



January 31, 2022

10:00 a.m. to 2:00 p.m.

Meeting via Zoom Videoconference

COUNCIL MEMBERS PRESENT	ESA EMPLOYEES PRESENT
Joe Kurpe, ECAO, Chair	Raymond Chan
Cameron Hann, OEL, Vice Chair	Scott Eason
Larry Allison, CAC	Alejandro Gonzalez
Matthew Aston, AMCTO	Shana Hole
Steve Del Guidice, OEL	Soussanna Karas
Vince De Gasperis, Utility Contractors Association	Emily Larose
Leo Grellette, ESA	Jeff Thomson
Larry Shaver, ECAO	Karen Ras
Brian Smith, ESA	
Catherine Taylor, Community at Large	
GUESTS	REGRETS
Susan Hall, LURA	
Glen Hicks, MEC	
Amanda Garofolo, MGCS	
Melissa Gallina, LURA	
Alexander Janack, MGCS	
Doug McGinley, Chair, MEC	
Jillian Siskind, Jillian M. Siskind & Associates	
Reshma Sukdhoe, MEC	
Louie Violo, ECAO	
Ray Yousef, MEC	
	MINUTES
	Claire Loucks, ESA

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

WELCOME AND INTRODUCTIONS

The Chair asked members and guests to introduce themselves. Emily Larose (Acting Chief Regulatory Officer & General Counsel) introduced Karen Ras as the new Director of Communications, Stakeholder and Government Relations.

The Chair welcomed everyone and opened the meeting for business and briefly introduced the topics to be discussed.

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MOTION	The motion to accept the minutes of the September 22, 2021 meeting.
MOTIONED SECONDED	Cathy Taylor Cameron Hann <i>Motion carried</i>
MOTION	To accept the meeting agenda.
MOTIONED SECONDED	Leo Grellette Cameron Hann <i>Motion carried</i>

Review of Open Action Items:

1. Working Group for guidelines will be formed to update existing document: *Ongoing*
 - Will remain as an open action item until the ME Competency Profile has been completed. The ME Competency Profile will inform the development of the Guidelines.

2. Members to provide ongoing feedback to ESA on remote inspections: *Ongoing*
 - Overall, members agreed that the process is going well, although some noted the need for a guidance document to ensure the consistent submission of required photos and videos.
 - **ACTION ITEM: Acting Chief Acting Regulatory Officer & General Counsel to send updated guidance document to members.**

AGENDA ITEM	Administrative Items
PRESENTER	Chair, Director of Licensing and Training, Project Specialist, Licensing and Acting Chief Regulatory Officer & General Counsel

1. The Chair introduced the action item. Soussanna Karas (Director of Licensing and Training) asked ECRA to make a motion to approve Joe Kurpe as a Chair of ECRA until November 2022. The Director of Licensing and Training explained that elections for a new Chair and Vice-Chair will be held at that time, with the new Chair and Vice-Chair in place for January 2023.
 - Vice-Chair suggested that the elections for a new Chair and Vice-Chair be held in October 2022, so that the successful candidates can be introduced at the AGM in November.
 - Director of Licensing and Training agreed and stated that we can discuss the timeline.

MOTION	To approve Joe Kurpe's role as Chair of ECRA for the period until November 2022.
MOTIONED SECONDED	Matthew Ashton Brian Smith

Motion carried

2. Scott Eason (Project Specialist, Licensing) updated members on the establishment of a working relationship with the new Skilled Trades Ontario.
 - Chair stated that he has experienced mixed messaging regarding the registration of apprentices.
 - Project Specialist, Licensing responded that this would not impact ME licensing but is good to know.
3. Emily Larose (Acting Chief Regulatory Officer & General Counsel) updated members on the public consultation with respect to Administrative Monetary Penalties, which is currently underway through MGCS; the regulatory proposal is very similar to the elements previously discussed at ECRA. ESA will seek input from ECRA through an informal working group on principles for, an insight on, AMP policy once the regulatory consultation is complete.

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AGENDA ITEM	Governance Presentation
PRESENTER	Siskind & Associates

Jillian Siskind (Siskind & Associates) presented on governance best practices for advisory councils. This presentation included a discussion of the role of the advisory council and its members, a discussion of what constitutes an effective licensing system, the role of advising versus the role of decision-making and the role of the Chair.

