



Meeting: Contractor Advisory Council (CoAC)

Date: Tuesday, October 8, 2019

Location: CHSI, 5110 Creebank Road, Training Room 3

Present:

Joe Kurpe (Chair)	ECAO
Clint Attard	OEL
Shawn Blacklock	OEL
Mark Hopkins	ECAO
Tony Minna	ECAO
Larry Shaver	ECAO
Robert Smith	LEC
Rob Sloan	OEL

Regrets:

Dave Ackison	OEL
Ryan Delisle	ECAO
Larry Pearson	OEL
Dan Williams	LEC

Guests: Sharmila Uruthiranandasivam MGCS

ESA Staff:

Farrah Bourre	Freda Lam
Normand Breton	Carol Keiley
Patience Cathcart	Aisling O'Doherty
Earl Davison	Mark Taylor
Esau Habibulla	Ray Yousef
Soussanna Karas	

19.02.01 AGENDA/MINUTES/ACTION ITEMS

Motion to Approve Agenda

MOTION to approve agenda as amended by Mark Hopkins
Seconded by Tony Minna

Carried

Motion to Approve Minutes

MOTION to approve April 25, 2018 minutes by Tony Minna
Seconded by Shawn Blacklock

Carried

Review Outstanding Actions

The outstanding actions were reviewed and the status updated – see attachment.

19.02.02 RISK-BASED OVERSIGHT UPDATE

Mark Taylor provided the Council with an update on the Risk-Based Oversight (RBO) progress to date. See presentation.

The RBO “engine” was reviewed, along with the risk attributes and eligibility requirements for selective inspections. The ACP program will be dissolved so all LECs are on a level playing field.

Results and learnings from the RBO Trial (trial was based on low-risk, non-ACP work in five areas) were also reviewed.

New admin non-compliance defects (i.e., details provided on Notification does not match the actual work conducted) do not contribute to the LEC’s defect ratio; however, warnings count.

A new online system is being developed and will be in place for the launch of RBO. ESA is looking for contractors to sit with RBO team and provide feedback on the system. Tony Minna and Rob Sloan expressed their interest in participating.

Council Feedback

- The no-show email should go to the LEC so they can assign the email to another staff member.

- This information/feature will be included in RBO.
- Is there a way to find out when inspector is available or not?
 - This will be included in RBO – will use a red or green dot for available coverage for the inspector.
 - Also, new scheduling features for medium and low-risk notifications will be available in RBO.
- There was a comment about having a fee estimator tool online that is not tied to your account and anyone could use it.
 - Mark will look into making the fee estimator tool available.

ESA is still targeting April 2020 to launch RBO.

19.02.03 RISK-BASED OVERSIGHT SURVEY

Farrah Bourre provided Council with an update on the RBO Survey ESA conducted with Licensed Electrical Contractors (LECs) to gauge their familiarity and perceptions towards RBO.

The survey used to reach contractors who did not attend one of the RBO Town halls – goal was to measure knowledge of RBO. Results were reviewed and discussed; the full survey and results have posted to ESA's [website](#).

19.02.04 FINANCIAL INFORMATION

Esau Habibulla presented ESA's financial information, including the recent consultation on 2020 Wiring and RBO Fees, as well as the Fiscal 2019 Contractor Summary Report financials. See presentation.

Fee Consultation

The 2020 wiring and RBO fees consultation took place between June and July 2019; a summary of the proposed fee guide changes was also provided.

The lowest fee in the guide is HVAC at \$35 – under RBO this classification, this is based on work, not fees, and is considered low complexity work.

Council felt that HVAC work has lower fees but is a different line of work with better service. ESA responded that HVAC is an area of high non-compliance and the lower fees will help make them comply.

Power Over Ethernet (POE)

The Fee Committee will be meeting later with regards to fee changes for POE. Council suggested it be classified as a receptacle as per Section 16 in the OESC.

Contractor Summary Report

ESA saw strong growth in commercial work, but residential wiring grew at a declining rate. MicroFIT continues to decline as well.

In Fiscal 2019, there was \$65 Million in wiring revenue – this represented 58% of ESA revenue. A breakdown of revenue and expenses can be found online in the F2019 [Contractor Summary Report](#).

19.02.05 2020 MEETING DATES

The proposed dates for 2020 were discussed:

- Feb. 27
- Apr. 16
- Jun. 18
- Oct. 15

19.02.06 2018 ONTARIO ELECTRICAL SAFETY REPORT

Freda Lam shared safety data from the 2018 OESR, which educates and informs members of the electrical safety system, and guides ESA's corporate goals and strategy. Findings from the report are used for development of safety programs. See presentation.

