
June 16, 2021**9:00 a.m. to 1:30 p.m.****Meeting via Video-conference**

Present:	Dave Ackison, OEL (Chair)	Joe Kurpe, ECAO
	Clint Attard, OEL	James McKellar, ECAO
	Tony Minna, ECAO	Rob Sloan, OEL
	Ron Bergeron, OEL	Stephen Green, ECAO
	Robert Smith, ECAO	Mark Hopkins, ECAO
	Ryan Delisle, ECAO	Chris Ruber, ECAO
	Scott Yemen, OEL	Doug McGinley
	Shawn Blacklock	
Regrets:	Dan Williams	
Guests:	Alexander Janack, MGCS	Laura Campbell, MGCS
	Sharmila Uruthirandasivam, MGCS	Susan Hall, LURA
	Melissa Gallina, LURA	Alexander Furneaux, LURA
ESA Staff:	Josie Erzetic	Borjana Bulajic
	Soussanna Karas	Earl Davison
	Emily Larose	Scott Eason
	Claire Loucks	Patience Cathcart
	Angela La Viola	

PRELIMINARIES

Chair welcomed everyone to the meeting.

1. APPROVAL OF AGENDA AND MINUTES

Motion to Approve Agenda

1st: James McKellar

Seconded by Steve Green

Carried

Motion to Approve Minutes

MOTION to approve May 29, 2021

1st: Mark Hopkins

Seconded by Tony Minna

Carried

Dave Ackison (Chair) thanked Rob Sloan and Clint Attard for their contributions to CoAC as outgoing members.

Chair introduced Josie Erzetic, Chief Regulatory Officer & General Counsel and LURA Consulting and conducted a roundtable introduction of members and guests.

1. Administrative Monetary Penalties

Emily Larose (Assistant General Counsel) introduced the Auditor General recommendation that MGCS give ESA the authority to issue administrative monetary penalties (AMPs). See presentation for details.

Members discussed and asked for further clarifications, as follows:

- Whether AMPS would be able to address the issues of the underground economy, stressed the importance of compliance and suggested that small job fees discourage people from hiring LECs.
 - Assistant General Counsel responded that it is important to see AMPs as a tool among many. Unlicensed work accounts for almost all of ESA's prosecutions, which is a difficult process. In some cases, AMPs are the appropriate approach to encourage compliance.
- Would AMPS be used as another stick against contractors with uncorrected defects?
 - Assistant General Counsel responded there are already tools in place to address uncorrected defects. AMPS is not intended as an additional tool to be used in these cases.
- If AMP is charged, would it be in addition to, or separate from, other penalties and asked if the infraction occurs again, the penalty would be more involved.

- Assistant General Counsel responded that the recommendation is that an individual cannot be fined and prosecuted for the same contravention more than once but if a new infraction occurs, the penalty would be escalated.
- Example of the TSSA issuing fines for very specific issues.
 - Assistant General Counsel responded that clarity on which contraventions are potentially subject to AMPs will be necessary.
- Whether ESA inspectors would be provincial offence officers.
 - Assistant General Counsel responded that AMPs are outside of the *Provincial Offences Act* and ESA inspectors would not issue fines; fines would be issued at the statutory director level.
- If any forecasting has been done on what AMPs could generate; would AMPs be a net-generator of fees for ESA?
 - Assistant General Counsel responded that this is not yet known, as the scope of the authority has not yet been defined. Vision is that the monies collected through AMPs would be used for electrical safety education and specifically earmarked for this purpose.
- If two years is too long to issue AMPs.
 - Regarding the AMPs maximum amount, Assistant General Counsel responded that the maximum amount is the maximum per instance. In terms of the two year time limit, ESA has built in an opportunity to review the situation and provided an opportunity for the individual to address prior to issuance.
- If the maximum penalty suggested was too low to encourage compliance, particularly with serial abusers.
 - Assistant General Counsel agreed and that for serial abusers, those situations would likely be pursued through prosecution rather than an AMP. Multiple contraventions would result in multiple AMPs being issued.
- If ESA would be able to go after homeowners who use non-LECs.
 - Assistant General Counsel responded that this could be reviewed as part of the analysis of which contraventions might be appropriate for AMPs.

GROUP DISCUSSION

Members discussed:

- Areas where additional clarity on the rollout model is required and the need for fines to be set at an appropriate amount.
- In general, the LECs on CoAC were not in favour of ESA gaining the ability to use AMPs. But if the government determines that AMPs are to be added to ESA's tool kit, CoAC would like them to be utilized as follows:
 - to fight the underground economy
 - primarily directed at those not in compliance, as a lower cost and effort approach compared to prosecution

- not to penalize contractors for administrative errors (e.g. delay in obtaining permit) not used primarily as another mechanism to further penalize an already compliant population (contractors)
- not as another mechanism to address uncorrected defects
- Differentiating small, unintentional non-compliance versus gross negligence, using perhaps a “strike system”, and the challenges of catching infractions and laying charges.
- If CoAC feedback will be presented as part of ESA’s input.
 - Chief Regulatory Officer & General Counsel responded that yes, all of the feedback shared at CoAC will be presented to MGCS.

GROUP DISCUSSION – GUIDING PRINCIPLES

Members discussed:

- Requiring further clarity on AMPs, who they will apply to, their effectiveness at combatting the underground economy, and other methods.
 - Assistant General Counsel responded the Auditor General recommended that ESA use AMPs to address illegal electrical installations and referenced TSBC; particular regulatory requirements subject to AMPs can be developed further in the regulation and in guidance documents.
 - Chief Regulatory Officer & General Counsel responded that ESA will discuss the idea of guidelines and policies and work with LECs to address the underground economy in particular.
- Possibility of a later review (timeline to be determined in conjunction with Ministry) to determine who is being fined with AMPs and then adjust the program if it is not addressing what it needs to address.

