



ECRA Advisory Council Meeting
 Minutes of Meeting
 November 20, 2017

LOCATION

ECRA Advisory Council Members

Larry Allison	ESA Consumer Advisory Council
Cameron Hann	Electrical Contractors (OEL)
Sean Bell	Utility Contractor Association
Joe Kurpe	Electrical Contractors (ECAO)
Debra Mattina	Municipalities
Larry Shaver	Electrical Contractors (ECAO)
Brian Smith	Electrical Safety Authority
Catherine Taylor	Community At Large

ECRA Advisory Council Members - Absent

ESA Staff

Normand Breton	
Farrah Bourre	
Shana Hole	
Kathryn Chopp	

Guests

Mary Beth Fazzari	MGCS

1 Notice & Quorum

- The meeting was chaired by Sean Bell
- The meeting had quorum

Minutes of ECRA Meeting from October 16, 2017 and October 17, 2017

The following motion was carried:

Motion: To accept the minutes of the October 16, 2017 and October 17, 2017 meeting

Motioned by: Brain Smith

Second: Larry Allison

All in favour

Review of open action items

- 2017-01-01 – How to best capture the interests of the public/consumer when publishing Contractor information
 - o ESA has indicated that this item will be deferred.
 - o The council wants to make sure this item is not lost.
 - o The council requested this item be added to the workplan.
- 2017-03-01 – ESA to present the strategic planning process including setting of priorities to the next ECRA meeting for discussion with the Council.
 - o Will be discussed at this meeting
- 2017-03-02 - Recommendation on Open Data for permit information to the Regulatory Affairs and Governance Committee (RAGC)
 - o This item will be added to the open Action Item 2017-01-01
- 2017-03-03 - Discuss at the next ECRA meeting the best way to go about renewing terms of ECRA members
 - o Will be discussed at this meeting
- 2017-03-04 - Send a copy of the current Terms of Reference (TOR) to ECRA so everyone is prepared to discuss at the next meeting
 - o Terms of Reference (TOR) was sent to the council October 20, 2017
 - o The TOR will be discussed at this meeting
- 2017-03-05 - A card and gift will be brought to the next ECRA meeting for everyone to see and sign
 - o The council signed a card for Nancy Evans
- 2017-06-06 - Provide research about attitudes toward the underground economy at the next meeting
 - o Will be discussed at this meeting

2 Terms of Reference – Farrah Bourre

- Normand provided a brief history of how we got to the current ECRA Terms of Reference (TOR)
- There was no opposition from the OEL (Ontario Electrical League), ECAO (Electrical Contractors Association of Ontario), or the UCAO (Utility Contractors Association of Ontario) or other members of ECRA to broadening the eligibility requirements pertaining to who can represent the OEL, ECAO or UCAO on ECRA
- Some of the contractor members had asked to include a stipulation that it must be a senior representative, however due to the interpretation of what constitutes a senior representative it was decided to leave this decision to the respective contractor associations when screening potential candidates to be submitted to ESA for consideration
- There were differing opinions on how prescriptive the TOR is in defining eligibility requirements to be on ECRA council.
- In the discussion it was noted that the TOR state the Chair of ECRA must be a representative of a Licensed Electrical Contractor (LEC), however the Vice Chair has no stipulation. It was decided to change the TOR so the stipulation applies to both the Chair and Vice Chair positions.
- The following changes to the TOR were approved by ECRA to send to the Regulatory Affairs and Governance Committee (RAGC) with the following motion: Be it resolved that ECRA Advisory Council accept amendments to Article 2A Appointment of ECRA Members and Article 3A Chair and Vice-Chair of the ECRA Advisory Council, as appended.



ECRA Advisory Council Meeting

Minutes of Meeting

November 20, 2017

Change 1

Current Terms of Reference Wording: Article 2 - ECRA Membership - A. Appointment of ECRA Members

The appointment process shall be governed by the policies of ESA. ECRA shall consist of ten (10) members, two (2) nominated by the ESA, two (2) licensed electrical contractors nominated by the ECAO, two (2) licensed electrical contractors nominated by the OEL, one (1) licensed electrical contractor nominated by the Utility Contractors Association of Ontario, one (1) person representing municipalities nominated by the Association of Municipal Managers, Clerks and Treasurers of Ontario, one (1) person representing consumers of electrical work nominated by the Consumer Advisory Council of ESA, and one (1) person from the community at large nominated by ECRA. Acceptance of nominees are subject to review and approval by the Regulatory Affairs and Governance Committee and Board of ESA.

