
March 25, 2021**9:30 a.m. to 12:30 p.m.****Meeting via Video-conference**

Present: Dave Ackison, OEL Joe Kurpe, ECAO (Chair)
Clint Attard, OEL Shawn Blacklock, OEL
Tony Minna, ECAO Rob Sloan, OEL
Ron Bergeron, OEL Larry Shaver, ECAO
Robert Smith, ECAO Mark Hopkins, ECAO
Ryan Delisle, ECAO

Regrets: Dan Williams, LEC

Guests: James McKeller, ECAO, Stephen Green, ECAO, Chris Ruber, ECAO

ESA Staff: Borjana Bulajic Earl Davison
Soussanna Karas Carol Keiley
Allison Hawkins Will Barrett
Patrick Falzon Emily Larose
Scott Eason Claire Loucks
Ray Yousef

PRELIMINARIES

Chair welcomed everyone to the meeting. Director of Communications, Government and Stakeholder relations asked everyone to provide forms before year-end March 31. Introductions were made and welcome to new members.

1. ELECTION OF CHAIR

Motion to move election of chair to the beginning of the meeting
1st Ron Bergeron

2nd Clint Attard
Motion passed.

Dave Ackison was introduced as the OEL nominee for Chair of CoAC. Dave Ackison accepted nomination.

Motion to approve Dave Ackison as Chair:

1st: Rob Sloan

2nd: Tony Minna

Carried.

2. APPROVAL OF AGENDA AND MINUTES

Motion to Approve Agenda

1st: Tony Minna

Seconded by Ron Bergeron

Carried

Motion to Approve Minutes

MOTION to approve January 28, 2021

1st: Dave Ackison

Seconded by Mark Hopkins

Carried

3. REVIEW OF OUTSTANDING ACTION ITEMS

- Director of Licensing to review the suggested language against the regulatory requirements with regards to Property Managers. (language provided March 24, 2021)
- General Manager, Operations Planning and Support to provide update on Pole Line Maintenance and if multiple contacts can be added (on agenda)
- Send copies of presentations from meeting to council members. (Completed)
- Members to review Code of Conduct document and sign by February 5, 2021. (Pending)
- Continuing Education Update (on agenda)

ACTION: Soussanna to review wording provided by CoAC for “Deemed Competent” on website and bring back for discussion at next meeting.

ACTION: Code of Conduct to be discussed at April meeting.

4. ADMINISTRATIVE MONETARY PENALTIES

Assistant General Counsel provided an overview of AG recommendation on Administrative Monetary Penalties (AMP)

- This AG recommendation is for MGCS action in terms of granting ESA this enforcement tool.
- AMPs are similar to fines or speeding tickets and can be a more proportional alternative to prosecution for certain non-compliances.
- ESA would like to have AMPs as a tool to combat the underground economy, improve safety and increase efficiency.
- Discussions with MGCS are at an early stage and at this point there are no details on the structure or scope.

Comments:

- Member asked if the AMPs would apply to defects, licensing or both.
- Assistant General Counsel indicated that this had not been determined.
- Member asked if there would be a stakeholder group involved in the discussions or if it would just be determined by ESA and MGCS.
- Assistant General Counsel responded that MGCS would have formal consultations at the Regulatory development stage. In the meantime, ESA would like to identify stakeholder priorities, to share with the Ministry.
- Member asked if AMPs would be in lieu of prosecution or in addition and if the Ministry already used AMPs and the recommendation was to download to ESA.
- Assistant General Counsel indicated that the AMPs would be a new enforcement tool for ESA and that a non-compliance would likely be addressed either through an AMP or a prosecution, not both.
- Member commented that the concern about AMPs was ESA inspectors would become judge and jury.
- Assistant General Counsel acknowledged the concern and noted that there would be a process to appeal an AMP.

ACTION: Assistant General Counsel to provide materials on AMPs to discuss with council members. Note, these will be provided in advance of the June meeting.