- Over the past ten years (2009-2018), there has been a downward trend in the rates of electrical-related fatalities, electrical fire fatalities, and electrical injuries in Ontario.
- New data in the OESR tells us that the largest share of fatal injuries occur among 40-59 year olds, followed by 20 to 39 year olds.
- The majority of electrical fatalities occur in the months of July, August and December.
- There were zero electrical-related fatalities among electrical workers in 2017-18.

An occupational case study was also analyzed and the root cause discussed.

A copy of the report was given to all Council members.

19.02.07 HARDSHIP CLAUSE IN O.REG 570/05

Aisling O'Doherty provided Council with an update on the Hardship Clause in O.Reg 570/05. See presentation.

The Hardship Clause is a minor change to the O.Reg 570/05 that reduces burden on the contractor. The Ministry chose to highlight the undue hardship clause as part of Open for Business burden reduction initiative. The Ministry conducted a consultation and the feedback was mostly positive so the clause was passed.

The Hardship Clause means the Statutory Director may grant extensions on licensing renewals where genuine and serious undue hardship has been proven. An undue hardship is a circumstance or experience that creates an excessive or disproportionate burden or obstacle, usually beyond a person's control, that directly causes the person to be unable to complete the renewal application process in the specified one year timeframe.

Aisling provided some examples of undue hardship and reviewed factors that would be considered for undue hardship.

Further communications will follow with the clause coming into effect January 1, 2020.

19.02.08

REGULATORY UPDATE

Ray Yousef presented an update on Regulatory initiatives to Council members. See presentation.

Technical

There are changes to the marking of equipment OCPD [Rule 2-100 4] and a bulletin has been drafted to address the change.

A marking required when the continuous load on conductor is less than the breaker size and is used when you have to limit the size of the conductors.

Council had questions about where to put the marking. ESA responded that it goes inside the cover.

Council felt this was a solution to a problem that doesn't exist and it will cause confusion for contractors.

The feedback will be taken back to the Provincial Code Committee.

Product Safety Strategy

ESA is working on a strategic plan for product safety based on the demarcation point for oversight – commercial products (pre and post approval) and consumer post-approval. A public consultation will take place in 2020.

A comment was made by a Council member regarding the difficulty in determining what markings are correct which creates a lot of confusion in the marketplace.

If a product is found to be unapproved, please report it to ESA.

19.02.09 CORPORATE STRATEGY

Patience Cathcart thanked council for contributing to the Corporate Strategy consultation. ESA received 23 responses from across various fields; the feedback received and ESA's comments have been posted on esasafe.com.

19.02.10 LICENSING STRATEGY

Normand Breton and Soussanna Karas presented the five-year Licensing Strategy and reviewed associated consultation materials. See presentation.

The Licensing Strategy is one of the enabling components of the corporate strategy. The goal, the three initiatives and their associated activities were discussed, as well as priorities for the first two years.

- 1) Motivate compliance supporting activities – leverage technology, continuous education/professional development, licence role models, and compliance oversight
- 2) Maintain public confidence in LEC/ME community – access to selective information (e.g. sharing expired licences), share licensing learnings within ESA, and continue to evolve the licensing regulation
- 3) Targeted enforcement activities against the underground economy – identify trends and continue enforcement, and increase awareness of enforcement efforts

The Electrical Contractor Registration Agency (ECRA) participated in the development of the strategy via several working groups, and their recommendations were discussed. ECRA advised ESA to focus their resources on professional development and underground economy.

Stakeholder outreach activities and timelines were also reviewed.

Goal is to launch April 2020, once approved by the Board

There was some confusion among Council members around the role of ECRA.

ESA explained that ECRA is not completely separate from ESA; it is an advisory council under ESA based on 2010 Terms of Reference changes.

Currently, any non-compliant activity can be reported via ESA's new online form; submissions are vetted by staff to ensure they're legitimate.

19.02.11 APPEALS ADMINISTRATION REVIEW PROJECT (AARP) NEW RULES OF PROCEDURE

Soussanna Kara updated the Council on the new rules of procedure for appeals. See presentation.

There has been one tribunal under the new rules which came into effect August 1, 2019. These new rules reduce burden and add value.

19.02.12 OPERATIONAL Q&A

No questions submitted.

19.02.13 OTHER BUSINESS

There was a comment regarding the fee guide – stacked home versus residential (\$175 down to \$160); not understanding the difference in cost. Earl will take this back to the fee committee.

Motion to adjourn by Mark Hopkins
Seconded by Tony Minna

End of Contractor Advisory Council Meeting

If there are any discrepancies to these minutes, please report them by email to Joe Kurpe and Carol Keiley.