

# **COMPLIANCE & INDUSTRY PERFORMANCE QUARTERLY WEBINAR**

**PRESENTED BY: RYAN McAFEE**  
**DIRECTOR OF COMPLIANCE & INDUSTRY PERFORMANCE**

# AGENDA

**Compliance  
Update**

**Administrative  
Penalty  
Regulation**

**Scenarios**

**Q&A**

# **COMPLIANCE UPDATE**

**PRESENTED BY: CORY OFFICER**  
**SUPERVISOR OF COMPLIANCE & INDUSTRY PERFORMANCE**

# COMPLAINT DATA: 2023

DECEMBER 2023	2021	2022	2023
Total Formal Complaints	120	161	36
Late Locate Complaints	118	152	29
% of Complaints: Late Locates	98%	94%	81%

JANUARY – DECEMBER YTD	2021	2022	2023
Total Formal Complaints	2,373	2,964	1,923
Late Locate Complaints	2,302	2,722	1,738
% of Complaints: Late Locates	97%	92%	90%



# LOOKING AHEAD IN 2024

## Successes in 2023

- Reduction in Complaint Volume
- Increase in Compliant Locate Delivery Performance

## What to Expect in 2024

- Extended Timelines on Project Work
- Continued Improvement with Locate Delivery Performance

## Performance Reporting (Top 25 Members by Notification Volume)

- [Compliance@OntarioOneCall.ca](mailto:Compliance@OntarioOneCall.ca)

# COMPLAINT DATA: 2024

FEBRUARY 2024	2022	2023	2024
Total Formal Complaints	84	80	40
Late Locate Complaints	82	70	30
% of Complaints: Late Locates	98%	94%	75%

2024 YTD	2022	2023	2024
Total Formal Complaints	156	178	69
Late Locate Complaints	152	152	49
% of Complaints: Late Locates	97%	92%	71%



# **ADMINISTRATIVE PENALTIES**

**PRESENTED BY: RYAN McAFEE**

# COMPLIANCE APPROACH TO ENSURING SAFETY



**Collaboration  
& Education**



**Public Safety**



**Communicating  
for Compliance**



# COMPLIANCE APPROACH: INVESTIGATIVE OUTCOMES

## Non-Disciplinary

- Take no further action
- Warning letter
- Educational disposition
- Negotiated resolution
- Other

## Disciplinary

- Refer elsewhere (TSSA, ESA)
- Change internal process
- Reprimand
- **Administrative Penalties**

# COMPLIANCE APPROACH: INTEGRATING APs

- OOC has adopted a **zero-quota** philosophy, meaning Assessors do not have targets to meet in terms of issuing APs, and OOC has no revenue goals associated to AP funds.
- There are **no automatic APs**, meaning no AP will be issued based on performance data alone. Assessors may only consider issuing an AP once an investigation has determined non-compliance.
- There are **no "AP cases"** at OOC. APs represent an important new tool, or outcome, that can be issued by Assessors upon the conclusion of an investigation.
- Investigations are more likely to result in an AP where an assessor finds there has been a **public safety** shortfall, **poor conduct**, and/or **repetition** of an offence.
- OOC **will be issuing** APs following investigations, as of May 1<sup>st</sup>, 2024.

