
February 11, 2022**9:30 a.m. to 12:15 p.m.****Meeting via Video-conference**

Present:	Sandy Manners (Chair)	Larry Allison
	Gurvinder Chopra	Sunaina Menezes
	Tammie Orifa	Jennifer Reynolds
Regrets:		
Guests:	Melissa Gallina, LURA	Susan Hall, LURA
ESA Staff:	Raymond Chan	Scott Eason
	Soussanna Karas	Emily Larose
	Claire Loucks	Karen Ras
	Hayley Shaughnessy	

PRELIMINARIES

The Chair welcomed members to the meeting. Manager of Government and Stakeholder Relations introduced Karen Ras as the new Director of Communications, Government & Stakeholder Relations. Roundtable introductions of ESA staff and CAC members were conducted.

1. CONFLICT OF INTEREST

No conflicts of interest declared.

2. APPROVAL OF AGENDA AND MINUTES

Motion to Approve Agenda

1st: Larry Allison

Seconded by Jennifer Reynolds

Carried

Motion to Approve Minutes of September 24, 2021 meeting.

1st: Tammie Orifa

Seconded by Gurvinder Chopra

Carried

3. ESA COMMUNICATIONS CAMPAIGNS UPDATE

The Director of Communications, Government & Stakeholder Relations provided an update on ESA's awareness campaigns, including the Powerline and Hire an LEC campaigns, as well as Lichtenberg Generators and new episodes of the ESA podcast. ESA will also be developing new campaigns for the coming year, with a focus on youth safety outreach and an expanded product safety program.

Comments:

The Director of Communications, Government & Stakeholder Relations asked members for any comments on who best to target for these campaigns:

- Member suggested targeting the demographic who uses Amazon the most, as the origin and quality of many products available through the site are unknown.
- Member agreed that the youth initiative is a fantastic way to encourage youth into the trade and suggested reaching out to schools, high schools and colleges to help influence, as well as engaging with parents who can be influential. Member suggested reaching out to the Consumer Council, Retail Council of Canada, and big retail chains to work with us.
- Chair described a summer camp program to educate children on electrical safety and to teach them about the electrical system; it was a cost-effective way to get information out.
- Member stated that despite the large number of expected retirements in the electrical sector, there is no plan to fill the gap. Member emphasized the importance of reaching out to high school students and educate them about entering the electrical sector, as it is almost too late by the time they reach college or university. Member discussed the portal developed by CASES and EFC to educate consumers but noted that ongoing campaigns are needed; it appears that consumers in Canada prefer pricing over the quality and safety of products.
- Member suggested that working with construction is an opportunity to provide safety education and information on careers in the sector; firms like Ellis Don could be a strong partner.

4. ADMINISTRATIVE MONETARY PENALTIES UPDATE

The Acting Chief Regulatory Officer & General Counsel provided an update on AMPs; under the legislation, ESA has been granted the authority to issue AMPs. The details are under development and MGCS is currently consulting on them. Illegal electrical installations will be the focus of the regulatory development process. AMPs will not

replace existing enforcement and compliance tools but rather add to them, to provide flexibility and agility to address these cases of non-compliance, with a proportionate response to the infraction.

Comments:

- Member asked if AMPs will only apply to individuals inside the ESA licensing system; will AMPs also apply to unlicensed individuals?
 - Acting Chief Regulatory Officer & General Counsel responded that there will be a significant focus on unlicensed work.

5. AUDITOR GENERAL 20.3

The Director of Licensing and Training introduced herself and role at ESA and introduced Scott Eason as the Project Specialist, Licensing. Guests from LURA introduced themselves and their role in supporting engagement on the AGRs.

The Director of Licensing and Training introduced AGR 20.3 and its connection to consumer protection. Director of Licensing and Training and Project Specialist, Licensing outlined the categories proposed for disclosure and the rationale behind them.

Comments:

- Member suggested that in some cases where an infraction is willful and repetitive, the first occurrence could be disastrous. Why wait to consider it a concern?
 - Project Specialist, Licensing responded that situations like this would be escalated and reviewed. The “repeated” nature of an infraction would apply to something like a contractor not registering a permit.
 - Director of Licensing and Training responded that ESA works with a compliance pyramid and takes a contextual approach.
- Member asked if there is a progressive approach to this to ensure that ESA has records of LECs, regarding willful and repetitive behaviour.
 - Project Specialist, Licensing confirmed it is progressive according to the compliance pyramid. The licensee does have an opportunity to provide information to support their position.
- Member asked that if a contractor says that they were not aware of the requirements, it could be something to consider from an educational point of view. Do we need to change how we communicate requirements?
 - Project Specialist, Licensing replied that Terms and Conditions can be applied that require training and that the training provided by ESA includes a testing requirement.
- Member asked if an additional infraction occurred, would it be retested?

- Project Specialist, Licensing responded that if the condition applied to them required training, yes it would be followed up.
- Director of Licensing and Training responded that for some types of conditions, ESA requests a correction plan from the owner or Master Electrician of business when they are not in compliance. Depending on the nature of non-compliance, the Director can ask for a corrective plan of action from the licence holder, with practical steps to take to ensure this does not happen again. The plan is provided in writing and ESA monitors this. As part of Terms and Conditions, in some cases, the licence holder would require regular meetings with inspectors to ensure compliance; the inspector can guide them on any corrections required. We are trying to ensure that behaviour is changed and good behaviour is learned.
- Chair asked whether the existing process to conduct a record search includes historical data or just open permits.
 - Project Specialist, Licensing responded that both could be released upon request for a record search but is not available online.
- Chair asked if the information on the permit describes the work done?
 - Project Specialist, Licensing responded that in most cases, yes it would include description of work on the permit.
- Member stressed that this initiative has been advocated for through CAC for some time and urged ESA to continue this work until meaningful conclusion.

