy **imminent serious danger** to persons or property (s47) or upon contravention of the Act (s49). An Order must meet the requirements of the Act, Administrative Items Regulation, and Safety Codes Council policy.

ASCA process/procedures on the issuance of Orders.

1. The safety codes officer determines legislative non-compliance and/or life/property safety concern.
2. Orders will fall into one of two categories:
  - a. **Imminent serious danger** (Act s47):
    - i. Under **imminent serious danger**, immediate intervention is required either directly or indirectly by the safety codes officer to mitigate the danger and/or assure the safety of persons and property. Safety codes officer engages the emergency powers under the Act s47, actioning immediate intervention.
    - ii. The safety codes officer reports the incident, action taken, and rationale to the officer's supervisor/management and ASCA as soon as is practical.
  - b. Non-compliance or contravention of the Act (Act s49):
    - i. In most instances, the non-compliance Order is the safety codes officer's final attempt to achieve compliance after communication, education, and a warning have failed. One or more non-compliance(s) or safety issue(s) are identified to which the Act, regulations, codes, and standards apply.



1. The safety codes officer communicates with the **owner** and/or **owner's** representative to ensure the understanding of the non-compliance and its seriousness within five business days after the item(s) being identified.
  2. The safety codes officer issues a written warning to the **owner** and/or **owner's** representative within five business days after communicating with the responsible party.
  3. The safety codes officer coordinates all relevant facts pertaining to the non-compliance(s) including influencing matters such as events leading to the noncompliance, engagement and assessments from related regulatory bodies (i.e. development, health, environment, complaint investigation, etc.), code **reviews**/determinations, **inspection** reports, professional engagements, etc.
- ii. The safety codes officer discusses the officer's opinion to issue an Order with the officer's supervisor/management within ten business days after the item being identified and before serving the Order.
    1. Discussion includes:
      - a. Why the safety codes officer was engaged,
      - b. Validate that the engagement instance, project, site, is in scope of:
        - i. The Act, regulation, code, standard,
        - ii. The safety codes officer's discipline,
        - iii. The safety codes officer's powers and duties.
      - c. Validate the legislated requirement(s) interpretation in the context of the instance, project, site, and taking into consideration influencing factors.
      - d. Validate/review previously conducted progressive enforcement actions.
      - e. Validate that the Order is reasonable, achievable, timely, and will satisfy acceptable industry safety and prescriptive requirements.
  - iii. The safety codes officer discusses the officer's opinion and discussion points from supervisor/management with the ASCA Manager, Compliance and Quality Assurance within two business days after the officer's discussion with supervisor/management.



- iv. The safety codes officer creates a draft of the Order using the ASCA template including:
  1. The parties to whom the Order will be served:
    - a. Those that may effect the Order's directive(s),
    - b. Official names, validated by title/corporate search (directors of corporations), and
    - c. Last known/registered address of parties.
  2. Identify what the non-compliance is through description of the nature of the work, progress status, what was observed, influencing circumstances or conditions, and concerns in plain language.
  3. Identification of the code, code rule number, and code rule applicable to the non-compliance.
  4. Clear demand of action to-do or not-do and the on or before date by which the demand must be completed.
  5. The official address of the property to which the Order applies in terms of municipal and legal address.
  6. Provide any specific direction respecting how the demand must be achieved or special considerations should such be pertinent.
  7. Identification of the issuing safety codes officer.
  8. Safety codes officer signature and date.
  9. Identification of the issuing safety codes officer's employer.
  10. Provide advisory of:
    - a. Recipient's right to **review** and appeal including what is needed, timeframe within which rights reside, where to make such request(s), and any known fee, and
    - b. Offence if noncompliance with Order and known associated penalties/costs.
- v. The safety codes officer verifies the parties to whom the Order will be served through land title/corporate search.
- vi. The safety codes officer provides a copy of the draft Order and a copy of the title/corporate search to the ASCA Manager, Compliance and Quality Assurance for **review**.
- vii. The ASCA Manager, Compliance and Quality Assurance **reviews** and provides feedback to safety codes officer within two business days after receiving the draft Order.

