



May 18, 2021

9:00 a.m. to 1:00 p.m.

Meeting via Zoom Videoconference

COUNCIL MEMBERS PRESENT	ESA EMPLOYEES PRESENT
Joe Kurpe, Chair	Josie Erzetic
Vince De Gasperis, Utility Contractors Association	Emily Larose
Larry Allison, Consumer Advisory Council	Angela La Viola
Cameron Hann, OEL	Soussanna Karas
Larry Shaver, ECAO	Scott Eason
Catherine Taylor, Community at Large	Shana Hole
Steve Del Guidice, OEL	Andy Nandi
Brian Smith, ESA	
Matthew Aston, AMCTO	
Leo Grellette, ESA	
Alan Gardiner (MEC)	
Doug McGinley (MEC)	
Frank Cazzola (MEC)	
Len Oosterhof (MEC)	
Glen Hicks (MEC)	
Reshma Sukdhoe (MEC)	
GUESTS	REGRETS
Amanda Garofalo, MGCS	
Alexander Janack, MGCS	
Laura Campbell, MGCS	MINUTES
Susan Hall, LURA	Allison Hawkins, ESA
Melissa Gallina, LURA	Claire Loucks, ESA
Alexander Furneaux, LURA	

AGENDA ITEM	Call to Order Notice & Quorum No conflicts were declared with the Agenda
PRESENTER	Chair

WELCOME AND INTRODUCTIONS

The Chair welcome everyone, opened the meeting for business and briefly introduced the topics to be discussed. The Chair also asked all present to introduce themselves.

Director of Licensing and Training asked members to confirm that the November ECRA meeting can be moved to November 17 and the November license holder meeting can be moved to November 18. No objections were raised.

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MOTION	To accept the minutes of the March 24, 2021 meeting
MOTIONED SECONDED	Catherine Taylor Brian Smith

Motion carried

- Member asked if it would be possible to include member names or initials in the minutes
 - Stakeholder Relations Consultant responded that this is not possible, as the meeting minutes are published and available publically.
 - Members agreed that this would not be a good idea and could result in repercussions for singling people out.
- The Chair introduced discussions on the Auditor General’s recommendations # 15 and #17 as the goal of the meeting.
- Member asked if the agenda would be approved and whether there would be a discussion of action items.
 - The Chair responded that as the focus of the meeting is the Auditor General’s recommendations, action items would not be brought forward.

MOTION	To accept the meeting agenda
MOTIONED SECONDED	Leo Grellette Cameron Hann

Motion carried

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The Chief Regulatory Officer & General Counsel thanked the Chair and members for allowing time for the discussions to follow and introduced the Auditor General’s recommendations on administrative monetary penalties and continuing education and the team leads for each recommendation. The Chief Regulatory Officer & General Counsel also stated that ECRA is an important stakeholder group for feedback and explained that ESA is working jointly with MGCS to address the recommendations.

AGENDA ITEM	Administrative Monetary Penalties (Auditor General Recommendation #15)
PRESENTER	Assistant General Counsel

The Assistant General Counsel introduced the recommendation on administrative monetary penalties and stated that the current discussion is intended to gather feedback and priorities (please see presentation).

- Provided a background on administrative monetary penalties (AMPs) and noted that ESA and stakeholders have considered AMPs in the past.
- Outlined what AMPs are and the Auditor General’s recommendation to implement them to increase the effectiveness of ESA’s oversight.

- Provided a timeline for AMPs development; explained MGCS’s role in the process and that MGCS holds responsibility for regulatory change. Working with MGCS on this program.
 - Discussed the timing of legislative amendments, the development of new regulations and the development of ESA policy and internal processes.
- Identified key elements of AMPs legislation from other jurisdictions and identified the guiding principles used to determine ESA’s priorities at the outset:
 - Integration with ESA’s compliance and enforcement regime
 - Right touch regulation
 - Streamlining and burden reduction
- Outlined an example of a potential legislative model for AMPs to be used for discussion purposes, rather than as a proposed model.

