

ONTARIO PROVINCIAL CODE COUNCIL ON THE ELECTRICAL SAFETY CODE

Terms of Reference

The Ontario Provincial Code Committee will act as an advisory body in making recommendations, and for providing comment from the electrical industry on new proposals or revisions to the Electrical Safety Code, which is an Ontario Regulation and comprises Canadian Electrical Code Part I and appropriate amendments for Ontario. The Electrical Safety Code governs all electrical work and electrical equipment, operating or intended to operate, at all potentials in electrical installations for buildings, structures, and premises, with the following exemptions:

- (a) Electrical equipment and electrical installations used exclusively in the generation, transmission or distribution of electrical power or energy intended for sale or distribution to the public, where;
 - (i) The distributor is licensed to own or operate the distribution system under Part V of the *Ontario Energy Board Act, 1998*;
 - (ii) The transmitter is licensed to own or operate the transmission system under Part V of the *Ontario Energy Board Act, 1998*;
 - (iii) The generator is licensed to own or operate the generation system or is licensed to provide ancillary services for sale through the IESO-administered markets or directly to another person, under Part V of the *Ontario Energy Board Act, 1998*.
- (b) Electrical equipment and electrical installation in communication systems from the transformer or other current limiting device used at the junction of the communication system with the electric circuit supplying the communication system; and
- (c) Electrical equipment and electrical installations in the cars, car-houses, passenger stations or freight stations used in the operation of an electric railway or electric street railway and supplied with electric current from the railway power circuits; and
- (d) Electrical equipment and electrical installations in railway locomotives and railway cars and in signalling systems, communication systems, wayside train monitoring systems and track facilities including the branch circuit supplying such electrical equipment or electrical installations when such electrical equipment or electrical installation is used in the operation of a railway; and
- (e) Electrical equipment and electrical installations on an aircraft; and

- (f) Electrical equipment and electrical installations is a mine as defined in The Mining Act excepting any dwelling house or other building not connected with or required for mining operation or purposes or used for the treatment of ore or mineral; and
- (g) Electrical equipment and electrical installation on a boat of non-Canadian registry or on a boat that is required to be certified in accordance with the Canada Shipping Act except for such equipment and installations required to connect the electrical supply from the on shore electrical supply facility to the service box on the boat and including the service box.

It is expected that the various associations, through their member(s) on the Committee, will use the Provincial Committee as a facility for proposing code changes and revisions from their segment of the industry.

The Committee will perform the following functions:

- (a) Consideration of all formal proposals or requests for revision of, or Amendment to, the Electrical Safety Code;
- (b) Recommending for or against the adoption of such revisions or amendments;

Commenting and advising on the form and wording of such revisions or amendments;

- (c) Commenting and advising on the form and arrangement of the Code.

Criteria for comment may be based on but not restricted to consideration of such questions as;

- (a) Does the proposed revision concern safety?
- (b) Is the proposal revision technically sound, economically justified and practically achievable?
- (c) Is the wording of the proposed revision clear and unambiguous?
- (d) Is the proposed revision in conflict with other recognized standards for Installing electrical equipment or other provincial regulations?

The Committee will have no authority over the final adoption of any revision or amendment, since this responsibility is vested by The Electricity Act with Electrical Safety Authority and the Lieutenant Governor in Council.

Structure

The Committee composition shall be set with the objective of ensuring that all points view pertinent to the subject matter are represented in reasonable proportion. Membership will be obtained through appointments by the various associations in the Province that represent the viewpoints of parties affected by the Electrical Safety Code in accordance with the following matrix:

	<u>Min</u>	<u>Max</u>
Regulators/Utilities/Inspectors	5	7
Owner/Operator/Producer	5	9
General Interest	5	9

The Regulators/Utilities/Inspectors representatives will be selected to provide views from such groups as regulatory authorities, utilities and inspectors,.

The Owner/Operator/Producer representatives will be selected to provide views from such groups as the electrical contracting, manufacturing, homebuilding, electrical consulting and electrical distributing industries.

