



## C&E Policy Update – Fast Facts

The Ministry of Energy, Mines, and Low Carbon Innovation (EMLI) has updated the Compliance & Enforcement (C&E) Policy. The updated Policy will be found at <https://www2.gov.bc.ca/gov/content/industry/mineral-exploration-mining/compliance-enforcement>

The changes have been made to:

- reflect amendments to the *Mines Act*;
- clarify the use compliance tools for Inspectors of Mines, and
- update the Non-Compliance Decision Matrix.

The C&E Policy is intended to support compliance and enforcement consistency across the province by providing guidance to Inspectors of Mines and Titles Inspectors on the C&E tools available to them, and how those tools can be used as part of an escalating enforcement program. The C&E Policy also establishes common language for discussing C&E actions. The C&E Policy provides transparency to proponents, stakeholders and the public.

EMLI staff consider the policy and apply its guidance when implementing C&E tools. The C&E Policy does not restrict the discretion and autonomy exercised by staff as complex, atypical, or exigent circumstances will continue to arise. All staff must apply their professional expertise and judgement when performing their duties and be prepared to provide rationale for compliance actions.

### Mines Act and Organizational Structure Changes

The policy has been updated to align with all relevant sections of the amended *Mines Act*.

Changes to EMLI organizational structure have been included in the updated policy, such as the establishment of the Mines Health, Safety and Enforcement Division and the Mines Competitiveness and Authorizations Division. The updated policy describes the distinct roles and authorities of the Chief Inspector of Mines and the new Chief Permitting Officer under the amended *Mines Act*.

### Clarification regarding Investigations

The policy has been updated to reflect the roles of an inspector, the Chief Inspector of Mines, and the Mines Investigations Unit in the conduct on an investigation under section 7 of the *Mines Act*.

### Clarification of Compliance Tools

Guidance on warnings has been updated to increase clarity and specificity of use. A warning, as established by this policy, may be issued by an inspector using their discretionary authority provided under the *Mines Act*. A warning is a written notification to a person that was not in compliance with a specific Regulatory Requirement at the time of inspection, and the Inspector determines that the non-compliance is minor, is non-repeating from previous inspections, and the non-compliance is remedied to the satisfaction of the inspector prior to the completion of the inspection.

The policy has been updated to include other compliance actions available to Inspectors of Mines, pursuant to sections 16 (Order not to interfere with public works, etc) and 18 (Engineering report).

The updated policy also provides further clarification regarding internal consultation procedures for Inspectors of Mines related to the issuance of orders.

### Non-Compliance Decision Matrix

The Non-Compliance Decision Matrix is a risk-based tool used by staff when considering the appropriate enforcement tool to apply to individual cases of non-compliance. The Non-Compliance Decision Matrix supports the professional judgment, discretion, and autonomy exercised by inspectors to achieve consistency in EMLI's response to non-compliance.

The policy has further refined definitions in the Non-Compliance Decision Matrix categories for 'likelihood of compliance' and 'impact of non-compliance'. Suggested compliance and enforcement tools can be found at the intersection of these two factors. The Non-compliance Decision Matrix can be found in Chapter 4/Table 1 of the updated policy.

**Table 1. Revised Non-Compliance Decision Matrix (C&E Policy section 4)**

		LEVEL OF IMPACT			
		MINOR	MODERATE	IMMEDIATE/ MAJOR	CERTAIN and SEVERE
LIKELIHOOD OF COMPLIANCE	HIGH	<i>Warning*</i> Order 15(4)	Order 15(4)	Order 15(4.1)(a),(b),(c) 15(5)(a) and (b) or (c)	Order 15(4.1)(b),(c) 15(5)(a) and (b) or (c) and INVESTIGATION CONSIDERED (CONTACT MIU)
	UNCERTAIN	Order 15(4)	Order 15(4)	Order 15(4.1)(a),(b),(c) 15(5)(a) and (b) or (c)	
	MODERATE	Order 15(4) 35(1)	Order 15(4) 35(1)	Order 15(4.1)(a),(b),(c) 15(5)(a) and (b) or (c) 35(1) AMP	
	LOW	Order 15(4) 35(1) AMP	Order 15(4) 15(4.1)(a),(b),(c) 35(1) AMP Admin Sanction	Order 15(4.1)(b),(c) 15(5)(a) and (b) or (c) 35(1) AMP Admin Sanction	
	VERY LOW	Order 15(4) 35(1) AMP Admin Sanction	Order 15(4) 15(4.1)(a),(b),(c) 15(5)(a) and (b) or (c) 35(1) and INVESTIGATION CONSIDERED (CONTACT MIU)		

*\*Warnings should only be considered under the circumstances described in the C&E Policy*