

Boiler and Pressure Vessel Safety Board Policy Manual

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This guide is published by the Saskatchewan Ministry of Government Relations for purposes of providing information to users on the topic contained herein. In case of conflict between <i>The Boiler and Pressure Vessel Safety Act</i> (the BPVSB Act) and <i>the Boiler and Pressure Vessel Regulations</i> (the BPVSB Regulations) and this guide, provisions of the BPVSB Act and the BPVSB Regulations shall apply.	

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1. Boiler and Pressure Vessel Safety Board Identity

1.1 Purposes

Per:

- ***The Boiler and Pressure Vessel Act, 1999*** - Chapter B-5.1 of *The Statutes of Saskatchewan, 1999* (effective January 1, 2007) as amended by the *Statutes of Saskatchewan, 2006*, c.3; 2010, c.T-9.2; 2013, c.27; 2015, c.F-15.11; and 2019, c.13. (the Act)
- ***The Boiler and Pressure Vessel Regulations, 2017*** - Chapter B-5.1 Reg 2 (effective January 1, 2018) (the regulations).

As defined in the Act and the regulations, the board shall:

- a) hear appeals commenced pursuant to Part IX of the Act
- b) advise the minister on matters concerning the Act
- c) perform any other duties the minister may direct

The board shall conduct business in accordance with the Act, the regulations and this policy manual. In the event of any discrepancy between the above referenced documents, the requirements of the Act and the regulations shall take priority.

1.2 Interpretation

In this manual:

- a) “Act” means *The Boiler and Pressure Vessel Safety Act, 1999*.
- b) “appeal panel” means three or more members of the board appointed by the Chairperson pursuant to section 48 of the Act, to conduct a hearing of an appeal.
- c) “board” means the Boiler and Pressure Vessel Safety Board established pursuant to section 44 of the Act.
- c) “chief boiler inspector” means the chief inspector appointed to that role by the Board of Directors of the Technical Safety Authority of Saskatchewan.
- d) “minister” means the member of the Executive Council for whom the time being the administration of the Act is assigned.
- e) “ministry” means the ministry to which for the time being the administration of the Act is assigned.
- d) “ministry designate” means the official designated by the ministry to act as liaison to the board and the chief boiler inspector.
- e) “regulations” means *The Boiler and Pressure Vessel Regulations, 2017*.

2. Board Composition and Structure

2.1 Board Composition

- a) one member who is a licensed professional engineer with experience relating to high pressure boilers and who represents owners and users of high pressure boilers;
- b) one member who is a licensed professional engineer with experience relating to pressure vessels and who represents owners and users of pressure vessels;
- c) two members who are holders of first-class power engineers' licenses and who are actively engaged in the operation of boilers and pressure vessels;
- d) one member who represents boiler and pressure vessel manufacturers;
- e) one member who is a member of a trade union that represents employees engaged in trades involved in the construction, alteration, repair or operation of boilers, pressure vessels and pressure piping systems;
- f) one member who represents owners and users of low pressure boilers;
- g) one member who is a licensed professional engineer and represents the College of Engineering of the University of Saskatchewan or the Faculty of Engineering of the University of Regina;
- h) one member who is a faculty member of the Saskatchewan Polytechnic or the Saskatchewan Indian Institute of Technologies and who is actively engaged in teaching power engineering; and
- i) two additional members may be from the above or unspecified groups.

Each member of the board:

- a) holds office for a term not exceeding three years that is specified in the appointment;
- b) is eligible for reappointment; and
- c) continues in office until a successor is appointed.

Where a vacancy occurs in the membership of the board, the Lieutenant Governor in Council may appoint a qualified person to fill that vacancy for the remainder of the term of the person being replaced.

Board officers include:

- a) the Lieutenant Governor in Council will designate one of the members as chairperson of the board.

- b) the members of the board shall choose one of their own as vice-chairperson of the board.

Members of the board are entitled to any remuneration and reimbursement for expenses determined by the Lieutenant Governor in Council.

2.2 Board Succession

Although the Lieutenant Governor in Council will appoint all members to the board and shall make the final determination regarding the composition of the board in accordance with the Act and regulations, the board may make recommendations to the minister for approval by the Lieutenant Governor in Council related to the composition and succession of the board. Such recommendations will be in accordance with the following guidelines:

- a) Each member will serve no more than three consecutive three-year terms or a total of nine consecutive years.
- b) Board member terms shall be staggered with a target of one-third of board member terms expiring each year.
- c) The chairperson and vice-chairperson terms shall not expire within the same year.
- d) By way of biannual election, the board will elect (or re-elect) a vice-chairperson and recommend a chairperson appointment (decided via board election process) to the minister for approval by the Lieutenant Governor in Council, both to serve two-year terms in their respective positions.
- e) In the event the chairperson position is vacated prior to the expiry of the normal term, the vice-chairperson will fill this position until a replacement chairperson is appointed by the Lieutenant Governor in Council. The board may recommend a replacement chairperson (decided by board election process) to the minister for approval by the Lieutenant Governor in Council.
- f) In the event the vice-chairperson position is vacated prior to the expiry of the normal term, a replacement vice-chairperson shall be elected by the remaining board members.
- g) The board will help identify candidates to fill vacant board positions. Candidates will be identified to the board chairperson, the chief boiler inspector and the ministry designate.

2.3 Board Support

The board's operations will be supported by a designate of the ministry. The ministry designate will:

- a) provide liaison between the board, the chief boiler inspector and the ministry;
- b) process appointments to the board; and
- c) provide secretarial service to the board

3. Conduct of Business

- a) The board shall meet at least annually and more frequently if called by the chairperson.
- b) Meetings will be conducted in accordance with the general principles or Robert's Rules of Order.
- c) A majority of members of the board constitutes a quorum of the board.
- d) In the absence of the chairperson, the vice-chairperson may exercise the powers of the chairperson and shall perform the duties of the chairperson.
- e) In the case that neither the chairperson nor vice-chairperson are in attendance, the remaining members present shall appoint a chairperson for the balance of the meeting.
- f) Hearing of Appeals shall be conducted in accordance with the "Appeal Process and Instruction" document developed in accordance with the Act and the regulations and approved by the board.
- g) Official board documents, including but not limited to this "Board Policy Manual", the "Appeal Process and Instruction" document, minutes of meetings or other pertinent documents or procedures as developed and used by the board, will be maintained and controlled by the ministry.

4. Duties of Board Members

4.1 Major Responsibilities

As defined in the above Act and regulations, the board shall:

- a) hear appeals commenced pursuant to Part IX of the Act.
- b) advise the minister on matters concerning the Act.
- c) perform any other duties the minister may direct.

4.2 Board Member's Code of Conduct

All board members are expected to meet the requirements of the Act and regulations. Furthermore, the board expects ethical and businesslike conduct of itself and its members. This commitment includes proper use of authority and appropriate decorum in group and individual behavior when acting as board members.

Board members must represent unconflicted loyalty to the interests of the board. This accountability supersedes any conflicting loyalties to advocacy, special interest groups and membership on other boards or staff. This accountability also supersedes the personal interest of any board member.

The authority of an individual board member does not extend to interpreting board policy, supervising, or otherwise directing the chief boiler inspector or other Technical Safety Authority of Saskatchewan (TSASK) staff.

The board speaks with one voice. In representing its position to the world, board members should fairly represent the views of the majority.

Board members do not have the authority to spend the board's money except for specifically delegated charges.

Board members are expected to regularly attend meetings and other events as scheduled by the chairperson of the board.

For board members who repeatedly fail to attend and take part in board activities, the chairperson may discuss the inadequate attendance with the respective board member, and if the poor attendance continues, may recommend to the minister for approval by the Lieutenant Governor in Council that the board member be replaced.

4.3 Guidelines for Board Members

4.3.1 General Principles

The board has two primary roles: as administrative tribunal and as advisor to the minister.

In performing the duties of an administrative tribunal in the hearing of appeals, it is imperative that the board adhere to the principles of natural justice:

- Persons whose interests may be affected by a decision should be given:
 - notice of the case to be met or the allegations against them; and
 - an opportunity to be heard; and
- Decision makers should be disinterested and impartial.

The board's role is in providing an opportunity to be heard and to adjudicate those appeals without interest and without bias.

Adherence to these principles ensures that justice is both done and manifestly seen to be done.

Board members must not allow the judgment and advice they provide to the board to be impacted by extraneous factors, whether those be the financial interests of the board member or the interests of related parties.

4.3.2 Corporate Opportunity

Board members are under a duty not to take personal advantage (either directly or indirectly) of opportunities, to which they may become aware through their involvement with the board. Board members shall not use or exploit information or opportunities which

may become available to the board member because of information received by the board member in the hearing of appeals or conduct board business.

Any interest by any board member brings the board's decision into disrepute and could lead to a lack of public confidence in the impartiality of the board's decisions.

4.3.3 Obligation of Confidentiality

Board members shall not use confidential information of the board for their personal purposes. All information which comes to board members in their capacity as board members is confidential and should be viewed as being the property of the board itself. The doctrine of confidentiality also means board members should carefully avoid discussing the affairs of the board with third parties unless directed by the minister's representative for the purposes of information gathering. This especially includes all matters pertaining to the review or processing of appeals brought forward to the board. Board members shall strictly maintain information pertaining to appeals within the appeal panel which was formed by the chairperson to hear the appeal.

The chairperson will be responsible for administering this policy. In any situation where a potential for a conflict arises under the terms of this policy, the chairperson may discuss the situation with the board member concerned to reach a resolution that is consistent with the policy.