5. OESC CONSULTATIONS

Engineering Manager and Powerline Safety/Code Specialist provided an overview of the proposed amendments to the OESC (Please consultation materials at [esasafe.com](https://www.esasafe.com))

- OESC consultation runs from March 15-April 29 and all materials are provide on the website.

ACTION: Council members to review OESC consultation materials (in particular Rules 4-00426, 68-072, section 75) and provide comments regarding the amendments before April 29.

- Member asked why OESC requires amendments and why they are not included in the CEC.
- Powerline Safety/Code Specialist responded that ESA staff are members of the technical subcommittees that develops the CEC and always propose the changes to the CEC technical subcommittee in an effort to include them and that some pervious Ontario amendment have been transferred to be part of the CEC now.
- Engineering Manager added that there are 21 amendments and of the first 8 only 3 are amendments and the remaining are deletions because they have been added to the CEC. The remaining are changes to section 75 which is not part of the CEC.
- Member asked if the changes on the website included changes to the OESC or also the changes to the CEC.
- Engineering Manager indicated that the amendments were those proposed for the OESC. Once the consultation period ends and the comments, if any, are reviewed, the Ontario Provincial Code Committee will propose the final suggested amendments to the government.
- Member asked what the cost increases would be to adopting the CE Code.
- Engineering Manager responded that there would be some additional costs associated with the new CEC rule changes.
- Member asked why they CEC was not also included in the consultation and why it was automatically adopted.
- Engineering Manager answered that an internal committee within ESA had been formed had looked into a number of options related to the adoption of CEC 2021. The options considered and analyzed included not adopting any of it, adopting partially or adopting the entire code. The decision was that there are more complications and costs associated with not adopting the code (e.g. additional training) than with adopting the code. Also, it is ESA's pervious experience that skipping a code cycle or partially adopting causes confusion for the industry and added burden to both the industry and regulatory.

- Member commented that it was misleading to suggest that there would be no costs associated with the amendments when there would be a cost associated with adopting the new CEC.
- Engineering Manager indicated that the information and consultation documents on the ESA website are very clear that it deals with the Ontario proposed amendments only. Engineering manager asked for to any suggestion to make it clearer. No further suggestions were received.

6. AUDITOR GENERAL'S REPORT – Update on progress and overview of action plan.

Vice President of Operations provided an update (see presentation).

- 13 Recommendations related to operations and 4 have been completed.
- Action plan has been posted on the ESA website. If you have not read the Auditor General's Report, please take the time to review it.
- Scheduling: ESA is working on improving the process and provide better notice regarding inspections. ESA is also working to implement a process for follow up on customers who have cancelled CIS agreements.
- General Inspections: AG asked ESA to work with MGCS to see if ESA should be performing this service. ESA may exit the business which will provide contractors the opportunity to offer general inspections. ESA will publish the standard for "ElecCheck" to provide a best practice for those who wish to offer the service.
- There are a number of recommendations that require regulatory changes and contractors will be consulted. Please do partake in the consultations and provide feedback.

Comments:

- Member asked what was ESA's opinion on recommendation 12.1.
- Vice President of Operations responded that ESA's role was to gather feedback and do an impartial analysis of the recommendation and its associated risks and benefits and provide that information to the Ministry. MGCS would make the determination if the regulatory change should go forward based on that feedback and analysis.

7. UPDATE ON OPERATIONS

RBO/ Inspections (see presentation)

- When RBO launched, ESA set a target of notifying customers of an inspection 85% of the time once RBO went live. In the period after go live, ESA have met the target in 6 of the 7 months.
- A contractor that provides 48 hours' notice in filing a notification will receive 24 hours' notice regarding the inspection.
- Notifications have recovered but are seeing a backlog – Asked if the members had seen an increase in projects.

- Member responded that larger projects are ongoing but smaller projects are being affected by restrictions – not sure when they will pick up.
- Another member commented that they were bidding on a lot of large jobs but jobs are going over budget because of material costs
Pole Line Maintenance update (contact information).
- ESA is carefully watching the backlog. It appears that the next few quarters will be similar to 2020.

