

<b>Policy Title</b>	<b>Policy Number</b>
Public safety Risk & Compliance Policy	LE04
<b>Issuing Department</b>	<b>Last Revision Date</b>
Legal	January 7 <sup>th</sup> 2024

# Public Safety Risk & Compliance Policy

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## 1.0 PURPOSE

1.1. The purpose of this policy is to set out the principles and compliance framework according to which ESA aims to promote, monitor and achieve compliance with the *Electricity Act, 1998* (“EA”) and address public electrical safety risks.

## 2.0 SCOPE

2.1 The provisions of this policy and any associated procedures apply to all:

- activities being developed, considered or undertaken by ESA in the administration and management of compliance relating to any applicable statute, regulation or authority.
- activities being developed, considered or undertaken by ESA in the identification, prioritization and management of public electrical safety risks.
- ESA employees (and persons with the authority to act on behalf of ESA), who play a role in the above-mentioned activities.

## 3.0 OBJECTIVE

3.1 The objectives of this policy are to:

- 1) Guide decision-making and actions by ESA staff in the identification, creation, implementation and scale-down of public electrical safety risk management initiatives and compliance activities;
- 2) Outline ESA’s approach to public electrical safety risk management and compliance in accordance with its delegated authority and Corporate Mandate pursuant to its objects of corporation; and
- 3) Provide the policy basis for ESA’s Electrical Incident Review Procedures, which fulfill the requirement in section 5.2(14) of the Administrative Agreement.

## 4.0 POLICY CONTENT

### 4.1. Principles

The following general principles guide ESA’s approach to public electrical safety risk management initiatives and compliance management:

#### 4.1.1. *Focus on Regulatory Compliance*

Promoting, monitoring and enforcing compliance with the requirements of the EA and its Regulations will be a central focus of ESA’s implementation of public electrical safety risk management and compliance management.

#### 4.1.2. *Corporate Mandate*

Policy Title	Policy Number
Public Safety Risk Compliance Policy	LE04
Issuing Department	Last Revision Date
Legal	January 7 <sup>th</sup> , 2024

ESA will be guided by its Corporate Mandate in accordance with its Corporate Objects of promoting and undertaking activities which enhance public electrical safety.

#### **4.1.3. Effective**

ESA will design and evaluate its Public Electrical Safety Risk management and Compliance management with an aim to minimize risk and motivate compliance in a strategic, effective and efficient manner.

#### **4.1.4. Proportionate**

ESA will seek to develop public electrical safety risk management and compliance management which is proportionate to the level of associated risk. A harm life cycle decision-making framework will be established to help identify, analyze and evaluate public electrical safety risks and to develop proportionate approaches, as appropriate.

#### **4.1.5. Evidence-Based**

Decision-making on public electrical safety risk management and compliance management will, where possible and appropriate, consider technical data, informed by field expertise and other contextual considerations.

#### **4.1.6. Consistent**

ESA will seek to apply a consistent approach to its assessment of public electrical safety risks and the application of its compliance responses.

#### **4.1.7. Transparent**

ESA will strive to demonstrate openness and transparency in respect of its public electrical safety risk management and compliance management in furtherance of educating the public and stakeholder community on:

- (i) the legal requirements to achieve compliance;
- (ii) electrical safety risks; and
- (iii) its public electrical safety risk management and compliance management initiatives.

#### **4.1.8. Accountable**

ESA will be guided by its corporate Values, its Code of Conduct and the principles in this policy. Avenues for complaints and/or appeal will be provided, as appropriate, for ESA's compliance actions and decisions.

#### **4.1.9. Authorized by Law**

ESA will act within its legal remit of statutory power and in accordance with its Corporate Objects when undertaking public electrical safety risk management initiatives and compliance activities.

Policy Title	Policy Number
Public Safety Risk Compliance Policy	LE04
Issuing Department	Last Revision Date
Legal	January 7 <sup>th</sup> , 2024

#### 4.2. Responsive and Risk-Based Framework

As it applies the Principles set out in section 4.1 of his Policy, ESA will use a risk-based approach to establish public electrical safety risk management and compliance priorities. This will support the achievement of the best outcomes for public electrical safety, while making the most beneficial use of available resources.