Group #1: information proposed to be published

- Contractors not notifying ESA of electrical work
- LECs with outstanding defects
- Electrical contractors failing to provide records required for licensing
- Electrical contractors using unqualified workers

Comments:

- Chair stated that they agree with all of them and suggested working with Skilled Trades Ontario and the MOL to ensure that those doing work are certified.
- Member stated that this presentation was provided to ECRA previously. This proposal was generally supported by them and would not raise industry's ire. Member generally supports them as well.
- Member expressed concerns about electrical contractors using unqualified workers. There should be a process in place to ensure that this does not happen again. It is very important.
- Member agreed with the proposed solutions.
- Member stated that proposal looks reasonable and agree with what is being shared.

- Member stated that the proposal looks good but asked if there is a process to have conditions removed at a certain point?
 - Project Specialist, Licensing responded that conditions are not applied forever; they can be removed when the conditions are met and there are time parameters on each condition.
- Member asked if it would include a record of historical conditions?
 - Project Specialist, Licensing responded that ESA may only publish active conditions and once the conditions are met, they would be removed.
 - Director of Licensing and Training responded that we have not decided what the process will look like and how it will be operationalized. Once we land on the categories, the next step would be to report on this to the AG and determine implementation. Implementation would require significant IT project as well as further discussion on processes and practices. ESA want the disclosure to be timely, helpful and clear and do not want to confuse homeowners and detract from the contractors if they are compliant.

Group #2 – information not proposed to be published

- Address of site where work is taking place
- Electrical contractors failing to request for inspection

Comments:

- Member cautioned about ESA using discretion when determining whether to release records. It should be fair and consistent, with no discretion.
 - Director, Licensing and Training explained that ESA is subject to Access and Privacy Code which clearly outlines categories of disclosure and release of information.
 - Project Specialist, Licensing responded that the process looks at who the requestor is and determines next steps. As a homeowner requesting, there would be no charge for the request. There could be a charge if someone requests information for another property.
- Member asked when do you expect to operationalize these? May be premature to ask this.
 - Director of Licensing and Training responded that we do not have an answer to this question but we have submitted a project request for this initiative.
- Chair stated that they have some hesitation using the existing process for record search. If transparency is important, this is not transparent. Chair asked how long does a record search take and are you losing the value of some of that information if it takes more than 24 hours? If you assume that people are doing something nefarious with this information, is there not a better way to address it?

Chair stated they would be more likely to search for permits on a property they are buying, rather than an LEC record.

- Director of Licensing and Training responded that these are valid points, however, this presentation is focused on categories of disclosure about LEC and what would be helpful to homeowners.

Group #3 – agree to publish this information but is already part of existing practice

- Names of businesses found operating without a valid license
- Electrical contractors using uncertified products in electrical installations

Comments:

- Member who also sits on ECRA stated that ECRA generally agreed with these categories. They also stated that it is important to publish information about charges laid as well as convictions. The members commented that the court process is slow and publishing a conviction may be many years after the misconduct took place, which might not be as transparent as the recommendation would like.
- Chair commented that it would be preferable to publish that a prosecution is in process, even before there is a conviction.
- Member stated that if we wait for the conviction to happen, things will continue in the same way. Enforcement is the issue and if it is not done properly, consumers and LECs who are following regulations will feel ignored and disappointed.
 - Member noted that for situations where someone is not operating with a valid license, that is a straightforward matter; conviction may come later but they should not be allowed to operate.
- Member asked what is the volume of businesses operating without a license? The issue might not be as big as we think it is. Do you have the data on each area you have addressed?
 - Director of Licensing and Training responded that it is difficult to quantify the issue, as we are talking about the underground economy and it is very hard to measure this. With AMPs, we could see a larger volume of fines imposed on those operating without a license.
- Member stated that if you are in the court system you can find charges.

Director of Licensing and Training encouraged members to submit any additional comments to AGRconsultation@lura.ca. ESA will develop a draft recommendation based on the feedback received and report back on the findings.

6. MEMBER UPDATES

Member represented UAC had no update to provide, as UAC meets next on February 15, 2022.

Member who also sits on ECRA explained that the bulk of the meeting was spent discussing AGR20.3. The other item of relevance to CAC is the Continuing Education Committee, which will be established under ECRA; work is underway to develop the committee's Terms of Reference.

Manager, Government and Stakeholder Relations stated that ESA staff have worked to revise the draft Terms of Reference, based on feedback from ECRA. As part of the committee's membership, a place has been reserved for someone representing consumers or homeowners; members were encouraged to reach out if they were interested.

- Chair asked if the Terms of Reference could be circulated to CAC members.
 - Member representing ECRA responded that ECRA should approve the document first, before it is circulated more broadly.
 - Manager, Government and Stakeholder Relations responded that as the Terms of Reference will be discussed again at the next ECRA meeting at the end of March. It can be circulated to CAC afterwards.

7. OTHER BUSINESS

Member asked who member should send invoices to.

Manager, Government and Stakeholder Relations responded that invoices should be sent to the Stakeholder Advisor within 30 days of each meeting.

8. WRAP UP & ADJOURNMENT

Motion to adjourn by Larry Allison

Seconded by Jennifer Reynolds

Carried

End of Consumer Advisory Council Meeting

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

Next Meeting: May 6, 2022

Location: ZOOM Conference Call or in-person if possible.