- viii. If applicable, the safety codes officer amends the Order within two business days after receiving the ASCA Manager, Compliance and Quality Assurance feedback.
- ix. The safety codes officer serves the Order by registered mail or process server and provides a copy of the issued Order within five business days to:
  - 1. Permit file if applicable,
  - 2. Safety Codes Council, and
  - 3. ASCA Manager, Compliance and Quality Assurance.
- x. The safety codes officer monitors the site for compliance with the Order within two business days after the Order’s compliance date and provides a report to:
  - 1. Permit file if applicable, and
  - 2. ASCA Manager, Compliance and Quality Assurance.
- xi. The safety codes officer issues an ASCA Order Satisfied document within five business days to all parties to which the Order was served or copied upon compliance with the Order to the satisfaction of the safety codes officer.
- xii. The safety codes officer issues an ASCA Order Rescind document should serving of the Order be determined to be incomplete or other reason be determined in consultation with the ASCA Manager, Compliance and Quality Assurance. Should an Order be rescinded, a new replacement Order may be issued to replace the original upon the assurance that the safety issue or new safety issue exists.
- xiii. The ASCA Manager, Compliance and Quality Assurance monitors Orders and provides advice with recommendation to the ASCA Director within:
  - 1. Two business days of the issuance of the Order,
  - 2. Five business days after the 35 day appeal period, and
  - 3. Two business days after the compliance date of the Order.
- xiv. Estimate of agency resources as follows:

Function	Action	Time/Item	Costs
Imminent Serious Danger Emergency Powers	Immediate intervention	Time: 60 min Time: additional time as required dependent upon instance	\$125.00
	SCO reporting incident	Time: 60 min	\$125.00
		<b>Basic Imminent Danger Intervention Cost</b>	<b>\$250.00</b>



Compliance Order	SCO identify and research non-compliance item(s), and documentation including observations, site photos, code reference, rationale, interpretation, communication and educational attempts made	Time: 60 min first regulatory item Time: 15 min per regulatory item after first	\$125.00
	Agency internal meeting SCO/management	Time: 15 min	\$100.00
	ASCA Manager Compliance & Quality Assurance review meeting	Time: 15 min	\$35.00
	Search land title – proof of owner	Time: 15 min/title search Item: Search document (\$21.53)	\$25.00 \$27.00
	Search corporation – proof of owner/director(s)	Time: 15 min/corporate search (\$12.50) Item: Search document (\$24.67)	
	SCO draft Order	Time: 30 min Time: 15 min per regulatory item after first	\$63.00
	Review Order – Agency internal	Time: 15 min	\$35.00
	Review Order – ASCA Manager Compliance & Quality Assurance	Time: 15 min	N/C
	Print, sign, and upload Order into eSITE if applicable (issue Order)	Time: 15 min	\$35.00
	Serve Order to one or more parties	Time: 15 min Item: registered mail per party Item: process server per party (TBD)	\$15.00 \$10.00
	Copy to: Safety Codes Council ASCA Manager Compliance & Quality Assurance	Time: 15 min	\$15.00
	Re-serve Order as necessary May need to: re-establish and refresh non-compliance(s); and/or rescind original and reissue new Order	Item: process server Item: re-inspect/owner verification	TBD
	Re-serve advisory to: Safety Codes Council ASCA Manager Compliance & Quality Assurance	Time: 15 min	
	SCO follow-up monitor for compliance, including reporting	Time: travel/inspect	\$165.00
		<b>Basic compliance Order Cost</b>	<b>\$650.00</b>

*Note: based on ASCA fee schedule-miscellaneous \$125/hour and re-inspection fee of \$165; actual cost of registry searches; without correction/amendments based on singular recipient*



## Appendix B – ASCA Risk Assessment Tool

The ASCA Risk Assessment Tool is based on ISO 31000 Risk Management, applying risk considerations in the context of safety codes administration to assist the user in determining a risk score based on probability and impact.

The comment column assists the user in identifying key factual components and allows the user to provide an assessment and rationale for decisions made.