# AP FUNDS COLLECTED

**Education**

**Promote  
safe digging**

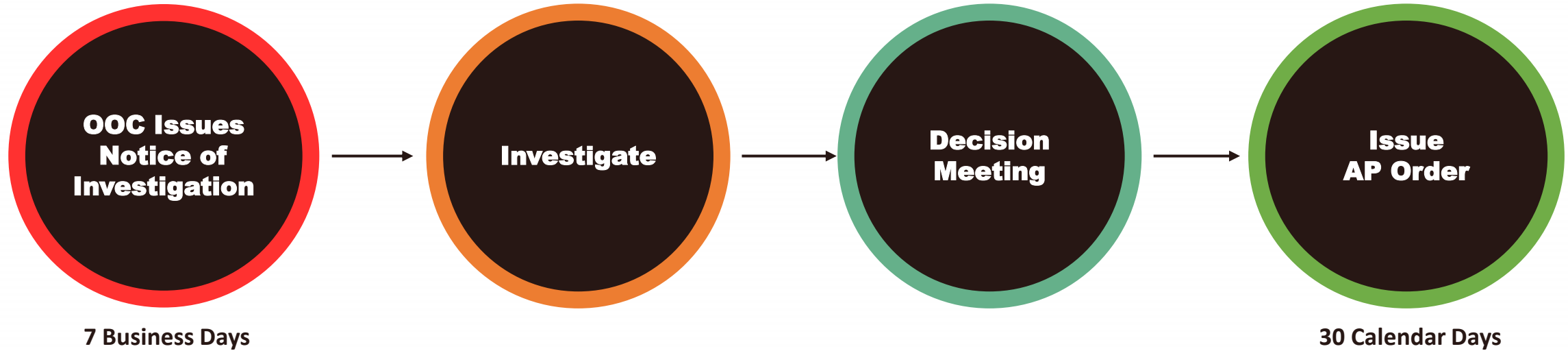
**Timely  
responses  
to locate  
requests  
(inc. DL)**

**Fund the AP  
system inc.  
legal fees**

# ASSESSORS

- Assessors perform their function in keeping with OOC's **Code of Conduct** for compliance personnel.
- Only an Assessor may determine, at their own **discretion**, whether to issue a penalty.
- Concerns regarding **public safety** and **priority projects** are handled with the highest urgency by the investigation team.

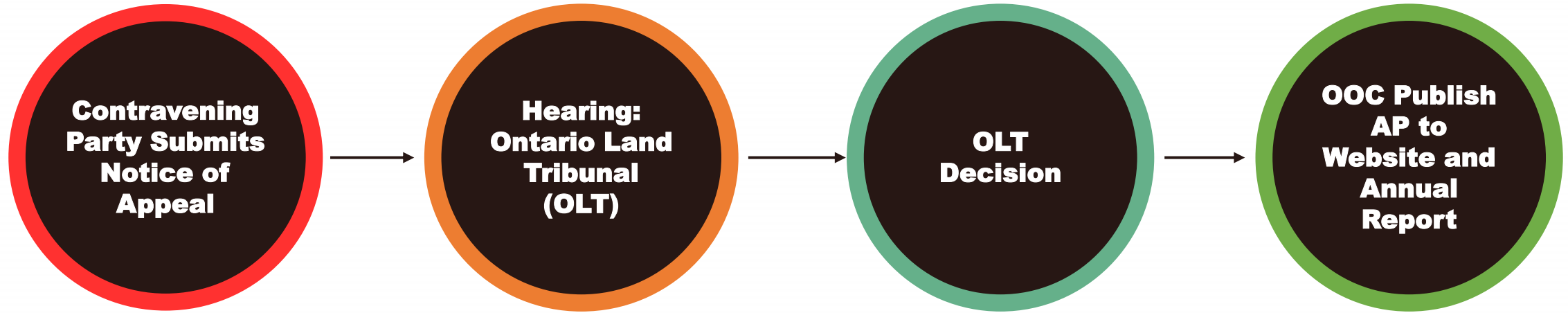
# AP ISSUANCE PROCESS



*Scan QR Code for  
Administrative Penalty Policy*



# AP APPEAL PROCESS



15 Calendar Days



[Dispute@OntarioOneCall.ca](mailto:Dispute@OntarioOneCall.ca)

