

## **SCHEDULE “D” – INCIDENT INVESTIGATION PROTOCOL**

### **PURPOSE**

The MOU made between the Ministry of Consumer Services (MCS) and the Technical Standards and Safety Authority (TSSA), provides that the TSSA is to ensure the involvement of a government body or law enforcement agency other than the Corporation to assist with the investigation of serious incidents or fatalities as set out in clause 4 below and ensure the avoidance of conflict of interest, or the appearance of conflict of interest, regarding the conduct of an investigation. This protocol shall be subject to the approval of the Minister.

### **REQUIREMENTS OF THE TSSA**

1. The TSSA will enter into an investigation Protocol agreement with the Ministry of Labour (MOL) regarding MOL monitoring of certain TSSA investigations. The Protocol agreement with MOL will clarify how MOL involvement will be initiated, the expectations on MOL involvement in terms of oversight and monitoring role of a TSSA investigation, and the fees payable to MOL.
2. The Protocol and any amendment is subject to the approval of the Minister.
3. The TSSA will provide MCS with a signed copy of the Protocol and the Protocol shall form part of this Schedule.
4. The TSSA agrees to invoke the Protocol regarding an incident in which all of the following three conditions exist:
  - a. The TSSA has previously inspected or authorized the equipment or facility involved;
  - b. The investigation relates to a serious incident or fatality; and
  - c. There is a conflict of interest, or a perceived conflict of interest arising out of the TSSA’s investigation.
5. In the event that MOL is unable to monitor a TSSA investigation for any reason, TSSA and MCS shall together ensure the involvement of a government body or law enforcement agency to monitor the investigation.

6. The Ministry retains the right to request that the TSSA invoke the Protocol in the circumstances described in paragraph 4, or for any other situation it may consider appropriate.

As originally signed by George Irwin  
Chair of the Board  
Technical Standards and Safety Authority

April 27, 2010  
Date

As originally signed by Sophia Aggelonitis  
The Honourable Minister Sophia Aggelonitis  
Ministry of Consumer Services

April 28, 2010  
Date