

SCHEDULE “B” – NON- REGULATORY BUSINESS POLICY

AUTHORITY

The statutory mandate of the Technical Standards and Safety Authority (the Corporation) are the objects of the Corporation as set out in subsections 3.6 (1) to (6) of the Act.

Under subsection 3.6 (7) of the Act the Minister has the authority to create additional objects (set out in subsections 3.6 (1) to (7) of the Act) permitting the Corporation to undertake non-regulatory business, that is business in addition to the Corporation’s statutory mandated business.

POLICY

The Corporation will only enter into non-regulatory business arrangements that promote and enhance public safety and are consistent with its vision and mission. It will operate in compliance with the principles outlined in this Policy. The Corporation will ensure that all its employees are aware of and act in compliance with this policy.

POLICY PRINCIPLES

- Commitment to Core Responsibilities and Regulatory Integrity: The Corporation will continue at all times to conduct itself in a manner that maintains its ability to effectively, with high standards of integrity and in a non-conflicted manner, deliver its statutory mandate.
- Fair Business Practices: The Corporation will not use its authority as a regulator to create an unfair business advantage.
- Fair Competition: The Corporation will ensure that all contracts, agreements or understandings are consistent with competition law.
- Financial Independence: The Corporation will deliver non-regulatory business services that enhance safety and revenues generally to the benefit – but never to the detriment – of its regulatory responsibilities. The Corporation will ensure independent financial management and reporting of non-regulatory business services.

COMPLIANCE

The Corporation will submit the following to the Minister:

- annual statements, no later than May 31, outlining all non-regulatory business arrangements conducted within Ontario during the Corporation’s previous fiscal year; and
- a statement for each non-regulatory business arrangement conducted outside of Ontario. This statement shall be provided to the Minister within ten (10) business days after entering into a legally binding contract;

The statement(s) shall contain

- confirmation that the service will not negatively impact the Corporation’s statutory mandate;
- confirmation that the service is consistent with the principles of this policy;

- confirmation that the service is authorized under the objects outlined in Schedule A to the Memorandum of Understanding (MOU) between the Minister and the Corporation;
- the parties of the arrangement; and
- the nature and duration of the work.

Where the Corporation engages in an activity authorized by object “3”, as ordered by the Minister and as outlined in Schedule “A” paragraph 3, where the work is conducted outside of Ontario, the Corporation must include in the statement described above an analysis that demonstrates how the activity benefits a business in Ontario.

The Corporation will communicate its Non-Regulatory Business Policy to its stakeholders to ensure a broad base of understanding. The Corporation will monitor its business development activities to ensure this policy is being consistently applied.

The Corporation will implement this policy so as to ensure appropriate treatment of confidential information, proper disclosure of the Corporation’s role, and decision-making that is fair and sound.

The Corporation will engage a third party to conduct an annual review of compliance with this Policy. In addition a summary of findings of the review will be made available to the public, including posting on the Corporation’s website.

REQUEST FOR NEW OBJECTS

Where the Corporation intends to enter into an agreement that is not covered by the objects outlined in Schedule A, it shall provide the Minister with a proposal regarding the proposed new non-regulatory business with supporting material necessary to review the proposal, and shall request that the Minister add an additional object permitting the new business. The Minister will respond to the Corporation’s request within forty-five (45) calendar days.

Technical Standards and Safety Authority

Ministry of Consumer Services

As Originally signed by Elizabeth Dowdeswell

Chair of the Board
Elizabeth Dowdeswell

As Originally signed by Tracy MacCharles

The Honourable Tracy MacCharles
Minister of Consumer Services

April 16, 2013

Date:

April 24, 2013

Date: