

What to expect when MTCS inspects your fieldwork or facility

A guide for licensed archaeologists, business owners and employees.

This fact sheet provides a general description of what to expect from and how to prepare for an inspection by the Ministry of Tourism, Culture and Sport. Knowing what to expect during and after an inspection of archaeological fieldwork, a laboratory, collection storage facility or business premises (facility) can help to understand the process and clarify expectations. This fact sheet also answers frequently asked questions about the inspection process and provides you with useful tips and contact information.

Who performs inspections under the *Ontario Heritage Act*?

Under the *Ontario Heritage Act*, an inspector is a government employee who is appointed by the Deputy Minister of the Ministry of Tourism, Culture and Sport. The inspector has the legal authority to enter a property or premises to conduct an inspection in Ontario. The inspector is committed to performing their duties with professionalism and conduct the inspection in an open and transparent manner. The inspector promotes respect for the law and ensure that inspections are conducted in a timely, consistent, impartial and courteous manner.

An inspector may be accompanied by one or more experts, such as another ministry employees, academic archaeologists, a First Nations or Métis representative or another professional archaeologist. For example, an inspector who is not a trained archaeologist may be accompanied by a licensed archaeologist.

What legislation is the inspector using?

Inspectors enforce Part VI of the *Ontario Heritage Act*, the terms and conditions of holding an archaeological licence and the *Standards and Guidelines for Consultant Archaeologists* (2011) to protect, conserve and preserve archaeological sites in Ontario.

The archaeological fieldwork may be subject to other legislation such as health and safety legislation (*Occupational Health and Safety Act*) or the *Funeral, Burial and Cremation Services Act*; however, the inspector does not review for compliance with other associated legislation.

What can I expect from an inspection?

Generally, when inspecting a facility, an inspector will schedule the inspection in advance by consulting with you. However, in certain circumstances, it is necessary for an inspector to arrive unannounced. When inspecting archaeological fieldwork currently in progress or completed within one year before the inspection, an inspector will often arrive unannounced.

Upon arriving on the property or facility, an inspector will identify her/himself. The inspector will ask to speak to the licensed archaeologist or the field director. The inspector will produce his/her certificate of appointment and explain the purpose of the inspection and any areas that may be of specific concern.

When an inspection has been completed in the absence of the licensed archaeologist (e.g., archaeological fieldwork completed within one year), the licensee will be notified within a few days of the results and details of the inspection.

While on the property or in the facility, the inspector will collect information to evaluate compliance and will make notes to record details of the inspection. The inspector may interview personnel; review records; tour the property, site or facility; collect samples; take photographs; and, copy documents or conduct tests.

TIP

If you have any questions or something is not clear, ask the inspector for clarification at any time during the inspection. Also be sure to inform the inspector of your site safety procedures.

Why is my fieldwork or facility being inspected?

There are several reasons why the ministry may inspect your fieldwork or facility:

- to conduct a routine site inspection;
- to evaluate compliance with legislative requirements and/or the conditions of your archaeological licence;
- to address concerns identified through the report review process;
- to respond to a complaint, or a referral from another government agency; or
- to follow up a previous inspection that found violations.

How should I prepare for the inspection?

1. Please notify your staff, personal, workers, etc that an inspection will be conducted and to be fully cooperative with the inspector.
2. Keep your fieldwork records organized and readily accessible. Ensure your records are detailed and document the decision-making process and the outcomes of the decisions. This will keep the inspection time to a minimum.

What will be looked at during the inspection?

Depending on the purpose of the inspection, the inspector will look at some or all of the following:

- ongoing field or laboratory work
- the methods applied to the assessment
- the strategy for the assessment
- drawings, fieldnotes, maps, photographs
- artifacts, collected samples.
- laboratory and storage facilities.

In addition to the property or facility tour and interview, the inspector has authority to access and copy relevant records including:

- photographs, videos
- field notebooks/records
- electronic records
- maps
- previous assessment reports.

TIP

It is important to provide accurate answers and information to the inspector. If you do not know the answer, either obtain the answer from someone who can respond or tell the inspector when and how you will supply an answer.

What happens after the inspection?

After the inspector has concluded the inspection, the inspector will review the information. Based on the review, the inspector may request a meeting with the archaeologist(s). This may range from a formal meeting to a brief, and informal discussion.

The inspector will review observations and, if necessary, request clarification. The inspector may request for additional information and will arrange with you how that information is to be provided.

The inspector will discuss with you his or her observations of any non-compliance and explain the next steps to be

taken. It may take several days to complete a final compliance evaluation. In that case, you will be advised by the inspector when to expect a report.

What happens if non-compliance is identified?

If the archaeological fieldwork complies with ministry requirements, the inspector will take no action.

However, every non-compliance situation identified will be promptly evaluated to determine whether it constitutes:

- a known or anticipated impact to the archaeological sites (e.g., improper use of mechanical equipment); or
- a potential, uncertain hazard (e.g., use of incorrect method or strategy leading to data loss).

In some situations, you could receive a verbal or written request to correct identified concerns within a certain time period. Such requests are typically used for minor issues and may result in a follow-up inspection. If the inspector believes you have failed to comply with the *Ontario Heritage Act*, a formal inspection report is required to be provided to the Minister of Tourism, Culture and Sport and to the licensee.

For instances where the compliance violations cannot be corrected, the inspector may recommend to the Archaeology Review Officer that the report on the assessment or mitigation be deemed non-compliant and not entered into the Register.

TIP

Consider conducting a self-assessment of your facility and fieldwork guidelines to ensure that you are complying with the *Standards and Guidelines for Consultant Archaeologists* requirements. This can help improve your compliance and identify opportunities that can reduce the costs of the archaeological work at the site.

Where do I go for more information?

For more information about the ministry, visit our website at: <http://ontario.ca/archaeology>. The site contains more information regarding the terms and conditions of an archaeological licence and the Standards and Guidelines for Consultant Archaeologists.

You may also contact the Archaeology Program Unit of the Ministry of Tourism, Culture and Sport for more information about inspections and regulations. You may contact the ministry at archaeology@ontario.ca or by phone at 416-212-8886.