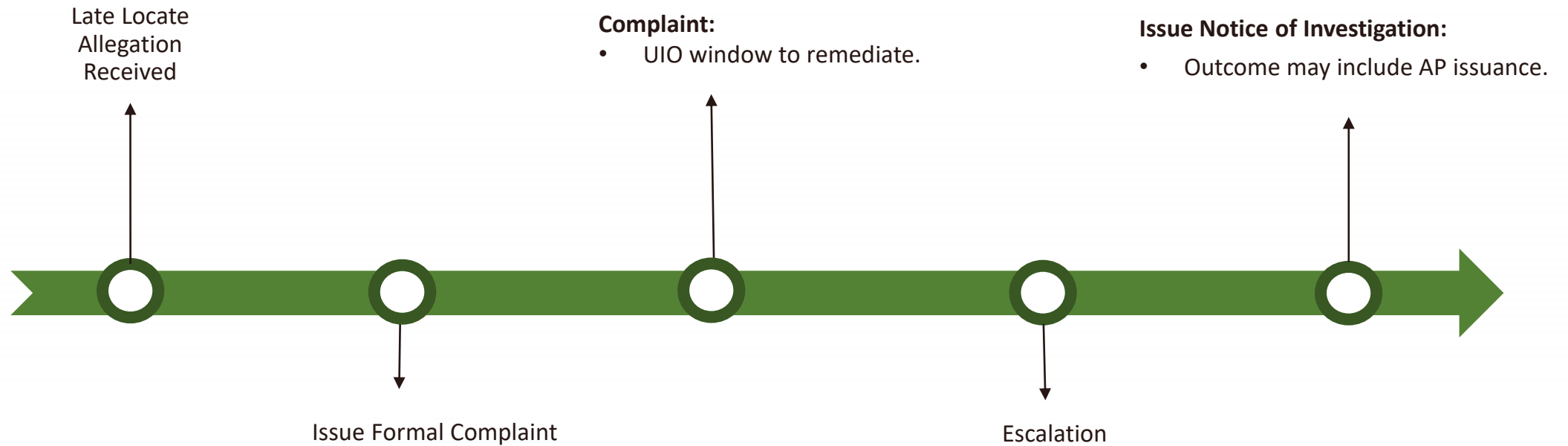
*Scan QR Code for  
Administrative Penalty Policy*



# **SCENARIOS**

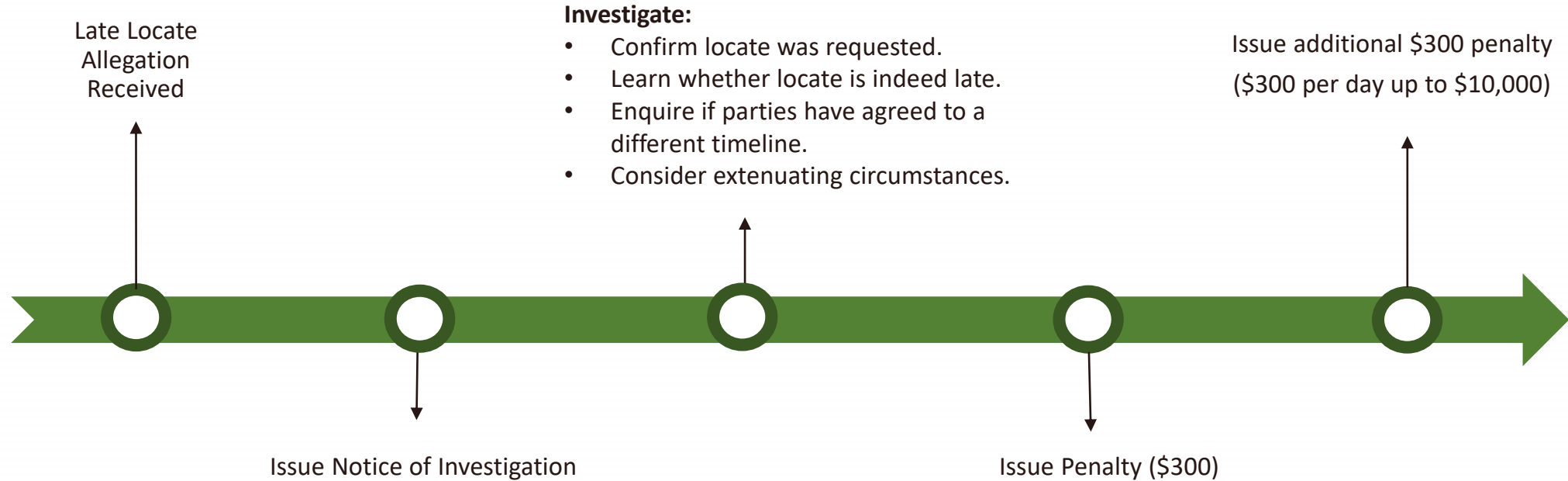
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# LATE LOCATE: COMPLAINT SCENARIO