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AGENDA ITEM	Group Discussion – Example Model
PRESENTER	LURA

LURA facilitated the group discussion and asked for feedback on elements of the example model appealed to members and on which elements they considered the most important for ESA as a proposed model is developed.

Comments:

- Member stated that the maximum penalty amount is too low and recommended that ESA ensure that the maximum amount is set high enough to take into account future inflation.
- Member asked what the highest fine taken to court has been.
 - Assistant General Counsel responded that the average fine generally under \$10,000 but has exceeded that in cases where there have been multiple infractions; higher fines for serious safety issues, which would likely continued to be prosecuted using the existing system.
 Member asked who would get the monies collected from AMPs.
 - Assistant General Counsel responded that this is still under discussion; ESA would likely receive the monies but they would be earmarked for a particular use.
- Member stated that the maximum AMP amount is too low and asked if multiple AMPs could be levied or whether there would be one fine for one event?
 - Assistant General Counsel responded that a fine per event could be levied, which could add up and be subject to the maximum amount.
- Member expressed concern that individuals would be charged AMPs and ESA would receive the monies but what would be done to ensure that items identified as unsafe are corrected?
 - Member responded that contractors still have to take out permits to ensure that the work is safe and it must be inspected.

- Member stated that under the Building Code, fines are limited to one year from when the event was discovered; fines are limited to 15 years from the event under the *Limitation Act*.
 - Assistant General Counsel responded that the point of discussion is a two-year limitation and asked which option was preferred.
 - Member responded that there was no important distinction between one and two years.
- Member asked whether the appeals process would be less onerous for AMPs than for prosecutions.
 - Assistant General Counsel responded that is correct.
 - Member added that he thought that the maximum AMP amount was very high but following the discussion, he would be supportive of raising it to a higher amount.
 - Assistant General Counsel responded that it should be cheaper for contractors to be compliant than not, as a guiding principle.
 - Member agreed that the maximum amount should be increased and stated that the higher the amount is, the more effectively it will act as a deterrent and ensure compliance.

AGENDA ITEM	Group Discussion – Guiding Principles
PRESENTER	LURA

LURA opened the discussion by asking if the guiding principles identified capture the elements that they should.

Assistant General Counsel stated that it's important for ESA to determine what is important and to have priorities established at the outset.

Comments:

- Member suggested that a review of the appeals panel should be conducted to ensure sufficient diversity on it to accommodate AMPs.
 - Assistant General Counsel responded that there is an initiative this year to review the roster of individuals available for review hearing and to assess the extent to which the roster is correct for the purpose.
- Member stated that it is more important to talk with a contractor first, instead of immediately issuing an AMP.
- Member agreed that the principles look good and will help to motivate compliance, clarity and consistency.
- Member asked whether AMPs will be introduced gradually and if warning letters will be issued first or whether ESA will proceed immediately with issuing an AMP.
 - Assistant General Counsel responded that this has not yet been determined but that contractors will be given a lot of notice of their implementation; stated that different organizations take different approaches and that contractors could be notified that ESA intends to

issue an AMP and be given the chance to demonstrate why it should not. The issuance of AMPs will likely be incremental and will be reflective of ongoing compliance issues as they develop; AMPs will be flexible and agile.

- Member stated that agility must be built into the AMPs framework and that some could see their issuance as a revenue opportunity for ESA if they are not introduced correctly.
- Member asked if there will be a discussion with the contractor involved to resolve the issue before an AMP is issued and if an investigation will be conducted beforehand.
 - Assistant General Counsel responded that this process will be addressed at the final stage of the process, when ESA internal processes are developed; ESA is currently gathering information to develop a process that is fair and proportional.
 - Member stated that ignorance of the law is no excuse for breaking the law but that educational nudges can be helpful in one-off situations.
- Member stated that certainly for second and third offences, AMPs should be automatically applied.
- Member expressed the opinion that members are already thinking about the implementation stage because AMPs have been discussed before and they would like to move on with their introduction.

