

## WHY DO WE USE IT?

Progressive discipline is utilized 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.

Discipline will be administered to encourage compliance with guidelines, Facility Operating Manual, Vehicle Inspection Manual(s), Program Manuals identified in Alberta's Traffic Safety Act, Alberta's Vehicle Inspection Regulation (AR 211/2006) and Alberta's Vehicle Equipment Regulation (AR122/2009)

## WHO DOES IT APPLY TO?

Progressive discipline will be administered against licensed inspection facilities and technicians who have been found to be in violation of the legislation, established guidelines, Facility Operating Manual and Vehicle Inspection Manual(s) identified in legislation.

## WHO ADMINISTERS PROGRESSIVE DISCIPLINE?

Vehicle Safety Investigators, Vehicle Safety Investigations Manager as well as the Registrar may administer discipline.

## HOW IS THE PROGRESSIVE DISCIPLINE APPLIED?

In determining the level of the progressive discipline to be imposed on a facility and/or technician several factors are considered including:

- The seriousness of the contravention;
- The nature of the facility or technician operation;
- Whether a collision occurred or the danger that a collision could have occurred as a result of the contravention;
- The history of the contraventions by the person or facility on whom the administrative penalty is being considered against;
- Whether the facility and/or technician has committed a criminal offence or has been charged with a criminal offence; and
- Any other factors considered relevant by the Registrar.

## WHAT TYPE OF DISCIPLINE MAY BE ADMINISTERED

The discipline administered may include one or more of the following:

1. Vehicle Safety Directive – this is a formal document that will specify
  - a. The nature of the contravention;
  - b. The action that the licensee or technician shall take or cease, and the time period for doing so;
  - c. If the licensee or technician must cease inspecting vehicles until they are in compliance;
  - d. Any other terms or conditions considered necessary by the Investigator

2. Administrative Penalty – this is a formal notice of a financial penalty which specifies:
  - a. The name of the facility or technician on whom the administrative penalty is imposed;
  - b. The section of the Regulation that the person contravened or failed to comply with;
  - c. A brief description of the nature of the contravention;
  - d. The amount of the administrative penalty imposed;
  - e. 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,
  - f. The date on which the notice was issued; and
  - g. The date on which the penalty must be paid;

Administrative penalties will not be less than \$500 and not more than \$10,000.

3. Suspension – a suspension may be served by either a Directive or a letter from the Registrar. The suspension notice will indicate the contravention and may reference previous contraventions. Suspensions may vary in time depending on the seriousness of the violation.
4. Cancellation – a licence may be cancelled by the Registrar when there is a pattern of non-compliance demonstrated or in the case where a technician or licensee has been charged with a criminal offence.

Note: The Registrar has the discretion to assess or vary any penalty at any stage in this process, based on the severity of the offence. 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.

### **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.

### **APPEALS**

Pursuant to Section 42.1 of the *Traffic Safety Act*, a facility or technician may appeal any disciplinary decision or action to the Alberta Transportation Safety Board within thirty days of receiving the notice.

Information on the appeal process can be found on the ATSB website by clicking [here](#).