



Code of Conduct for Ontario One Call Compliance Personnel

This Code of Conduct for Ontario One Call Compliance Personnel applies to Ontario One Call employees and contractors that are engaged to provide compliance services in relation to Ontario One Call's Members and Excavators. This includes assessors appointed under *the Ontario Underground Infrastructure Notification System Act* as well as all staff and management that provide compliance services to Ontario One Call.

Our compliance staff performs our regulatory activities in a professional manner to help those we regulate to comply and succeed. Our compliance staff has adopted this Code of Conduct to guide us in our compliance activities. Our code aligns with [the Ontario Public Service Regulators' Code of Practice](#); which includes:

- Honesty and Integrity
- Objectivity
- Confidentiality
- Respect
- Knowledge
- Timeliness

We focus on efforts to support compliance

We aim to achieve compliance outcomes that align with the requirements of the Ontario Underground Infrastructure Notification System Act (the "Act") and Regulations under the Act in support of a level playing field with those we regulate. We will communicate clearly, so there is a common understanding of what is expected in order to be compliant.

We Perform our Compliance Obligations without Conflicts of Interest

Generally, financial interests or personal/business relationships lead to conflict of interest when the compliance staff person is in a position to personally benefit financially or personally, either directly or indirectly, as a result of their performance of their compliance duties for Ontario One Call.

A conflict of interest may be a real conflict of interest, a potential conflict of interest or an apparent conflict of interest:

- (i) A "**real conflict of interest**" exists when the compliance staff person has a direct or indirect personal or business interest, outside of Ontario One Call, that is sufficiently connected to their compliance duties;
- (ii) A "**potential conflict of interest**" exists when the compliance staff person has a direct or indirect personal or business interest that could influence the performance of any of their compliance duties at a time when they have not yet exercised that duty or responsibility;
- (iii) An "**apparent conflict of interest**" exists when reasonably well-informed persons could properly have a reasonable belief that the compliance staff person has a real conflict of



interest, direct or indirect, even where there is no real conflict in fact.

Compliance personnel perform their compliance duties in circumstances where they do not have any real, potential, or apparent conflicts of interest directly or indirectly related to Member(s) or Excavator(s) that are subject to their compliance investigations or actions.

Compliance staff must immediately notify Ontario One Call's Director of Compliance (or in the case of the Director of Compliance, the Chief Corporate Officer) if they are concerned that, in relation to a particular stakeholder, their involvement from a compliance perspective may give rise to a real, potential, or apparent conflict of interest. If the concern is substantiated, the compliance staff person will not participate in any compliance investigations or action in relation to the Member or Excavator where such involvement would give rise to a real, potential, or apparent conflict of interest.

Principles of Investigation and Enforcement

The following principles were developed by Ontario One Call to guide investigation and enforcement functions:

1. Investigation and regulatory enforcement should be evidence-based and/or measurement-based. Deciding what to investigate should be grounded on evidence and/or data, and outcomes should be evaluated regularly.
2. Enforcement needs to be risk-based and proportionate: the frequency of investigations and the resources employed should be proportional to the level of non-compliance and calibrated to the level of risk that arises from the non-compliance. Enforcement actions should be aimed at reducing the frequency and extent of non-compliance posed by infractions and mitigating the risk to stakeholders and the public.
3. Enforcement action should be based on "responsive regulation" principles: investigations and enforcement actions should be calibrated depending on the profile and behaviour of specific entities.
4. Governance structures and human resources policies for regulatory enforcement should support transparency, professionalism, and focus on outcomes. Execution of regulatory enforcement should be independent of political or other influence.
5. Information and communication technologies should be used to stratify risk, enhance coordination and information-sharing, and optimize resource utilization.
6. The Corporation will create, adopt, and publish clear rules and other compliance information, where appropriate, to access by the regulated community.
7. Transparency, compliance and enforcement will be supported through the use of appropriate instruments such as guidance, toolkits, and checklists by compliance staff.



8. Compliance personnel will perform their duties and exercise their discretion independently from the Board. In particular, the Board shall not interfere with the independent exercise of compliance personnel's enforcement and compliance responsibilities but may review the manner in which those responsibilities are carried out, consistent with the Board's corporate and regulatory governance responsibilities.

Burden Reduction with other Regulatory Bodies

Investigation functions should be coordinated and, where needed, consolidated with other regulators, as reducing duplication between regulators will support better use of resources, minimize burdens on regulated entities and individuals, and maximize effectiveness.

Work with other organizations including the Technical Standards and Safety Authority (TSSA), the Electrical Safety Authority (ESA), the Ministry of Labour, Immigration, Training and Skills Development, and the Ministry of Public and Business Services Delivery is organized to ensure coordination of efforts in dealing with overlapping enforcement issues.

Scope of Compliance and Enforcement

Several documents outline the legal requirements of compliance for Members and Excavators. These documents also guide the activities of the investigations and enforcement function of Ontario One Call:

- [The Ontario Underground Infrastructure Notification System Act, 2012 \(the " Act"\)](#)
- [By-law 3](#)
- [Schedule 1 to By-law 3](#)
- Regulations under the Act, including the [Administrative Penalty Regulation](#) when it comes into force on April 1, 2023
- The Ontario One Call [Rules](#)
- The Ontario One Call [Compliance Policies](#)

Any person or entity that owns underground infrastructure as defined in the Act, is required to be a Member of Ontario One Call, and comply with all the requirements of Membership, including, but not limited to, delivering locates within the legislated timeframes.

The Act also requires any person or entity who is commencing an excavation, or breaking ground, to contact Ontario One Call and receive locates before digging or excavating.