AGENDA ITEM	Closing Comments for Administrative Monetary Penalties
PRESENTER	Assistant General Counsel

The Assistant General Counsel thanked members for the discussion and their comments.

Comments:

- Member asked whether inspectors would be responsible for issuing AMPs and expressed the opinion that some may not be comfortable with this.
 - Assistant General Counsel responded that in the model presented, inspectors would not be responsible. In order to respect the trust and relationship between inspectors and contractors, the vision is that the model would see AMPs levied from a higher/Director level at ESA.

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AGENDA ITEM	Continuing Education Background Presentation (Auditor General Recommendation #17)
PRESENTER	Director of Licensing and Training

The Chair asked guest members from MEC to introduce themselves. LURA introduced themselves and their role in facilitating the discussions.

The Director of Licensing and Training stated that she was pleased to have the opportunity to present the item of continuing education and stated that it is an important topic for MEs. Director of Licensing and Training introduced the Auditor General's recommendation regarding continuing education for MEs, which is intended to enhance safety and Code compliance.

Director of Licensing and Training noted that the continuing education framework has not yet been determined and is in the development phase. The framework is subject to government approval; ESA's goal is to discuss proposal and receive feedback. The summary of stakeholders' feedback will be shared with the MGCS. Relevant consultation dates were provided; engagement with ECRA and CoAC, as well as a wider public consultation, will be undertaken.

Director of Licensing and Training provided an overview of what continuing education is and what its benefits are. MEs will be required to complete continuing education on technical, OESC content, as they are responsible for LEC compliance as part of their license requirement.

To prepare for consultations, ESA retained an independent consultant to conduct review of four selected regulators:

- OACETT, given their connection to MEs
- RECO, who has experience in two different models
- TSBC, which was referenced in the Auditor General's report
- TSSA, which has a similar mandate

AGENDA ITEM	Questions of Clarification
PRESENTER	LURA

Members were given the opportunity to ask questions of clarification on the material presented thus far.

Comments:

- Member welcomed MEC members and asked for clarification on the exam to maintain the ME license. Member stated that the ME licensing exam contains three elements, Code, health and safety and business, and that the other two elements are just as important as the Code.
 - Director of Licensing and Training replied that nothing has been determined at this point and that there is flexibility on the model, which will include compulsory courses and electives to fit the business needs of individual MEs.
- LURA reminded members to focus on questions of clarification.
- Member asked who would deliver the training and asked whether ESA is suggesting that they or other parties will deliver.

- Director of Licensing and Training responded that this will be addressed in the following presentation on models.

AGENDA ITEM	Need for Continuing Education
PRESENTER	LURA

LURA presented a poll to members, asking:

- Do you agree with the premise of continuing education for Master Electricians?
 - Yes, completely. It makes sense for our industry.
 - I am not sure. I'd like to discuss it further.
 - No, this does not make sense for our industry.

94% of members responded yes; 6% responded that they were not sure and wanted to discuss further.

Comments:

Member stated that although he voted that he was not sure, he does agree with the premise but wants to have a say in the shaping of the CE framework.

AGENDA ITEM	Compulsory Courses and Elective
PRESENTER	Project Specialist, Licensing

Project Specialist, Licensing explained that the compulsory course requirement on the Code would be rolled out in the first phase and additional electives on a variety of topics, such as safety, working at heights, would be introduced in the second phase.

LURA presented a poll to members, asking:

- Phase 1 of the Continuous Education Requirement will include OESC. What are your thoughts?
 - Yes, it makes sense to the industry.
 - I am not sure and would like to discuss further.
 - No, it does not make sense to the industry.

81% of members responded yes; 19% responded that they were not sure and wanted to discuss further.