Proposed Terms of Reference Wording: Article 2 - ECRA Membership - A. Appointment of ECRA Members

The appointment process shall be governed by the policies of ESA. ECRA shall consist of ten (10) members:

- two (2) nominated by the ESA;

- two (2) representatives nominated by the ECAO who are either licensed electrical contractors or master electricians representative of a licensed electrical contractor;

- two (2) representatives nominated by the OEL who are either licensed electrical contractors or master electricians representative of a licensed electrical contractor;

- one (1) representative nominated by the Utility Contractors Association of Ontario, who is either a licensed electrical contractor or master electrician representative of a licensed electrical contractor;

- one (1) person representing municipalities nominated by the Association of Municipal Managers, Clerks and Treasurers of Ontario;

- one (1) person representing consumers of electrical work nominated by the Consumer Advisory Council of ESA; and

- one (1) person from the community at large nominated by ECRA.



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Change 2

Current Terms of Reference Wording: Article 3- Chair, Vice-Chair, Remuneration and Indemnification - A. Chair and Vice-Chair

ECRA shall have a Chair and Vice-Chair. The Chair and Vice-Chair shall be ECRA members and shall be elected by same. The term of the Chair and Vice-Chair will be up to 2 years, with the ability to serve a maximum of two terms. Training will be offered to incoming Chairs.

The ECRA Chair must be a representative of a licensed electrical contractor.

Proposed Terms of Reference Wording: Article 3- Chair, Vice-Chair, Remuneration and Indemnification - A. Chair and Vice-Chair

ECRA shall have a Chair and Vice-Chair. The Chair and Vice-Chair shall be ECRA members and shall be elected by same. The term of the Chair and Vice-Chair will be up to 2 years, with the ability to serve a maximum of two terms. Training will be offered to incoming Chairs.

The ECRA Chair and Vice-Chair must be representatives of one of the licensed electrical contractor organizations listed in Article 2 A.

3 Membership Renewal – Farrah Bourre

- ESA asked ECRA to defer discussion of Membership renewal to the February 2018 meeting to provide time for RAGC to review the amended TOR
- ESA also advised ECRA that the RAGC will usually ask the Chair of ECRA to attend the meeting to discuss the requested changes to the TOR

Motion: To defer the discussion of Membership renewal to the February 2018 meeting

Motioned by: Larry Allison

Second: Debra Mattina

All in favour

4 ECRA Council Member Orientation – Normand Breton

- ECRA has 2 newer members and is anticipating having 2 more new members in 2018
- ESA would like to hold a council member orientation in the summer or early fall of 2018 for the newer members and as a refresher for members that have been on the council for a while
- ECRA was in favour of holding a member orientation
- ECRA has asked that the member orientation be held during or directly after a council meeting

5 Research on attitudes towards the underground economy – Farrah Bourre

- Awareness of the requirements to hold a valid Contractors Licence has increased over the last 5 years as a result of consistent messaging
- ESA was asked about its actions to combat the underground economy. ESA currently has a commercial renovation program that matches building permits in commercial spaces with electrical permits, and when no electrical permit is found an investigation is started.
- ESA provides a [contractor look up tool](#) on its website that allows consumers to search for a LEC in their area
- As ESA Licensing discipline and enforcement matures ESA may need to look to other avenues to combat the underground economy. Some regulatory jurisdictions have started using artificial intelligence to search online reviews to know where to target.

6 Strategic Planning Process - Normand Breton

- Many factors such as resources (financial and personnel), and other ESA initiatives affect what issues ECRA is able to tackle
- ESA is in the process of aligning the Licensing strategic plan with the corporate strategic plan
- ECRA would like to see more collaboration with other organizations such as the Ontario College of Trades (OCOT)
- ECRA would like to explore adding a continuing education requirement to EC and ME licences

- Normand said that ESA will complete a multijurisdictional review of continuing education requirements and present the findings at the next ECRA meeting, and continuing education will be added to the workplan

ACTION: ESA will complete a multijurisdictional review of continuing education requirements and present the findings at the next ECRA meeting. – Normand Breton (Action Item # 2017-04-01)

7 Regulation 570/05 Update – Carita Edwards

- A reminder of the changes to regulation 570/05 was provided
- January 1, 2018 the amended regulation will come into force
- The updated regulation can be found on [e-Laws](#). Prior to the regulation coming into force any changes that will be taking effect will be highlighted in grey

