

Licensed Electrical Contractors and Master Electricians who are granted a licence are provided with a legal right to perform certain tasks related to electrical work.

In return for this right, licence holders are expected to conduct themselves in accordance with their associated legal obligations when carrying out such rights granted by their licence. Section 113.2(2) of the *Electricity Act, 1998*, R.S.O. c.15 formalizes such expectations by identifying nine categories of conduct which could result in disciplinary action against a licence holder by a Director if:

- a) The licence holder engages in one or more of the below listed categories of conduct in the course of performing tasks authorized by way of his or her licence; and
- b) The Director deems discipline to be an appropriate action under the particular circumstances involved.

More specifically, in accordance with the *Electricity Act* [s.113.2(2)(a) to (i)], **the Director may propose to take discipline action against a licence holder if the Director has reason to believe that,**

(a) the licence holder will not carry out the activities in accordance with the law;

A licence holder is expected to carry out all activities relating to their licence in accordance with all applicable laws, including but not limited to, the Ontario Electrical Safety Code, and the laws relating to health and safety, employment standards, consumer protection, business tax and business practices.

Examples may include but are not limited to,

- taking out applications for inspection (electrical permits) and requesting inspections where required by the Ontario Electrical Safety Code.
- ensuring electrical work is performed by those with a valid trade certificate of qualification or by registered apprentices.
- performing electrical installations in accordance with current Ontario Electrical Safety Code requirements.
- abiding by applicable consumer protection laws.
- only conducting electrical contracting business with a valid licence.
- obtaining any required utility and Electrical Safety Authority (“ESA”) authorization before reconnecting a consumer service.

(b) the licence holder will not carry out the activities safely;

A licence holder is expected to carry out all activities relating to their licence safely and in a manner that protects the health and safety of workers and the public.

Examples may include but are not limited to,

- working on energized equipment only when appropriate and when it does not pose a risk to safety for themselves, other workers, or the public.
- using proper personal protective equipment when performing electrical work.
- performing electrical work in accordance with the current Ontario Electrical Safety Code requirements.

(c) the licence holder lacks the basic resources necessary to carry out the activities;

A licence holder is expected to have the basic resources, training, experience, qualifications, and skills necessary to carry out the activities of the licence.

Examples may include but are not limited to,

- maintaining the essential resources, assets, supplies or possessions required to ensure that activities authorized by the licence are carried out safely and lawfully in order to protect workers and consumers.
- possessing administrative capabilities that allow the ability to consistently follow required processes for permit application.
- having the resources to provide workers with the necessary training and related materials, or required safety equipment.

(d) the licence holder will not conduct himself or herself with honesty and integrity or in accordance with the principle of protecting consumers;

Licence holders are expected to conduct themselves with honesty and integrity and to follow the laws and principles established for safeguarding consumers.

Examples may include but are not limited to,

- charging a consumer only for services actually provided.
- charging a consumer only for parts actually installed at the site.
- charging a consumer for a permit fee only when a permit was required to be taken out.
- not taking advantage of a consumer in an emergency situation and/or ensuring prices charged represent the price at which similar goods and services are readily available to like consumers.
- displaying the Electrical Contractor licence number in all correspondence, contracts and advertisements, on business vehicles and, generally, in all situations where the licence holder is communicating with the public.

(e) the licence holder lacks the training, experience, qualifications or skills prescribed by the regulations;

It is expected that a licence holder has the required training, experience, qualifications and skills required to carry out the activities relating to the licence.

Examples may include but are not limited to,

- maintaining an appropriate working knowledge of the current rules of the Ontario Electrical Safety Code and the regulations.
- maintaining or employing someone with a valid licence (P.Eng or CET), certificate or membership (OCOT) for the trade or profession with which the Electrical Contractor or Master Electrician's licence was obtained.
- ensuring that all business activities engaged in are within the limits of the licence holder's and any employees' knowledge, experience, skill-level and qualifications.

(f) the licence holder failed to comply with or to meet a requirement of this Part (Electricity Act), the regulations or an order of the Authority (Electrical Safety Authority);

Licence holders are expected to comply with all legal obligations for holding a licence.

Examples may include but are not limited to,

- actively employing a Designated Master Electrician as required.
- ensuring liability insurance and WSIB is maintained.
- carrying out responsibilities of an Electrical Contractor or Designated Master Electrician as defined in Regulation 570/05.
- cooperating with an inspection or investigation.

(g) the licence holder failed to comply with a restriction, limitation or condition of the authorization (licence);

Licence holders are expected to ensure that all licence stipulations are maintained and adhered to.

Examples may include but are not limited to,

- ensuring that all activities engaged in under the licence are within the scope of any restriction, limitation or condition placed on the licence.
- only undertaking electrical work for which the licence is limited to.
- meeting a condition of the licence within the prescribed timeframe.
- only engaging in activities that the licence is restricted to.

(h) the licence holder obtained the authorization (licence) through misrepresentation or fraud; or

Licence holders are expected to provide accurate and factual information and documentation on the licence application and renewal forms.

Examples may include but are not limited to,

- submitting truthful information on a licence or renewal application.
- providing factual and unaltered documentation or certifications with a licence or renewal application.
- truthfully attesting that a designated Master Electrician is actively employed by the Licensed Electrical Contractor.

(i) the licence holder permitted an unauthorized person to carry out the activities.

A licence holder is not permitted to allow an unauthorized person to carry out activities that requires a licence. A licence holder is expected to ensure that they use only qualified persons or business to carry out electrical work on their behalf.

Examples may include but are not limited to,

- only taking out an application for inspection (electrical permit) for licensed persons or businesses in order for them to undertake electrical work.
- subcontracting electrical work only to licensed contractors.
- ensuring that employees/workers undertaking electrical work on behalf of the licence holder are qualified to carry out the electrical work and not substituting unqualified labourers in place of certified trade employees.

For further information on licence holder roles and responsibilities refer to the "Guideline to the Duties and Responsibilities of Licensed Electrical Contractors and Designated Master Electricians".