Comments:

- Member stated that it is too narrow to focus on technical aspects first and then electives later; all should be delivered together as a package.
- Member agreed with the previous comment and expressed the opinion that this is not the right approach. Member also stated the ESA should focus on delivering the whole package of elements required to obtain and maintain the ME license;

- Director, Licensing and Training responded that the decision to take this approach is based on the experience of other regulators who also started with code courses and then introduced electives; these regulators found that even rolling out one portion of the training first was a learning curve for all involved and that they wanted to have a trial period first to address any issues, before expanding. This allows MEs to get familiar with the process. The Director, Licensing and Training reminded that failure to complete mandatory CE courses will result in ME's licence not being renewed. As a result, incremental start to the CE is a best practice recommended by other regulators.
- Member expressed agreement that health and safety and business should be included in mandatory courses, to mimic what is involved in the ME licensing exam.
- Member stated that he agreed with the Director of Licensing and Training that the code course should be rolled out first, to avoid potential delivery delays as a result of putting together a complex teaching program for additional course topics.
- Member stated that the Code is important and that he would like to see additional courses on government regulations, health and safety, occupational and worksite safety as well.

AGENDA ITEM	Training Frequency
PRESENTER	Project Specialist, Licensing

Project Specialist, Licensing explained that the requirement for continuing education to be completed on a five year cycle is to align with ME license renewals.

- Member asked if all MEs are on the same five year cycle for renewals.
 - Project Specialist, Licensing responded that ME renewals are staggered and dependent upon the date of their original licensing.

LURA presented a poll to members, asking:

- The training will have to be taken and reported every 5 years to coincide with the ME renewal cycle. Given the rationale, do you think this makes sense?
 - Yes, it makes sense for our industry.
 - No, this does not make sense for our industry.

88% of members responded yes; 13% responded no.

Comments:

- Member expressed the opinion that a hybrid model makes the most sense; the Code course should be required every three years and other elements should be every five years.

- Member stated that he agreed with the previous member and that if an ME gets licensed and the next year the Code changes, it does not make sense for the ME to wait five years to complete the Code course.
- Member stated that if ME takes code update it's just as important as taking a course on code. Part of the safety equation is more than just the Code.
 - Project Specialist, Licensing, asked for a confirmation on whether the member's position is that the Code Amendments should qualify, not just the whole Code.
 - Member responded that it is just as important to know what changes have happened and that taking a Code update course should have just as much merit as taking a course on the full Code.

AGENDA ITEM	Delivery Models
PRESENTER	Director of Licensing and Training

Director of Licensing and Training informed members that ESA engaged a consultant to conduct research and develop delivery models for continuing education for consideration. Director of Licensing and Training presented a course delivery model spectrum based on consultant report and feedback, with four different models. In Model 1, ESA retains full responsibility for developing and delivery of the OESC renewal course and elective courses; in Model 2, ESA would exclusively develop and deliver the OESC renewal course and would partner with third party providers to deliver electives; in Model 3, ESA would partner with third party providers on the OESC renewal course and elective; in Model 4, ESA would not deliver continuing education courses, except where there is a gap in delivery options. Pros and cons of each model were presented.

The consultant concluded that Model 3 is the preferred model:

- ESA would develop and deliver the OESC renewal course and elective courses but would also accredit third party providers to deliver the renewal and elective courses.
- ESA agrees with this recommendation and is willing to start working on this, most open and comprehensive model, which provides the most variety to license holders.

Comments:

- Member preferred Model 3 and stated that the train the trainer option, to train peers to deliver course material, would create buy-in among MEs.
- Member stated that he is on the fence between Model 3 and Model 4. Member expressed that although he agrees that continuing education is needed and is supportive of the requirement, he struggles with ESA taking the lead. Member expressed the opinion that in the Auditor General's report, ESA did not meet its mandate and that although ESA has the depth and skillset, ESA should focus on its mandate for public safety before taking on more.