#### 4.3. Responsibilities

**4.3.1.** Executive and senior managers are responsible for implementing the principles in this policy in the development of harm reduction and risk-informed strategies and procedures that support ESA's public safety mandate and statutory obligations.

**4.3.2.** It is the responsibility of ESA Inspectors, appointed Investigators and other ESA authorized persons to conduct public electrical safety risk management and compliance management in accordance with the principles of this policy, their powers under the applicable legislation, regulations, and associated program-specific guidelines and procedures (as may be applicable).

### 5.0 LEGISLATIVE AUTHORITY

**5.1.** *Safety and Consumer Statutes Administration Act, 1996* and associated Regulations:

- Ontario Regulation 187/09, Part II & III (Reviews and Appeals of ESA Orders and Licensing Decisions)
- Administrative Agreement between the Minister of Public Business Service Delivery and ESA

**5.2.** *Electricity Act, 1998*, Part VIII and associated Regulations:

- Ontario Regulation 164/99 (Ontario Electrical Safety Code)
- Ontario Regulation 22/04 (Electrical Distribution Safety)
- Ontario Regulation 570/05 (Licensing of Electrical Contractors and Master Electricians)
- Ontario Regulation 438/07 (Electrical Product Safety)
- Ontario Regulation 12/23 (Administrative Penalties)

### 6.0 EVALUATION, MONITORING AND REVIEW

**6.1** ESA's Vice-President Regulatory and General Counsel will regularly review and monitor this policy to ensure that it remains current, relevant, and effective in meeting its purpose and objectives.

### 7.0 INTERPRETATION

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

Policy Title	Policy Number
Public Safety Risk Compliance Policy	LE04
Issuing Department	Last Revision Date
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**Compliance** Conforming to regulatory requirements including, but not limited to legislative provisions, regulations, rules, codes, standards, bulletins, notices, and orders.

**EA  
(Electricity Act)** A collective reference which includes: the *Electricity Act, 1998 Part VIII* and the Regulations made thereunder from time to time.

**Public  
Electrical  
Safety Risk  
Management** The decision-making process that entails consideration of political, social, economic, and technical information with risk-related data to develop, analyze, and compare regulatory options and to select the appropriate approach to managing public electrical safety harms.

**Risk-Based  
Approach** A risk management process of identifying potential hazards and undesirable events, understanding the likelihood and consequences of the undesirable events, and taking steps to reduce their risk. It offers an evidence-based means of informing compliance strategies based on objective criteria such as high-risk activities.

## 8.0 ASSOCIATED POLICIES AND PROCEDURES

- Electrical Incident Investigation Procedure – **LE04.POL.PR.04**
- Guidelines for issuance of Life and/or Property Defects (L&OP) – **LE04.POL.IG.05**
- Guidelines for issuance of Pass No-Visit (PNV) Not-Passed No-Visit (NPNV) – **LE04.POL.IG.03**
- Risk-based Oversight (RBO) Procedure – **RE02.OPS.PR.96**
- Statutory Director Policy – **LE07**
- Administrative Penalty Statutory Director Guideline – **RE07.POL.IG.01**
- Licensing Enforcement of Unlicensed Contractors Decision Making Guideline – **RE05.LIC.PR.61**
- Licensing Director Statutory Decisions Guideline – **LE07.LIC.IG.02**
- Licensing Enforcement Process Map – **RE05.LIC.IG.69**
- Licensing Compliance Process Map – **RE05.LIC.IG.68**

## 9.0 ASSOCIATED REFERENCES

- ESA’s Code of Conduct – **PC02**
- ESA’s Mission, Vision & Values
- ESA’s Corporate Objects
- ESA’s Strategic Plan 2020 – 2025
- ESA’s Regulatory Governance Principles – **LE06.POL.EG.13**
- ESA’s Annual Report
- Ontario Electrical Safety Report