	Risk considerations	Consideration Points	Comment
	Use/Occupancy life safety	Assembly (A1,2,3,4) Detention, treatment, care (B1,2,3) Residential (single/multi) (C) Business (D) Mercantile (E) Industrial (F1, 2, 3)	
	Rights (proper refusal, cancellation, right-to-appeal, etc.)	Due process Timely Right to know Right to respond Reasonableness Access to information Access to explanation Access to consultative advice	
	Project type	New Construct Demolish Move Renovate/alter	
	Project size	Area Storeys Amount of work: elect volt/phases	
	Project complexity	New methodology Inter-relationship with multiple disciplines (professional and/or systems) Specialty knowledge (i.e. public water treatment facility, hospital, public swimming pool, etc) Professional engagement	
	Integrity of safety codes system		
	Public confidence in safety codes system		
	Risk profile of contractor (organization)		
	Risk profile of the owner (knowledge level, capability, capacity, comprehension)		
	Risk profile of agency (capacity, geographic stretch, history/experience, infrastructure/capability, financial stability, etc.)	Size of agency # of offices # of SCOs # of disciplines Organizational structure Operational structure (ie: working groups to discuss, rationalize Orders/Variations/inter-discipline projects/technical determinations/application	
	Geographic	Seismic area Flood plain/water table Wind	
	Time	Considerations before event Considerations post-event	





		Items brought forward within one year (of existence) Items brought forward after one year (i.e. was built more than a one year ago)	
--	--	--	--

Score	Probability	Impact	Comment
1-2	Unlikely to happen or rare  Quantitative: once every five years or more 1% - 10% certainty	Insignificant <ul style="list-style-type: none"> <li>• May have remote impact</li> <li>• May not need to be reported to a regulator</li> <li>• May not result in damage</li> <li>• Near miss, no injury/damage</li> <li>• None essential item affected</li> <li>• Minor workforce disruption</li> <li>• Loss of continuity of staff knowledge</li> <li>• Business unit work plans delayed</li> <li>• Some impact on normal division operations</li> <li>• Reduced business unit efficiency</li> <li>• One-off negative report or stakeholder dissatisfaction/frustration</li> <li>• Negligible financial loss or over expenditure</li> </ul>	
3-4	Seldom happens or unlikely  Quantitative: annually to once every five years 10% – 30% certainty	Marginal <ul style="list-style-type: none"> <li>• May have limited impact</li> <li>• May report to a regulator with no follow-up required</li> <li>• May result in limited/minor financial loss</li> <li>• Increased level or monitoring required</li> <li>• Some services delayed</li> <li>• Essential item affected including minor injury minor loss time</li> <li>• Localized or temporary poor morale</li> <li>• Skill issues or loss of business unit workforce</li> <li>• Business unit plan will not be achieved</li> <li>• Division objectives delayed</li> <li>• Some impact across business units</li> <li>• Non-mission critical activities suspended or ceased</li> <li>• Temporary negative impact on reputation</li> <li>• Some negative media</li> <li>• Unresolved complaint leading to investigation</li> <li>• Minimal financial loss or over expenditure requiring redistribution of the existing budget</li> </ul>	
5-6	Occasionally happens or possibly half of the time will happen  Quantitative: annually 30% – 70% certainty	Moderate <ul style="list-style-type: none"> <li>• May be a violation of the established safety codes system</li> <li>• May have a negative impact and short term negative media coverage</li> <li>• May report the breach to a regulator with immediate corrective action to be implemented</li> <li>• May result in some financial loss</li> <li>• Some services not delivered</li> <li>• Loss greater than five working days</li> </ul>	

