



June 15, 2023

9:00 a.m. to 12:35 p.m.

Meeting held in-person at ESA Provincial Office

COUNCIL MEMBERS PRESENT	ESA EMPLOYEES PRESENT
Cameron Hann, OEL, Chair	Will Barrett
Vince De Gasperis, Utility Contractors Association	Raymond Chan
Steve Del Guidice, OEL	Declan Doyle
Larry Shaver, ECAO	Esau Habibulla
Joe Kurpe, ECAO	Shana Hole
Cathy Taylor, Community at Large	Soussanna Karas
	Sarah Kempel
	Cynthia Magill
	Shelley Valencia
GUESTS	REGRETS
Anna Dunscombe, MPBSD	Larry Allison, CAC
	Leo Grellette, ESA
	MINUTES
	Claire Loucks, ESA

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

WELCOME AND INTRODUCTIONS

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MOTION	The motion to accept the minutes of the April 4, 2023 meeting.
MOTIONED	Cathy Taylor
SECONDED	Vince De Gasperis
<i>Motion carried</i>	

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Review of Open Action Items:

1. Working Group for Guidelines will be formed to update existing document: *ongoing*
 - The Guidelines will be updated following the finalization of the ME competency profile, with the use of a third party consultant.
 - Chair asked if there will be will there be an opportunity to revise the competency profile and address concerns regarding wording; place more onus on the LEC.
 - Director of Licensing and Training agree; need to ensure clarity around the expectations of the competency profile through increased communications.
 - Chair stated that his biggest concern is scaring off younger MEs because they think they are not sufficiently qualified.
 2. Members to provide ongoing feedback to ESA on remote inspections: *ongoing*
 - Member stated concern with discrepancies because of multiple inspectors on the same site.
 3. Update on Administrative Monetary Penalties: *ongoing*
 - ESA is in the process of issuing the first few APOs.
 - *Remove from open action items; ESA to provide annual update.*
 4. Update on Public Disclosure of LEC Information: *ongoing*
 - *Remove from open action items.*
 5. Update on property managers: *ongoing*
 - Chair: stated the need to lobby government for a regulatory change requiring mandatory CSS book; need to make building owners more accountable.
- Include appeal process update for future meetings: *see item #9*
6. Update on ECRA AC work plan: *see item #4*

AGENDA ITEM	Roundtable Discussion: ECRA AC 2022 Member Survey Results
PRESENTER	Stakeholder Advisor

Claire Loucks (Stakeholder Advisor) facilitated a discussion of member feedback on the survey results.

Comments:

- Chair stated that the focus on technical discussions might make it harder for all members to engage in discussions; need to keep in mind that the licence is very personal to licence holders, so ESA should take this into account when communicating with LECs.
- Members discussed:
 - The challenges for some members to determine how and when to question or challenge the content of the discussion.



- Roundtable discussions to encourage spin off conversations. Utilities experience these issues differently.

Action items:

- *Include clearer references to the Regulations in question as part of meeting pre-read materials.*
- *Conduct member survey on a more frequent basis to gauge member sentiment.*

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AGENDA ITEM	Contractor Defect Ratio and Matrix
PRESENTER	GM Business Planning & Improvement

Will Barrett (GM Business Planning & Improvement) presented data on administrative metrics for same day reschedules and notification information and associated fees, concerning trends emerged; a small group of LECs represent a high defect ratio and high levels of non-compliant behaviour.

Members discussed:

- High reschedule rates impact compliant contractors by reducing time with inspectors.
- RBO does not discriminate between 11% defect ratio and 100%; changes in the ratio should have an incremental impact.
- Presenting this data to ECAO and OEL.
- ESA to work with its Legal department to determine what to do to address these high rates; including the application of terms and conditions on licenses and additional fees.
- The use of training and education; require LECs to take additional courses based on the nature of their most frequent/severe defects.
- The need for all of the LECs and MEs to be accountable for safety.

Members agreed that ESA should be tough on those LECs with the highest defect ratios and their licence should be suspended due to the impact on safety and undermining of consumer trust in the industry and all LECs.

Action item: At the next meeting, ESA to lead discussion on what options are legally and practically available to improve safety of those with high defect ratio.