8 ECRA Workplan – Farrah Bourre

- The workplan was updated on the fly during the meeting and a copy has been included with the minutes
- Additions to the workplan from previous items in the minutes:
 - o Add action item 2017-01-01 to the workplan - How to best capture the interests of the public/consumer when publishing Contractor information
 - o Add Continuing Education to the workplan

9 Ontario Electrical Safety Report – Freda Lam

- Trends from the [2016 Ontario Electrical Safety Report](#) were discussed

Motion: To adjourn the meeting

Motioned by: Cameron Hann

Second: Debra Mattina



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LOCATION

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Larry Allison	ESA Consumer Advisory Council
Cameron Hann	Electrical Contractors (OEL)
Sean Bell	Utility Contractor Association
Joe Kurpe	Electrical Contractors (ECAO)
Debra Mattina	Municipalities
Larry Shaver	Electrical Contractors (ECAO)
Catherine Taylor	Community At Large

ECRA Advisory Council Members - Absent

Brian Smith	Electrical Safety Authority

ESA Staff

Normand Breton	Jodie Ritchie
Farrah Bourre	Desiree Smith
Shana Hole	
Patience Cathcart	
Josie Erzetic	
Soussanna Karas	

Guests

Mary Beth Fazzari	MGCS

1 Terms of Reference - Farrah Bourre

- The changes discussed at the meeting on November 20, 2017 were reviewed and accepted

Motion: Be it resolved that ECRA Advisory Council accept amendments to Article 2A Appointment of ECRA Members and Article 3A Chair and Vice-Chair of the ECRA Advisory Council, as appended.

Motioned by: Cameron Hann

Second: Joe Kurpe

All in favour (Brian Smith called in to vote on this item)

2 Appeals Overview – Patience Cathcart and Normand Breton

- A background of ESA and the Regulatory structure within ESA was provided
- An overview of the Regulations administered by ESA (164/99, 22/04, 570/05, and 438/07) was given
- The process of Product and Code appeals as well as Licensing appeals was shared
- An outline of the Notice of Proposal (NOP) and what it is used for: Refusing to Grant a Licence, Refusing to Renew a Licence, Suspending a Licence, Revoking a Licence, Granting a Licence subject to Restrictions, Limitations or Conditions, Renewing a Licence subject to Restrictions, Limitations or Conditions
- What can be appealed: Disconnection order, Cease and Desist Order, ESA Order, Order related to unapproved products, Non-compliance Orders with the Electricity Distribution Safety Regulation, Non-compliance Orders with the Product Safety Regulation, Refusal to grant a connection authorization, Findings on plans, Refusal to review plans, Orders to Comply issued under the Electricity Act, 1998, Director’s Decision, Review Panel Decision, Licensing Notice of Proposals
- The Council participated in 2 mock appeals to provide a better understanding of the process that is followed
- The appeals process has specific time frames that need to be followed. The timeframes set up for the appeals process are there to ensure the process moves in a timely manner
- ESA uses subject matter experts when reviewing the facts of any appeal

3 ESA's Legal Team and Review of Prosecution Process – Josie Erzetic and Soussanna Karas

- Josie talked about the decision to move from using external legal resources to having more in-house legal expertise at ESA. Two important reasons are to help bring legal costs more in control as well as to have legal counsel that has a better understanding of ESA, its processes and procedures, and to provide consistency for civil litigation, appeals, prosecutions and opinions
- Licensing Concept
 - o The licensing concept rests on the view that those who choose to participate in regulated activities have, in doing so, placed themselves in a responsible relationship to the public generally and must accept the consequences of that responsibility.
 - o Therefore, it is said, those who engage in regulated activity should, be deemed to have accepted certain terms and conditions applicable to the licensed individuals.
 - o Foremost among these implied terms is an undertaking that the conduct of the regulated actor will comply with and maintain a certain minimum standard of care.
- Licensing Concept – What this means
 - o All license holders must comply with the rules and regulations
 - o All licence holders must act with integrity and honesty and in accordance with the law
 - o Level playing field - ESA as a regulator must enforce the rules and ensure level playing field
 - o Consistent and transparent enforcement process
 - o ESA is proactively pursuing the “underground economy”
- ESA Prosecutions - Charges are laid under the Provincial Offences Act (POA) Part III
- Prime duty as a prosecutor is to exercise discretion and act fairly and dispassionately to see that justice is done through a fair trial on the merits
- When sentencing the principle followed is the sentence should be high enough to deter the individual (Specific deterrence) and other members of public (General Deterrence) from committing the same offence.

Motion: To Adjourn the meeting

Motioned by: Cameron Hann

Second: Debra Mattina