

## DEPARTMENT POLICY STATEMENT

<b>TITLE</b>	<b>Progressive Intervention and Discipline Policy</b>	
<b>Division/Branch</b>	Transportation Services Division Safety & Compliance Services, Vehicle Safety Section	
<b>Version Number</b>	<b>Replaces Previous Policy Number Revised TSS-VS 547</b>	<b>Effective Date</b>
<b>Purpose</b>	<p>The purpose of this policy is to provide guidelines for the administration of progressive discipline as it relates to ensuring compliance and performance of Provincial licensed vehicle inspection facilities and technicians.</p> <p>Progressive discipline will be deployed as a means of addressing issues of non-compliance and to ensure that Alberta has an effective vehicle inspection program. This program will address all non-compliance matters in a manner that is fair, consistent and will serve as a catalyst to ensure immediate corrective action is taken by facilities and technicians.</p> <p>Progressive discipline will be administered against licensed inspection facilities and technicians who have been found to be performing inspections contrary to the established guidelines, Facility Operating Manual and Vehicle Inspection Manual(s) identified in legislation.</p>	
<b>Principles</b>	Discipline will be administered to encourage compliance with guidelines, Facility Operating Manual, Technician Licence Manual(s), Program Manuals identified in Alberta's <i>Traffic Safety Act</i> , Alberta's Vehicle Inspection Regulation (AR 211/2006) and Alberta's Vehicle Equipment Regulation (AR122/2009)	
<b>Criteria</b>	<p>Progressive discipline will be administered at the direction of the Registrar. The Registrar shall determine the level of the progressive discipline to be imposed on a facility and/or technician after considering the following specific factors:</p> <ul style="list-style-type: none"> <li>• The seriousness of the contravention;</li> <li>• The nature of the facility or technician operation;</li> <li>• Whether a collision occurred or the danger that a collision could have occurred as a result of the contravention;</li> <li>• The history of the contraventions by the person or facility on whom the administrative penalty is imposed ;</li> <li>• Whether the facility and/or technician has committed a criminal offence or has been charged with a criminal offence;</li> <li>• Any other factors considered relevant by the Registrar.</li> </ul>	

Progressive discipline will be administered by the Registrar upon making a determination of non-compliance which has been proven against the facility and / or technician. The Registrar has the discretion to administer progressive discipline sanctions according to the individual case being considered. The following illustrates the progressive discipline continuum.

**Level 1-** A Notice of Administrative Penalty and/or Directive will be issued at the discretion of the Vehicle Safety Investigator (VSI) when they are able to determine that a contravention has occurred.

VSI – Facility \$500.00 per offence  
 VSI – Technician \$500.00 per offence

The VSI may issue a “directive” suspending a facility and/or technician for a period of up to fourteen days. The consequence of a directive being served on a facility and/or technician is that facility and/or technician are prohibited from conducting inspections during this time period.

The facility and/or technician to whom the directive is issued may request a review of the directive by the Registrar.

**Level 2 –** With the approval of the Vehicle Safety Investigations Manager, the VSI may administer further penalties and/or issue a directive.

VSI – Facility \$2500.00 per offence  
 VSI – Technician \$1000.00 per offence

**Level 3 –** If the infraction is of a serious nature, or in the event that a facility or technician committed a criminal offence or has been charged with a criminal offence related to the performance of inspections, the Registrar may take the following disciplinary action.


- A suspension of the facility and/or technician licence for a limited time period;
- Immediate cancellation of the facility and/or technician licence;
- A maximum Administrative Penalty up to \$10,000.00; or
- Any combination of the above.

**Show Cause Hearing**

At any time the Registrar may request the facility and technician to attend a Show Cause hearing.

Show Cause hearings will be comprised of three division managers; one of whom will be the Director of Vehicle Safety. This panel approach is implemented to provide objectivity to the process. The panel will hear the evidence provided by the department and representation made by the accused. The panel will determine the facts of the matter before them, prior to any decision being made.

<p><b>Definitions</b></p>	<p><b>Note:</b> <u>The Registrar has the discretion to assess or vary any penalty at any stage in this process, based on the severity of the offence.</u> The Registrar may also place conditions upon the facility and/or technician licence(s) to ensure compliance. These may include compelling a technician to undergo competency testing as a condition of holding a licence within the Vehicle Inspection Program.</p> <p><b>Appeal</b> - Pursuant to Section 42.1 of the <i>Traffic Safety Act</i>, a facility or technician may appeal any disciplinary decision or action to the Alberta Transportation Safety Board within thirty days of receiving the notice.</p> <p><b>Show Cause Hearing</b> – an administrative hearing convened by the Director of Vehicle Safety where the facility and/or technician must “show cause” and provide information they would like be considered as to why they should not receive disciplinary sanctions for a breach of the respective legislation. The hearing may be conducted in person, by phone or in writing at the discretion of the Registrar</p> <p><b>Directive</b> – A formal document in writing that specifies:</p> <ul style="list-style-type: none"> <li>• Nature of the contravention;</li> <li>• The action that the licensee or technician shall take or cease, and the time period for doing so;</li> <li>• Whether or not the licensee or technician may continue to inspect vehicles under this Regulation while the directive is in effect;</li> <li>• Any other terms and conditions imposed by the Investigator; and</li> <li>• The right of the licensee or technician or technician to whom a directive is issued to request a review of the directive by the Registrar.</li> </ul> <p><b>Administrative Penalty</b> – A formal notice of a financial penalty which includes:</p> <ul style="list-style-type: none"> <li>• The name of the facility or technician on whom the administrative penalty is imposed;</li> <li>• The section of the Regulation that the person contravened or failed to comply with;</li> <li>• A brief description of the nature of the contravention;</li> <li>• The amount of the administrative penalty imposed;</li> <li>• Whether the penalty is fixed or accumulates for each day or part of a day that the contravention or failure to comply occurs or continues,</li> <li>• The date on which the notice was issued;</li> <li>• The date on which the penalty must be paid;</li> <li>• A statement explaining the right of the person on whom the administrative penalty is imposed to appeal the administrative penalty to the Board, including the addresses to which the appeal is to be sent, how the appeal is to be made and the deadline for making the appeal.</li> </ul>
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<b>Reference</b>	<ul style="list-style-type: none"><li>• <i>Traffic Safety Act</i></li><li>• <i>Vehicle Inspection Regulation, AR 211/2006</i></li><li>• <i>TSA Delegation of Authority, Schedule "E", dated January 7, 2011</i></li><li>• <i>Vehicle Inspection Technician Continuing Competency Testing Procedure TSS-DGVRS 502</i></li></ul>
<b>Approved by</b>	<p style="text-align: center;"></p> <hr/> <p><b>Barry Day, Deputy Minister</b> <span style="float: right;"><b>Date</b></span></p> <p style="text-align: right;"><i>October 2, 2017</i></p>