A board member shall disclose potential conflicts of interest and fully discuss his or her concerns with the board chairperson. The board member must openly disclose any known conflicts of interest to the board or dismiss themselves from any related business to which the perceived conflict may apply.

The duties of a board member continue to apply after a board member's term of office expires. After they leave office, board members should not act in such a manner as to take improper advantage of their previous position.

4.4 Board Member Job Description

In accordance with the Act and regulations, this "Board Policy Manual" and other written procedures and policies pertaining to the business of the board, board members shall:

- act honestly in good faith with a view to the best interests of the board; and
- exercise care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

In carrying out their mandate as board members, each board member must:

- exercise good judgment and act with integrity;

- maintain confidentiality of all information which is learned in their capacity as a board member;
- avoid conflicts of interest;
- disclose contracts or arrangements in which the board member has an interest which may be in conflict;
- be an available resource to participate in appeals, general meetings and other business of the board;
- support and encourage legal, ethical and credible business practices;
- act and function independently of the TSASK; and
- be available for communications with the chairperson and/or chief boiler inspector between meetings.

To promote the effectiveness of board, each board member must:

- prepare for meetings by reviewing the materials sent out in advance of the meeting;
- attend each meeting, whenever possible;
- be in attendance for the full duration of the meeting, whenever possible;
- have acquired adequate information necessary for decision making;
- participate fully and frankly in deliberations and discussions during the meeting;
- encourage and engage in free and open board discussion of the affairs of the board;
- exercise the board member's full and unbiased judgment in the hearing of appeals; and
- participate in other matters of the board as may be requested by the minister.

In order to be able to make well-informed decisions, each board member must:

- remain knowledgeable about the board's mandate;
- develop a thorough understanding of the board's role in the industry and the community;
- maintain an understanding of the regulatory, business, social and political environments in which the board operates; and
- maintain a business relationship with the chief boiler inspector and the ministry designate, with the understanding that the board does not direct the chief boiler inspector, the ministry designate or their respective staff except in the decision of an appeal.

4.5 Board Chairperson Job Description

In addition to all the requirements of Section 4.4, the chairperson shall have the following responsibilities:

- To lead, manage, organize and monitor board activities;
- To co-ordinate appeals and appoint appeal panels of the board for the hearing of appeals ensuring appropriate representation and leadership is in place for each appeal panel;
- To manage the board's responsibilities effectively and efficiently in compliance with these policies and procedures and to ensure that the functions of the board delegated to appeal panels of the board, are carried out and reported to the board and recorded as such;
- To verify that the board's responsibilities are well understood by the board, the chief boiler inspector and the ministry designate, and that the distinct role of the board is clearly understood and respected;
- To preside as chairperson at all board meetings and to set the agenda of the board in consultation with the chief boiler inspector and the ministry designate;
- To act as a liaison between the board and the chief boiler inspector and the ministry designate on a mutually beneficial basis;
- To facilitate a process whereby the board works together in a spirit of collegiality at board meetings, where thorough discussions are encouraged, and to provide the leadership necessary to achieve this goal;
- To support the chief boiler inspector and the ministry designate in efforts to ensure timely and relevant information and other resources are available to the board to adequately support its work;
- To develop and assist with an orderly succession plan for the chairperson; and
- To carry out such other duties and responsibilities as may be required of the chairperson or requested by the minister from time to time.

4.6 Board Vice-Chairperson Job Description

In addition to all the requirements of Section 4.4, the vice-chairperson shall fulfill the responsibilities of the chairperson when the chairperson is unavailable or when called upon by the chairperson. It is also expected that the vice-chairperson will be prepared for eventual succession of the chairperson's role although this is not a predetermined conclusion.

5. Board Development

5.1 Board Orientation

The board seeks to engage new board members so they can contribute early in their tenure to the business of the board in a confident and meaningful way. To this end, all new board members will participate in an orientation process.

The orientation process will be overseen by the chairperson. New board members will receive an orientation within the first three months of becoming a new board member.

The orientation process will include any or all of the following proceedings, and any other proceedings deemed of value:

- Delivery of all governing documents, including the board manual and pertinent policies and procedures.
- Information and explanation related to imminent board member issues, such as the role of a board member, codes of conduct and conflict of interest policies, board meeting schedules and procedures, expense policies, etc.
- Invitation to participate in an appeal review at the earliest convenience as a means to both contribute their particular expertise and to learn more about the board through the specifics of appeal panel work.

5.2 Board Training

The board recognizes the need for continuous development and training. Board members must continually enhance their skills and keep up with emerging information and key issues so they can perform their required roles. The board will work with the chief boiler inspector and ministry designate to identify suitable training opportunities to continually improve the board's ability to process appeals in a fair and equitable manner in addition to other duties which may be requested of the board.