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AGENDA ITEM	ECRA AC Letter to MPBSD re: Continuing Education
PRESENTER	Director of Licensing and Training

Soussanna Karas (Director of Licensing and Training) provided an update on the status of the work on continuing education; discussed other regulatory streamlining and burden reduction initiatives that ESA is developing for the Ministry. ESA has proposed



regulatory changes to address these initiatives. ESA asks for a pause on mandatory continuing education activities and focusing on burden reduction initiatives currently before the Ministry.

Ray Chan (Manager of Government and Stakeholder Relations) that while mandatory continuing education remains an important priority for ESA, a pause on activities is required to allow other initiatives to be addressed.

Comments:

- Members expressed their disappointment in the pause on continuing education and discussed the use of education as a compliance tool.
- Chair stated that we should revisit this issue in the Fall.

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AGENDA ITEM	May 2023 Apprenticeship Summit Update
PRESENTER	Project Coordinator

Sarah Kempel (Project Coordinator) discussed ESA's attendance at the summit; the impact of the apprenticeship shortage and the ancillary impacts on the development of ME and LEC cohorts.

Comments:

- Members discussed the apprentice backlog, the effect apprentice shortage can have on potential shortage of MEs and DMEs and ESA's role in guiding 309As through the certification and licensing processes.

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AGENDA ITEM	Digital Certificate
PRESENTER	Director of Licensing and Training

Director of Licensing and Training discussed ESA's proposal to digitize all new certificates issued to newly registered LECs and determine how to digitize existing certificates. ESA will continue to provide paper copies to those who specifically request them.

Director of Licensing and Training discussed the proposed removal of the ME Licence Card (currently issued for 5 years bearing recent photograph of the ME). Members agreed that replacing the card with the digitally issued licence is the move in the right direction considering digitalization of Ontario Government services as well as ESA's digital roadmap strategic direction.

Comments:

- Members discussed the value of digitization.

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AGENDA ITEM	ECRA AC Membership
PRESENTER	Stakeholder Advisor

Stakeholder Advisor provided an update on the recruitment process for the ESA nominated ECRA AC member position and discussed the individuals who have expressed interest in filling this role. Stakeholder Advisor discussed the suggestion to remove AMCTO as a specific reference in ECRA AC's Terms of Reference and replace it with the ESA appointee that will have expertise and skills reflecting specific trends and needs of licensing, compliance and targeting underground economy; in appointment of the candidates for this position, ESA will seek input from ECRA AC. Comments:

- Members discussed the importance of a broad range of sector representatives.
- Chair asked that draft amended terms of reference be circulated to members for approval via email ahead of the September ECRA AC meeting.

Action Item: Manager, Government and Stakeholder Relations to provide a draft of the revised terms of reference before the September 2023 meeting.

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AGENDA ITEM	Appeal Process and Review Panel Presentation
PRESENTER	Manager of Appeals and Director of Finance/Review and Appeals

Esau Habibulla (Director of Finance/Review and Appeals) discussed the process for reviews and appeals of Orders and Notices of Proposals.

Shelley Valencia (Manager of Appeals) discussed the role of impartiality and fairness in the process; the mandate, purpose and role of the Review Panel.

Comments:

- Member asked how many appeals cases are heard annually.
 - Director of Finance/Review and Appeals responded that the number varies year to year and it is low, as in most cases, they get resolved at the Director of Licensing or GM level.

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AGENDA ITEM	Roundtable Discussion on Licensing Issues
PRESENTER	ECRA AC Members

Members discussed:

- Member stated that a representative from the Ministry of Red Tape Reduction could attend as a guest to present to ECRA AC.



DRAFT - Minutes of the ECRA Advisory Council Meeting

- Member stated that if continuing education cannot be mandated, perhaps it can be used as a disciplinary tool.
- Chair raised a correspondence issue between an LEC and ESA, as a result of an ESA compliance audit.

Action item: ESA to reach out to the Ministry and determine the interaction and potential for presentation at next ECRA AC meeting.

Action item: ESA to circulate relevant forms for submission of member invoices.

MOTION	To adjourn meeting.
MOTIONED	Larry Shaver
SECONDED	Vince De Gasperis
	<i>Motion carried</i>

ADJOURNMENT: 12:45 p.m.

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: September 19, 2023

Location: Held virtually via Zoom