MEC members joined the meeting to participate in this agenda item.

Comments:

In discussing constitutes an effective licensing system,

- Chair stated that effective licensing system is when everybody is speaking with one voice, not as our respective organizations.
 - Siskind & Associates agreed and stated that when you talk about industry, you talk about those players and who it affects, including consumers. A well-managed system results in improved safety and consumer confidence. The conduct of industry participants is another important aspect.

In discussing whether member believe it is their role to put forward the views of their organisation,

- Member stated that while questions and feedback from the groups members represent is an important part of the discussion, each member also draws on their personal and professional experience in providing input during ECRA AC meetings. Member stated that they would like additional clarity as to what can and cannot be shared with their association. This has a topic of discussion and the member suggested to mark the minutes in different colours so that it is clear what can be shared.
 - Siskind & Associates responded that it is important to marry this with the public interest. When bringing in personal and organisational view point, you need to consider that ECRA is not a lobby group for associations. Also important to understand that members obligation is to ECRA AC while they participate in ECRA AC meetings. The Code of Conduct highlights that members have a responsibility to act in the public interest.
- Chair stated that when we bring issues from our organisations to ECRA, we seek input to see if it is an industry-wide issue to pursue. No one comes here with their own agenda.

In discussing conflicts of between ESA and ECRA,

- Member commented that the current ECRA AC group of people are professional and care about the industry. Member asked if indicating their ECRA membership on LinkedIn is a problem.
 - Siskind & Associates responded that is fine.
- Member asked what was the reason for this presentation?
 - Director of Licensing and Training responded that governance update and refresher is the part of the workplan. The current workplan provides for governance refresher every 2 years. Siskind & Associates stated that it is just good practice to do these refreshers.
- Member stated that the ToR of ECRA AC places restrictions on who can be a Chair of ECRA by providing that the Chair can only be elected from the representatives of OEL and ECAO only. Member commented that such a structure could potentially be an example of regulatory capture.
 - Siskind & Associates responded that you have to work within the framework given. If the public interest mandate is kept front of mind, you may be able to avoid this.
 - Member asked if our structure gives a perception that we are not open?
 - Member stated that we have control over our own TOR. If there is a will, it could be modified.
 - Member stated that the TOR has been around since before ESA took over ECRA and this has not been addressed.
 - Siskind & Associates responded that this may be something that ECRA wants to make a recommendation on to ESA.
 - Member asked if it is correct that the ECRA AC has a different reporting structure and must report to ESA Board of Directors.

- Director of Licensing and Training responded that is correct. ECRA provides feedback and advice to the RAC of the Board of Directors.
- Chair asked whether the ESA Board of Directors By-Laws allow public members (who are not industry members) to be a Chair of the Committees of the Board
 - Director of Licensing and Training provided an explanation of the ESA Board and Committee structure and referred the ECRA AC members to ESA website for more details.

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AGENDA ITEM	Auditor General Recommendation 11.1: Electrical Safety Review
PRESENTER	Territory Manager-Western Region

Jeff Thomson (Territory Manager-Western Region) explained that ESA is evaluating the elimination of the ElecCheck program and is looking for feedback from LECs.

Comments:

Do you agree that this work is something that LECs do and have done for a long time?

- Chair stated he has been doing them and would like a format from ESA. He is in touch with the inspectors and lets them know the nature of the inspections and checks whether a permit is needed to address any issues.
 - Territory Manager-Western Region responded that ESA has posted the ElecCheck checklist that inspectors used on the website. ESA inspectors have not done these inspections since beginning of the pandemic, so LECs have been filling the gap since then. CSA is in the process of updating the standard for domestic dwellings which will be a good, consistent standard for conducting inspections.
- Member stated that some homeowners think that LECs are trying to generate work, so he tends to shy away from doing them. We need to educate the public.

Is this work that LECs want to continue doing more of?

