



Policy Title: Member – Excavation Without Locates

Authority:	Effective Date:	Revised date:	Policy Number:
Issued by Board of Directors of Ontario One Call	December 15, 2016		
Subject: Any Member found excavating without locates may be called to a hearing before the Compliance Committee			
Regulation – Section 7 (2) (a) (b) (c), of the Ontario Underground Notification System Act, 2012		Applies to: Members of Ontario One Call	

Policy: Excavation Without Locate(s) by a member is considered a significant concern and should be taken seriously in every situation where the evidence indicates that a member has allegedly breached Section 7 – 2 (a) (b) (c), of the Act and/or its Regulations. When a member has allegedly excavated without a locate, that member may be referred to the Compliance Committee for a hearing.

Purpose: To ensure damage to underground infrastructure is minimized and to ensure public safety is achieved.

Scope: All members of Ontario One Call.

Procedure: When there is a complaint recorded either through third parties or by investigation and compliance activities of Ontario One Call the Investigations and Compliance of Ontario One Call (“**Manager of IC**”) will undertake an investigation. The *Ontario Underground Infrastructure Notification System Act, 2012*, Section 7(2) (a) (b) & (c), provides that no excavator shall commence an excavation or dig unless: (a) it has contacted Ontario One Call to request locates, and (b) each Member who owns underground infrastructure that may be affected by an excavation has properly provided locates, and (c) the excavator has ensured that the locate markings on the ground do not conflict with the written information provided.

The first step to be taken by the Manager of IC will be to issue a 15 day letter to the member indicating that the Manager of IC has recorded this complaint and will require a response from the member within the 15 business day timeframe.

If the Manager of IC determines that the member has been involved with an excavation without a locate, the Manager of IC along with the member, will determine a corrective course of action

that deters the possibility of a repeat situation. Should the member be unwilling to assist and/or respond, in a manner that would deter a repeat situation, the Manager of IC in his discretion may request a hearing before the Compliance Committee in regards to the meeting.

All relevant notice(s) will be sent to two (2) representatives of the underground owner (member) organization in order to ensure receipt by at least one individual of the member Company. One of the recipients is required to action the notice or direct the notice to the appropriate party for resolution.

In the event there is only be one (1) party in which to direct the notice, the Manager of IC will consider the issuance all notice(s) complete for such member. Should the Manager of IC receive an out of office notification , the Manager of IC will forward the notice to all indicated individuals as listed on the members' out of office response; provided it is given within the out of office notice.

It is not the responsibility of the Compliance Department to validate that any recipient is available. It is the responsibility of the member to provide such information to Ontario One Call as is necessary for Ontario One Call to fulfil it objects.

The Manager of IC will consult with other regulatory bodies on instances of excavation without locates. If, in the judgment of the Manager of IC, the alleged breach is best dealt with by Ontario One Call, the Manager of IC will request a hearing. The Manager of IC may also determine that the matter is better handled by another regulatory body and refer it accordingly.

Non-members of Ontario One Call may be subject to enforcement for excavation without locates via legal action taken by Ontario One Call and/or its membership.

Potential Consequences: Members should review the following to understand potential consequences they can face for non-compliance:

1. Part II of Schedule 2 to By-law No. 2 of Ontario One Call;
2. The Rules of Procedure for hearings located at **[insert web address]**;
3. Policy No.____ respecting Members Rights;
4. Policy No. ____ issued by the Board of Ontario One Call to the Compliance Committee.