Comments:

- Member commented that they also expect similar trends but that material prices are very volatile.
- Member commented that also noticed that there are a lot of quotes requested but that prices are so volatile the quotes quickly become obsolete.

Photo submissions for Inspections: will pursue more aggressively in lieu of in-person visits. Develop policies and procedures to allow this to become part of regular operations. ESA is working to develop a platform to support submissions and developing a policy to support the process.

Inspector mapping tool: being tested right now and hope that it will provide more predictable and reliable times of inspection.

Fees for small jobs: In 2021, ESA will be posing the question how it can strike an acceptable balance among all stakeholders when setting fees for small jobs?

- ESA current fee structure is revenue neutral. ESA is not-for-profit and must recover the costs of operation.
- ESA must also be impartial and serve all stakeholders when setting the fee structure. (homeowners and all LECs)
- ESA will be asking for advice on how to fairly balance all interests. ESA will lay out a process for asking members to consider these parameters and provide feedback.

Comments:

- Member commented that there is a difference between contractor permits and homeowner permits. The two should be considered differently: homeowners can only do small jobs, make more errors and only constitute a small per cent of overall notifications filed. Contractor notifications make up the majority of the work.
- Member remarked that the question had been posed for 20 years and that the main point should be to look at what encourages safety.
- Member asked if fee was cost neutral for contractors and added that former ACP contractors accounted for 50 per cent of permits.

- Vice President of Operations responded that ESA was able to demonstrate to the AG that homeowner notifications required more of an inspector's time and that on average LEC notifications took ½ the time to inspect.
- Member requested some statistical information regarding cost and time in order to provide feedback.
- Member asked what form the fee consultation would take.
- Vice President of Operations responded that there are two elements to fees: fee structure and fee change. The fee change is a separate process and that this would involve only the fee structure.

ACTION: ESA to provide statistics related to small jobs to provide context for setting of fees.

Pole Line: Operations submitted an enhancement request for pole line maintenance and expect it to be completed by May/June. All enhancements have to be prioritized because it involves converting 12 months worth of data. With pre-authorized programs it is also necessary to make sure all the data aligns appropriately for the calculations within the system.

Wiring Inspections: An enhancement was submitted for the online system to add a third option when filing a notification requesting both a text and an email for communications. The Inspector mapping tool being tested right now allows the client to add a request for both an email and text. The expectation is that the online system update will be completed by the end of the summer. Operations looked into the option of adding multiple contacts on the same notification but the change would have required considerable resources to implement.

Comments:

8. Code of Conduct

Director of Licensing and Training provided addressed the action item from the previous meeting with respect to the Code of Conduct.

- Director of Licensing and Training provided an overview of the Code of Conduct for advisory council members shared at the last meeting. Members were asked to review, sign and submit the form.
- A Code of Conduct is best practice for advisory councils and is part of good housekeeping.

Comments:

- Member asked if the Code of Conduct was mandatory.
- Director of Licensing and Training responded that it is a code of conduct and provides guidance on expectations of members. The expectation is that members will agree to abide by the code and indicate this by signing and submitting the form.

- Member indicated that the members should be able to vote on whether to accept the code of conduct.
- Member responded that the code did not contain anything controversial and that it was best practice for advisory councils. It should not require a vote to be adopted.
- Member indicated that there was confusion over the confidentiality aspect of the code as members believe that while on the council they represent associations and should be able to share all information with respective associations.
- Member commented that the code was very general and clarity was required to define “confidential”. Member suggested that is something was in the public interest than it should not be confidential.
- Director of Licensing and Training responded that a guideline had been provided on confidentiality to provide clarity. The document was to be used as guidance, but if there was a doubt, specific circumstances may require clarification. In general, if something is noted as “confidential” or “in camera” it should not be shared with anyone outside the council. Members can request that something be confidential or ESA. Anything appearing in the minutes is not confidential as the minutes are posted publicly.
- Member suggested that the confidentiality should extend to the associations.
- Director of Licensing responded that there are obligations to other council members and ESA to maintain confidentiality when requested.

ACTION ITEM: ESA to provide further clarification on Code of Conduct and Confidentiality.