- Chair stated that a large contractor in Toronto doing this and they have been quite successful.
 - Territory Manager-Western Region responded that he is aware of this contractor and they have taken it to another level with a detailed, thorough inspection. A different level of customer that will be interested in this.
- Member stated that he does not do residential work, only commercial and industrial inspections. In the inspections he has done of high-rise in past two years, the electrical work has not been touched since the day they were built and he has found astonishing problems in them; they need to be a focus along with residential. Industry does a bit more with maintenance but high-rises should be mandated to have them done.
 - Territory Manager-Western Region responded that this is an issue that cannot be overlooked and ESA has been discussing it.
- Member stated that many management companies do not want to do preventative maintenance and would rather deal with issues post-mortem and emphasized that it is important to put pressure on them. They are allowed to have their maintenance staff do work in the building and what makes them qualified? They should still be looked at.
 - Territory Manager-Western Region acknowledged the concern.

With ESA ceasing this work, do you see any significant gaps?

- No comments or concerns raised.

How do you involve ESA?

- Member stated that we need support from inspectors when it comes to Z7s.
 - Territory Manager-Western Region responded that in the Western region, you can anonymously call it on or call in the inspectors and follow up on Z7s to make sure that inspectors go to site to see. There are a lot more LECs than inspectors, so we rely on their eyes on site.
- Member stated that a general report could be issued on the findings at the houses and any house sale should be required to have these inspections conducted.
 - Territory Manager-Western Region agreed and stated that this is something that has been discussed at ESA. There are many pre-1976 houses in the province, where unqualified people who did the electrical work still poses a hazard. He agreed that the member's suggestion could help to address this.
- Chair stated that some insurance companies are not interested; it should be made mandatory to have these inspections done before underwriting the house. He said he knows it is an added expense but it would give more peace of mind. We should lobby insurance companies to see if they would support this.

- Territory Manager-Western Region responded that this will probably take a push from government.
- Member stated that there is value in having the public scared a little more so that they understand the risks out there. Show them examples of the things we see, so they feel safe and are educated. They do not understand how easily these things can happen.
- Member stated that official templates and checklists with the ESA logo on it to show a homeowner would be a big help and that it is usually the homeowner that created the problem who is the most offended.
 - Territory Manager-Western Region responded that promoting consistency would help out quite a bit.

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AGENDA ITEM	Auditor General Recommendation 20.3: Disclosure of Information about LECs
PRESENTER	Director of Licensing and Training and Project Specialist, Licensing

The Director of Licensing and Training introduced the AG Recommendation 20.3 and outlined the goal of this consultation and started the presentation. The Project Specialist, Licensing presented on the proposed disclosure categories.

Comments:

- Member stated that this has been a CAC item for literally years. The last time, CAC was told there is no capacity to modify the website to provide additional information. Will there be resources and a commitment to seeing it more forward?
 - Project Specialist, Licensing responded that resourcing discussions with IT are underway.
 - Director of Licensing and Training responded that there is support and understanding from the senior management at the ESA. It is a significant project, so it will take time.
 - Member expressed that there is a hope for stronger commitment to get it done.

Member stated that ECRA AC would like to be part of the ongoing discussion before the final decision is made. Project Specialist, Licensing presented survey results from homeowners on the topic.

Comments:

- Chair stated that displaying addresses and Notifications (permits) where work is done could be used for other ways than intended.

- Director of Licensing and Training agreed and suggested that there has to be a very careful approach.
- Member suggested that instead of naming the owners of the LEC, disclosure should identify the name of the DME. Every LEC has a DME and that should be made public, it is more important than who the owner is.
 - Director of Licensing and Training agreed and pointed that DMEs are responsible for ensuring compliance and safety; they are a key person for the LEC.

Discussion – Group #1 Recommended Categories

- Chair asked, regarding LEC use of unqualified workers, what would be the process of ensuring compliance?
 - Project Specialist, Licensing responded that the focus would be on cases of LEC subcontracting work to unlicensed contractors.
 - Director of Licensing and Training stated that they have seen an alarming number of LECs subcontracting or allowing their licence to be used to cover for unlicensed work. These are the cases that it is important for public to be aware of.
- Member asked if this process was in place today, based on 2021, how many contractors would have received Terms and Conditions on their licenses?
 - Director of Licensing and Training responded that we do not have that data but can look into it.
 - Member responded that it would be helpful to know what this activity could result in, in terms of volume. However, the member pointed that any additional information that can assist the consumer to make an informed decision is a good thing.
- Member that checking with utilities to see where they have given rebates for lighting retrofit may also help to reveal some of the unlicensed companies or licence holders working without a Notification (permit).
- The member commented that it would be helpful to see what other regulators are publishing, in addition to TSBC. Member commented that they support what is being proposed; it is not perfect and never will be but this is an important starting point to weed out those who is not compliant and protect the reputation of legitimate contractors.
- Member stated that ones that do not follow any of the rules are the greatest concern. Most LECs care about their reputation and try to do things right.
- Member stated that from the utility side, they fully support this initiative. The fact that some use unqualified subcontractors is something to focus on. It is occurring not just in the residential and commercial spaces but the utility space as well, where the public are exposed. This will help our industry as well.