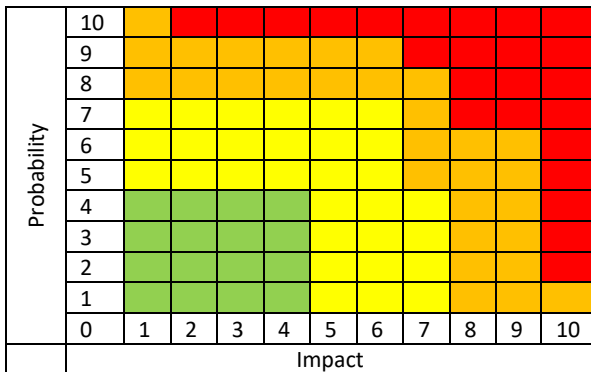


		<ul style="list-style-type: none"> <li>• Non-conformance resulting in financial penalties</li> <li>• Widespread morale issues</li> <li>• Industry disputes affecting specific groups</li> <li>• Loss of key staff with specific knowledge/skills</li> <li>• Business division objectives will not be achieved</li> <li>• Department strategic objectives delayed</li> <li>• Non-mission critical activities suspended/ceased</li> <li>• Temporary breakdown in a key relationship</li> <li>• Widespread negative reporting in media</li> <li>• Ministerial involvement in operations</li> <li>• Prosecution of a staff member</li> <li>• Overrun of business unit budget</li> <li>• Redistribution of divisional budget</li> </ul>	
7-8	<p>Likely will happen or probably occur in most circumstances</p> <p>Quantitative: Monthly – six monthly 70% – 90% certainty</p>	<p>Significant</p> <ul style="list-style-type: none"> <li>• May jeopardize the established safety codes system</li> <li>• May result in personal injury</li> <li>• May cause local and/or national negative media coverage and reputational damage</li> <li>• May report to regulator requiring major project corrective action</li> <li>• May result in financial loss</li> <li>• Death unrelated to the natural course of life</li> <li>• Some major departmental services to customers cease</li> <li>• Multiple non-conformances leading to financial penalties and stringent administrative controls</li> <li>• Safe work intervention due to non-conformances</li> <li>• Entrenched severe morale problems</li> <li>• Inability to recruit employees with necessary skills</li> <li>• High employee turnover</li> <li>• Some departmental strategic objectives will not be achieved</li> <li>• Reduced ability to deliver strategic outcomes</li> <li>• Some mission-critical activities cease</li> <li>• Ongoing widespread negative reporting in media</li> <li>• High-level independent investigation with adverse findings</li> <li>• Department being sued/prosecuted</li> <li>• Significant financial loss or overrun of divisional budget</li> <li>• Significant additional funding or redistribution of budget or termination of initiatives</li> </ul>	
9-10	Definitely will or almost certain it will happen	Catastrophic	



<p>Quantitative: daily/weekly 90% – 100% certainty</p>	<ul style="list-style-type: none"> <li>• May violate, impede, or destroy the established safety codes system</li> <li>• May result in a person’s death or serious injury</li> <li>• May cause national, long-term negative media coverage and reputational destruction</li> <li>• May result in significant prosecution and fines, litigation including class action, incarceration of leadership</li> <li>• May result in significant financial loss</li> <li>• Multiple deaths unrelated to the natural course of life</li> <li>• All departmental services to customers cease</li> <li>• Safe work intervention due to non-compliance leading to prohibition notice or prosecution</li> <li>• Loss of majority of the departmental workforce</li> <li>• Inability to replace critical services</li> <li>• All departmental strategic objectives will not be achieved</li> <li>• All mission-critical activities cease</li> <li>• Total loss of community confidence in the organization</li> <li>• Extensive financial loss or overrun of business unit/division budget</li> <li>• No capacity to seek additional funding</li> </ul>	
--	---	--

**Risk Chart**



Red: risk is intolerable, unacceptable

Orange: high caution, strict mitigation treatment and oversight required

Yellow: caution, some treatment/mitigation and monitoring required

Green: in-consequential, no treatment required

## Appendix C – Administrative Penalty

### Scope:

Administrative Penalties are those penalties that may be imposed by an Administrator under the Act s57.1.

Within ASCA's progressive **enforcement** model, an Administrative Penalty may be pursued in the event of:

- An Order remaining outstanding past its due date,
- Repeat offences against safety codes by a party,
- Offences are determined to be in respect to the same property or multiple properties,
- Offences are determined to be in the same or different disciplines,
- Offences that are determined to be within the previous three years,
- Matters considered to be negligence, and/or
- Matters under which serious imminent danger mitigation action was required.

In determining to proceed with an Administrative Penalty, consideration will be given towards:

- An advisory warning has been previously issued or has been determined to be not adequate to reflect the severity of the contravention and therefore would not be an effective deterrent,
- An administrative sanction such as permit or license cancellation would not be appropriate or would cause other undue hardship, and/or
- The time and cost of prosecution are not in the public interest.

### Procedure:

- Any Council staff, contracted agency, or safety codes officer providing services on behalf of ASCA may report their concern to ASCA,
- ASCA will acknowledge receipt of the concern and advise that the matter is under consideration within three days of receipt,
- **ASCA's Leadership Team** will consider received concerns and related facts, the context of concern and influencing factors, and render a decision within 60 days of receipt of the concern,
- **ASCA's Leadership Team** may:
  - Dismiss the matter,
  - Apply for an Administrative Penalty under the Act,



- Determine other remediation be initiated as deemed appropriate and initiate that action,
- ASCA will report an application for an Administrative Penalty to the Council's President and Chief Executive Officer, and
- ASCA will advise the reporting party of the decision.



**Safety  
Codes  
Council**

Alberta Safety Codes Authority