9. LICENSING UPDATE

Director of Licensing and Training provided an update on licensing projects

ACTION ITEM: ESA to provide further clarification on Code of Conduct and Confidentiality.

Master Electrician Examination:

- Director of Licensing provided an overview of the virtually proctored Master Electrician Examination. ESA will offer the first virtually proctored exam in April – candidates were able to register for the exam in March. The exam will be proctored by Artificial Intelligence.
- Due to the pandemic, in-person exams were put on hold. ESA recently posted an exam schedule up to July 30. Approximately 200 spots have been filled. ESA will add more sessions, including virtual. ESA wants to ensure that the virtual exams run smoothly and slowly add more sessions as required.

Licensing Renewal:

- Part of the digital strategy is to provide Master Electricians with the ability to renew their licence online. It is anticipated that this will launch in the summer. ESA would like member assistance to encourage MEs to sign up for the digital renewal and provide an email as the primary mode of communication. This will eliminate issues regarding mail delays and will be more efficient for both parties.

Continuing Education:

- Members were asked to do a short 3 question survey.
- Project Specialist provided an overview of the AG recommendation on continuing education (see presentation).
- AG recommendation No. 17 requires the Ministry working together with ESA to implement a continuing education requirement for Master Electricians as a condition of licence. ESA will return in June to provide more details and seek feedback from the council. ESA presented a broad overview of the framework but will share more details and seek feedback at the June meeting of the council.
- Once ESA receives feedback from stakeholders on possible framework for continuing education, it will provide a report including that feedback to MGCS who will make the final determination.

Comments:

- Member suggested the MEC would be helpful to engage on this recommendation.
- Project Specialist responded that MEC and ESA had been working on a voluntary continuing education program prior to the AG report. They will be engaged on the mandatory program.
- Member remarked that some of the suggestions in the presentation would involve a very large training program.
- Project Specialist responded that this was just a starting point and that nothing had been determined.
- Member commented that he did not agree with the recommendation to allow MEs and CEs to expand their scope and allow small jobs. Member felt that the term “deemed competent” needed to be looked at.
- Member commented that the continuing education program would put more burden on Master Electricians and that they did not need to spend more time on continuing education.
- Director of Licensing and Training responded that nothing had been determined yet and the idea was to get feedback from stakeholders and use that feedback to provide a proposal to MGCS. The Ministry will also have a consultation should they choose to change the regulation.
- Member commented that continuing education had been discussed at ECRA for two to three years. The AG had recommended a mandatory continuing education

requirement for TSSA. ECRA decided that ESA should be proactive and start looking into a continuing education program. He commented that the program would likely extend beyond Master Electricians (ME). Members have the opportunity to comment on the scope of the program now.

- Member asked if the program would be for all licensed electricians.
- Project Specialist responded that there had been discussion at OCOT prior to its dissolution and that second part of the Recommendation 17 is for ESA to work with the body that will replace the OCOT to ensure consistent approach.
- Member suggested that the quality of electricians is diminishing and perhaps a continuing education program would improve the quality.
- Director of Licensing and Training responded that ESA does not have jurisdiction over certified electricians, only Licensed Electrical Contractors and Master Electricians.
- Member remarked that most professional organizations have a continuing education requirement but it is bottom up.
- Director of Licensing and Training replied that the rationale for requiring ME continuing education is that they are the individual responsible for oversight of LEC work and have an obligation to be current on Code requirements.
- Member remarked that the people doing the electrical work have no responsibility for the work.

Director of Licensing and Training responded that it would be helpful if members could complete the survey and provide feedback. Members did not have to agree with the proposal – there is an option to suggest more information is needed.

There will be further discussions on continuing education and more feedback requested. The quick survey is just a starting point.

10. NEW BUSINESS

- Member requested a review of the Terms of Reference.

ACTION ITEM: ESA to review Terms of Reference.

WRAP UP & ADJOURNMENT

Motion to adjourn by Dave Ackison

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: April 29, 2021

Location: ZOOM Conference Call