- Director of Licensing and Training responded that ESA's mandate is electrical safety and ESA's delivery of safety courses is in alignment with its mandate.
- Member asked if in Model 1, everything would be delivered by ESA staff.
 - Director of Licensing and Training responded that yes, in Model 1, ESA would develop and deliver all courses.
- Member stated that Model 3 is presented differently on different slides and asked for clarification.
 - Director of Licensing and Training clarified that Model 3 in the consultant's report is intended as an overview and that the Model 3 presented by ESA is a more comprehensive delivery model with more specificity. Director of Licensing and Training explained that in ESA's Model 3, ESA develops and delivers courses, while also partnering with third party providers.

LURA asked members to consider which elements of the models are the most important and which model makes the most sense to them.

Comments:

- Member stated that he likes Model 4, as regulators should not be competing with industry, who has professionals who can deliver training; ESA can develop content but not deliver. Member asked if continuing education should be required for DMEs and LECs, rather than MEs.
 - Director of Licensing and Training responded that ESA has consistently received feedback that contractors appreciate ESA inspectors delivering ESA courses, as they can get direct and practicable feedback. Director of Licensing and Training stated that although DMEs are responsible for license holder compliance and must know the Code, there is no DME license, only ME. However, any MEs who will be subject to the CE requirement can become DMEs and contribute to safety and compliance of the LEC.
- Member stated that Model 3 best suits delivery but asked whether ESA should focus on regulating and contract out training.
- Member expressed the opinion that it would be better to target DMEs for continuing education.
- Member stated that he preferred Model 3 and to keep the choice in delivery open to prevent a monopoly.
- Member asked for clarification on what is the difference in ESA's relationship to providers in Model 3 and Model 4.
 - Director of Licensing and Training explained that in Model 3, ESA would be on the list of approved providers for both compulsory and electives courses; ESA would not be on either list in Model 4.
 - Accreditation process for third party providers will be the same for all 4 models; ESA will establish robust but fair criteria for approval and delivery

- Model 3 is the most flexible model as it provides license holders with the choice in who they take courses from
- Every model is an evolution: ESA is willing to start at 3 and move to 4 and adapt as needed; as a responsible regulator, ESA is responsible for ensuring that regardless of where licence holders take the course, they have the choice in the course they want to take; CE framework should be fair and accessible, not prohibitive. If in Model 4 there is a gap that the market can't fill, ESA is obliged to fill that gap.
- Member expressed that he has taken member comments into consideration and from a purist perspective, he leans towards Model 4, with any organization able to deliver training. However, it would be a significant challenge for industry to transition as quickly as we would like and there may be insufficient industry interest/resources to deliver all of the courses. Member stated that he supports ESA stepping in to fill gaps where needed.
- Member thanked other members for all of their input and stated that he liked Model 3 and the idea of partnerships, which allows for flexibility and for evolution in delivery and course options. Member expressed the opinion that no model will be perfect but can evolve as we learn through experience about effective delivery and partnering.
- Member stated that the Auditor General focuses on electrical safety, which is important, but that MEs are also concerned with worker safety and business component. Member asked if Auditor General understood the roles of MEs and DMEs.
 - Chief Regulatory Officer & General Counsel responded that the Auditor General maintains independence in conducting audits but was briefed by ESA on the roles; ultimately, the report is their own.
- Member asked why ECRA is not mentioned in the spectrum of options and why cannot ECRA decide which courses MEs should take.
- Member stated that ECRA was already ahead of this work and used to have a subcommittee on continuing education that discussed what MEs should be trained on.
- Member stated that he likes Model 3, which leverages external training skills and leveraging ESA's experience in interpreting the Code, and that user ease and accessibility are the most important. Member stated that when he wrote the ME exam, each section counted for a third each and that it was possible to fail the exam if you failed the Code section, despite passing the other two sections. Member stated some may pass the exam but not the renewal.
 - Director of Licensing and Training clarified that the current exam is weighted a third on each section, with the requirement to reach 70% overall. Each section must score at least 60%; if you pass the other two section but not the Code section, you cannot pass the ME exam. Director of Licensing and Training clarified that the ME renewal would not be the same as the ME exam.