Group #2 – Do not Recommend these Categories



- Member stated that other than publishing the address, they agree with combining #3 with #2; they do not see the point of putting up the address but suggested including the building permit information with the ESA notification and using the existing notification disclosure process.

Group #3 – Part of Existing Practice

- Member asked if all of this information will be kept in one place for consumer to search.
 - Project Specialist, Licensing responded that it will be.
- Chair stated that some products from Europe and the United States are so new and that they often do not have certification marks; Member highlighted the difference between someone being charged but not convicted; conviction could be years after someone is charged.
 - Director of Licensing and Training responded that the laying of charges is not published, so there could be a delay in the information made available to the public. Sometimes charges are dismissed or withdrawn.
 - Member responded that in the legal system, charges are a public information and they want to flag that where it impacts public health and safety.
- Member stated that they have no problem with publishing information with respect to charges, before the conviction.
- Member stated that by the time we get to the conviction, they should already be suspended as LECs, they should already be out of business.

Director of Licensing and Training discussed next steps in the process and thanked members for the frank and open discussion and for their feedback.

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AGENDA ITEM	Continuing Education Committee
PRESENTER	Director of Licensing and Training and Program Coordinator

The Director of Licensing and Training introduced the Continuing Education Committee, its purpose and main functions. The Program Coordinator reviewed the draft Terms of Reference (TOR) with members.

Comments:

- Member stated that the TOR should include a reference to ECRA and asked whether MEC has provision for ESA employee being a member of MEC.
 - Director of Licensing and Training responded that MEC TOR provide for two ESA employees who are voting members of MEC. Member suggested that OEL and ECAO should nominate their representatives on CEC who are not ECRA AC members.

- Director of Licensing and Training responded that at the last ECRA meeting there was a suggestion that CEC should not be open to members outside of ECRA.
- Program Coordinator stated that RECO has a continuing education program that works in a similar way. The Registrar, which is similar to ESA's Director of Licensing and Training, works with a committee on CE matters. Regarding external members, there is a provision to seek external expertise if needed.
- Member stated that those not affiliated with OEL and ECAO and ESA employees should be approved by ECRA, not the Director. Further, no one is listed for the utility sector and they are an important part of continuing education.
 - Director of Licensing and Training responded that is a good comment. For general reference, all candidates listed in categories A, B and C will be appointed by ECRA majority vote.
- Member responded that the word should be nominated, not appointed.
- During the discussion of the interim Chair of the CEC, members suggested that the Chair should be elected at the first meeting of the CEC and did not support the proposed language in the TOR.
- Member suggested that many current ECRA members are quite busy already and associations may have other candidates who are well suited to provide knowledge on these topics. Member stated that this can fall under same structure as MEC.
- Member stated that he does not see a problem with having association recommended members on CEC. They do not have to be on ECRA, just the best candidate.
- Member agreed and stated that we can find better candidates and get better variety if you go outside the small group.
- In the interest of time, further discussion of the TOR was adjourned to the next meeting of ECRA. Meanwhile, members were encouraged to review the TOR and provide their comments via email.

AGENDA ITEM	New Business
PRESENTER	Chair

The Chair deferred discussion of new business for the next meeting.

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MOTION	To adjourn meeting.
MOTIONED	Cameron Hann
SECONDED	Steve Del Guidice

Motion carried

ADJOURNMENT



Minutes of the ECRA Advisory Council Meeting

End of ECRA AC meeting

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

Next Meeting: March 29, 2022

Location: Zoom Videoconferencing