The General Interest representatives will be selected to provide perspective from consumers, labour and equipment certification organizations.

Term Of Appointment

Members of the OPCC shall be appointed for a period of up to three years and may serve additional terms if the association being represented reappoints the individual for another term.

Frequency of Meetings

There shall be a minimum of one formal meeting of the Committee yearly. Other meetings shall be held as the volume of business dictates.

Meeting Agenda

All Committee members will be polled for agenda items prior to any meeting, and a formal agenda will be prepared and submitted to the members at least fifteen days before a meeting.

Quorum

A quorum shall consist of two-thirds of the voting membership.

Alternates and formally presented proxies shall be considered in determining a quorum.

Voting and Balloting

Qualification

Each member of the Committee, including the Chairman, shall be entitled to one vote. Voting by proxy will be permitted provided that written notice relative to the proxy has been filed with the Chairman prior to the meeting.

A member may, with the approval of the Chairman, be represented at a meeting by an Alternate who, in the absence of the member, may vote in his stead.

Voting by Mail

At the Chairman's discretion, some items will be presented to the Committee members for Decision and comment, solely by letter ballot.

Voting Procedure

A motion shall be declared to be carried if it obtains an affirmative vote of 60% of the total voting membership.

Motions with respect to proposals for revision or amendments of the Code shall always be Positive (recommending adoption in the submission for ballot).

- (a) When proposals are presented by letter, ballot, the proposal shall be considered approved providing an affirmative vote of at least two-thirds of the total membership of the Committee is cast.

A ballot to be valid shall be returned within thirty days or a period otherwise stated by the Chairman as circumstances dictate.

- (b) At the discretion of the Chairman, ballots may be referred to a meeting to be reconsidered and an open vote taken. The ballot shall be considered approved if an affirmative vote of two-thirds of the total membership of the Committee is obtained.

Subcommittees

The Provincial Committee or the Chairman may appoint Subcommittees as may be desirable for specific purposes. The Chairman of the Subcommittee shall be a member

of the Committee, but the membership of the Subcommittee may, with the consent of the Chairman of the Committee, include non-members of the Committee.

Liability

The legal relationship between the ESA and OPCC shall be in accordance with ESA policy attached as Appendix I.

APPENDIX I

Electrical Safety Authority Corporate Policy

POLICY STATEMENT ON LIABILITY

WHEREAS it is in the interests of the Electrical Safety Authority (“ESA”) to receive advice and comment on technical and policy matters within its jurisdiction, from those persons affected by regulations and other matters under section 113 of the *Electricity Act, 1998*.

AND WHEREAS it is in the interest of those affected to provide ESA with advice and feedback on matters concerning regulations and other matters under section 113 of the *Electricity Act, 1998*.

NOW THEREFORE ESA recognizes that:

- The Council, Committees and Panels act in a strictly advisory capacity to ESA. Although ESA is committed to considering, and where appropriate, acting on the recommendations and advice of the Council, Committees and Panels, each respectively is not responsible for ESA’s adoption and implementation of such advice or recommendations. Membership on the Council, Committees and Panels is voluntary and they do not perform any statutory function or duty.
- Although the Council, Committees and Panels will endeavour to provide the best possible advice to ESA, the Council, Committees and Panels do not warrant the accuracy, value or usefulness of the advice provided, notwithstanding that ESA may rely on such advice and such reliance may give rise to liability on behalf of ESA.

Accordingly ESA states that;

- ESA will not hold the Council, Committees and Panels or their members liable for any advice or recommendation provided, notwithstanding that such advice or recommendation or ESA reliance on such advice or recommendation may result in liability being imposed on ESA.
- ESA will indemnify and hold harmless any Council, Committee and Panel Member for work performed in the course of their duties as a member provided such work was performed in good faith.
- ESA has no legal relationship between with the Council, Committees and Panels or their respective members other than that outlined in this policy.

- ESA does not authorize or permit any Council, Committee or Panel to act beyond providing advice or recommendations to ESA in accordance with its mandate as identified in its respective Terms of Reference.

General Counsel
Electrical Safety Authority