- Member expressed concern if MEs could not meet a minimum of 70% overall and stated that the most important piece is training the trainer to ensure that they have the technical background and working knowledge of what they're delivering and weeding out individual who do not have the subject matter expertise.
- Member asked about the background of the consultant who prepared the report; stated that ESA should start with Model 4 and if there are no third party providers available to deliver training, ESA can shift to Model 3. Member stated that ECRA should be used as a guidance and input, as the issue directly affects contractors, and that he wants to be involved in shaping the change, which is a big change. Member expressed the opinion that there will be immense pushback on continuing education and asked whether the mandatory course will be a refresher course or an exam with recorded results.
 - Chief Regulatory Officer & General Counsel responded that as a regulator, ESA need to be cognizant of gaps and availability of training to all corners of the province and the issue of costs; ESA cannot have mandatory courses where prices are high and/or fluctuate as a result of availability.
 - Director of Licensing and Training responded that the Code course would not be the same as the ME exam; MEs would have the option to challenge the ME exam or take the refresher course as credit towards the mandatory training requirement. Director of Licensing and Training stated that ESA already has the resources and knowledge to delivery training, which would make a shift from Model 3 to Model 4 easier than shifting in the opposite direction.
- Member stated that by ESA partnering with third party providers, people will think that it is a cash grab and asked why ECRA is not the one determining what is mandatory and what is elective, as this would be a better sell.
- Member stated that he would like to take the discussion back to his organization for feedback and comment at the next meeting and asked whether there could be a meeting sooner than the fall.
 - Director of Licensing and Training responded that there will be an opportunity for public consultation on the ESA website, which will be announced via PluggedIN; anyone can provide feedback through this channel, of which LURA will provide a summary.
- Member stated that the MOL's working at heights program is a good model for continuing education and Model 4; MOL manages the program and approves training providers and program.
- Member stated that he would appreciate going back to the representative associations and polling their views on the issue and asked what can be shared with these groups.
 - Director of Licensing and Training responded that ESA will share the final version of the presentation after the meeting, which can be shared with the associations.

- Member asked how fees for the tests and courses be handled, as this would be an additional cost factor, and suggested variable course length and timing to improve accessibility.
 - Director of Licensing and Training responded that as responsible regulator, ESA has to ensure that courses are not cost prohibitive. ESA prefers to start with Model 3 to ensure that courses are accessible to all regions and costs.
- Member suggested that elements such as webinars, presentations and free courses could also count towards the continuing education requirement.
- Member expressed appreciation for the efforts of ESA staff and stated that the priority is to make it right and that ESA should take the time to get it right.
 - Chief Regulatory Officer & General Counsel responded that ESA has a deliverable to MGCS within a specific window of time.

AGENDA ITEM	Closing Remarks and Next Steps
PRESENTER	Director of Licensing and Training

LURA stated that they will compile feedback from today's meeting.

The Director of Licensing and Training explained that a wider ME consultation will be open for 30 days, starting June 15 and announced in PluggedIN. Individuals will be able to submit feedback on the ESA website and via email. A follow-up report on the consultation will be provided at the next ECRA meeting.

Comments:

- Member asked if there would be another meeting before September.
 - Director Licensing and Training responded that ESA will continue consulting with CoAC and will gather feedback from the wider ME consultation; acknowledged that it is difficult to coordinate meetings over the summer period and ESA will need time to consolidate all of the feedback.
- Member asked if members can take the information back to their associations and discuss.
 - Director of Licensing and Training responded that members can share the presentation for discussion.

MOTION	To adjourn meeting
MOTIONED SECONDED	Cameron Hann Vince De Gasperis

Motion carried

ADJOURNMENT

End of ECRA AC meeting

If there are any discrepancies to these minutes, please report them by email to Claire Loucks.

Next Meeting: September 22, 2021

Location: Zoom Videoconferencing