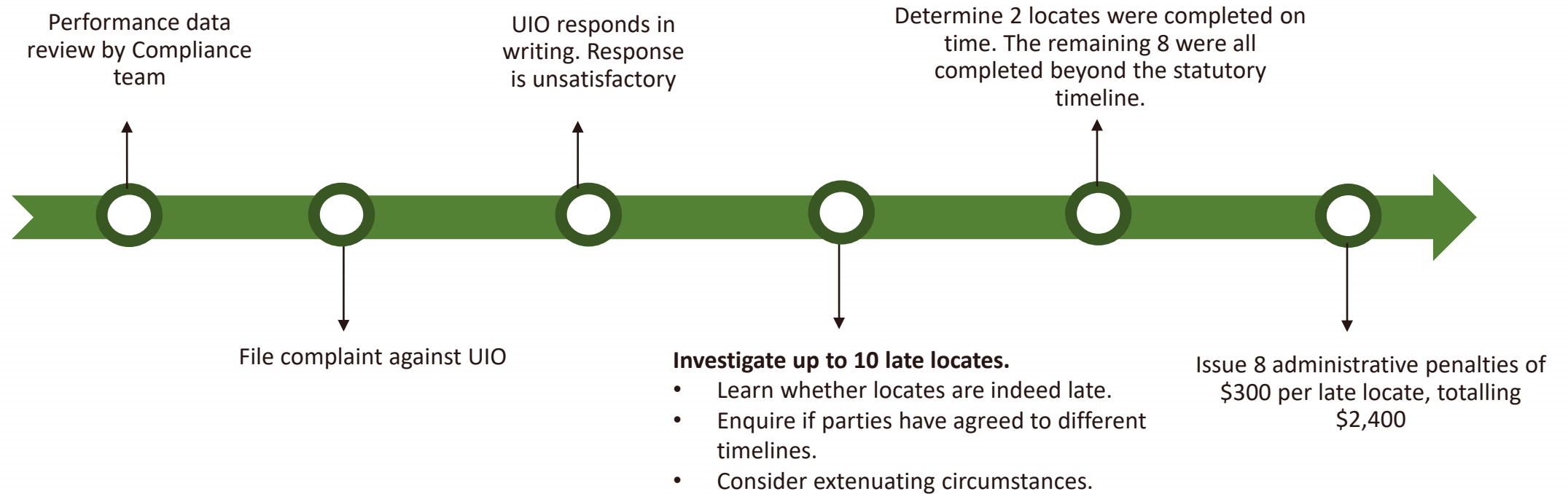




# LATE LOCATE: POOR CONDUCT SCENARIO



# LATE LOCATES: DATA-DRIVEN SCENARIO



# MYTHS AND FACTS

## Myth

*Absolute liability* means OOC will assess about \$25 million in late locate penalties against members every month.

OOC plans to use the AP monies it collects to fund its operations and payroll.

Come May, OOC will retroactively issue APs for poor performance in 2024.

## Fact

There are no "automatic APs" in OOC's compliance process.

The regulation has strict rules about how OOC can use funds it collects through the issuance of APs.

While Assessors take past conduct into account, no penalties will be issued retroactively.



# QUESTIONS?

For any specific questions, please email us at

[Compliance@OntarioOneCall.ca](mailto:Compliance@OntarioOneCall.ca)



# PUBLIC SAFETY

ADMINISTRATIVE AUTHORITY



**PROMOTING  
SAFE EXCAVATION**



**FACILITATING  
TIMELY LOCATES**