Assistant General Counsel and Chief Regulatory Officer & General Counsel thanked the members for useful discussions and noted concerns about going after LECs.

2. CONTINUING EDUCATION

Ron Bergeron (CoAC Presenter) delivered a Power Point presentation outlining his views on Continuing Education (CE). CoaC Presenter recommended that CE be conducted through the exams only, for MEs, with the topics selected by ECRA, through MEC. See attached presentation for details.

Soussanna Karas (Director of Licensing and Training) introduced the Auditor General’s recommendation regarding CE for MEs, which is intended to enhance safety and Code compliance. The framework has not yet been determined and is subject to government approval; ESA’s goal is to discuss the proposal and receive feedback. See attached presentation for details.

Members discussed and asked for further clarifications, as follows:

- The cost of developing the curriculum, whether there will be additional funding required or built into next year costs and the level of effort to complete CE courses.
 - Director of Licensing and Training responded that the cost issue has not been determined, as the framework will dictate costs, but that cost and timing are part of the consideration.
- The need for CE courses to cover a range of topics, mirroring the categories on the ME exam and breaking up the courses into smaller segments to make them less of a burden to complete.
 - ESA agrees with and is supported by ECRA AC members who suggested courses on business, workplace health and safety and consumer protection, where the ME has the ability to choose those additional courses to tailor to their business needs, in addition to Code course.
- All electricians being subject to this requirement.
 - Director of Licensing and Training responded that the DME has a responsibility to oversee compliance of LECs and knowledge of the Code is important and part of their license obligation. ESA believes the CE program should start with MEs. ESA acknowledges the need for consistency in the CE approach. ESA will work with Skilled Trades Ontario to help ensure consistency in educational standards among CofQs and MEs as ESA does not regulate CofQs.
 - Project Specialist, Licensing stated that over 80% of LECs identify as having five employees or less. Many are one person-shop who is the DME and holds electrical contractor license. The point is to focus on the people doing the work but in many cases, that is the DME.

GROUP DISCUSSION – THE NEED FOR CE

- Director of Licensing and Training stated that it is important to make sure we align on this foundational question.
- Majority of members stated that they support CE.
- Several members highlighted the need for MEs to understand and be on top of the changes in the Code as part of their professional responsibility.

GROUP DISCUSSION – COMPULSORY AND ELECTIVE COURSES

- Member stated that he is curious about the time commitment required of MEs.
 - Director of Licensing and Training responded that once the framework is determined, ESA will look at other jurisdictions to learn from their best practices and will consult with ECRA AC.
- Several members voiced their support to the idea of both compulsory and elective components of the CE framework.

GROUP DISCUSSION - FREQUENCY

Member stated that five year reporting frequency is too long as it result in ME going through two Code cycles without having to take CE.

Several members supported the 5 years frequency as the least burdensome to MEs allowing them time to take the course and report on its completion.

GROUP DISCUSSION - COURSE DELIVERY MODEL SPECTRUM: WHAT IS THE MOST IMPORTANT ELEMENT?

- Member stated that the ECRA AC presentation was taken to the ECAO Board, who supported Model 3 as a starting point and then evolving to Model 4 when certain indicators are met such as assuring geographic availability and stable, affordable pricing; would like to see more e-learning options. The member supports longer gap in reporting of the training as conducting CE annually or bi-annually would be logistically difficult.
- Members discussed their support for either Model 3 or Model 4; starting with Model 3 and then shifting to Model 4 provided there are guidelines and timelines for doing so.
 - Director of Licensing and Training responded ESA is committed to moving to Model 4 and is working to develop benchmarks with clear milestones and discussing with ECRA on when and how to move. As part of Model 3, ESA wants to ensure accessibility to courses, in person or online, both in terms of geographic availability and cost.

Overall, seven (7) members of CoAC supported Model 3 with the opportunity to transition to Model 4 in the future. Three (3) members supported Model 4, and two (2) members identified an alternate model where CE is not delivered through the models proposed.

Conclusion:

Director of Licensing and Training stated that ESA has heard insightful comments to help envision the process and thanked member for sharing their thoughts.

Chief Regulatory Officer & General Counsel stated that she appreciated the open dialogue from everyone.

3. NEXT STEPS

Director of Licensing and Training stated that ESA will conduct a wider CE consultation on the website and that comments can be submitted through the survey. ESA will provide follow-up report at next CoAC meeting in October 2021.

Comments:

- Member stated that when CE was discussed at the last ECRA AC meeting, members from MEC were also present to provide their input and they will be part of the development process.

NEW BUSINESS

- Member stated that the new inspector tracking tool was very good but receiving updates on the status of the inspection would be great.
 - Earl Davison (Vice President, Operations) stated he was pleased with the positive feedback and explained that the inspection status will take some time to implement, due to the nature of the system.
- Member stated that with contractors installing generators and the way ESA fee model is now, in some cases, would need a connection authorization.
 - Vice President, Operations stated the need for a new fee code for this activity.

WRAP UP & ADJOURNMENT

Motion to adjourn by Tony Minna

Seconded by Rob Sloan

Carried

End of Contractor Advisory Council Meeting

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

Next Meeting: October 15, 2021

Location: ZOOM Conference Call