



Date: Wednesday April 23, 2014
Location: CHSI, 5110 Creekbank Rd, Mississauga - Boardroom E
Meeting: Electrical Contractor Registration Agency (ECRA) Advisory Council

Present: John Salmon (*Chair*) ECAO
Gary Oosterhof OEL
Larry Allison AMCTO
Fred Black ECAO
John Buchanan CAC
Sean Bell UCAO
Louis Violo OEL
Debra Mattina AMCTO
Diana Miles ESA
Brian Smith ESA

ESA Staff: Normand Breton ESA
Angela Jackson ESA
Tracy Durant ESA
Farrah Bourre ESA
Nancy Evans ESA
Scott Saint ESA

ESA Board: Al Merlo
John Raepple

Guests: Mary Beth Fazzari MCS
Cameron Hann OEL/MEC
Carita Edwards ESA
Shana Hole ESA

14.02.01 Review of Agenda

Sufficient members in attendance for quorum.

14.02.02 Motion to Approve January 22, 2014 Minutes & Review Action Items

MOTION to approve Minutes by John Buchanan

Seconded by Larry Allison

All in Favour

Carried

Outstanding Action Items Were Discussed:**14.01.02 – *Email ESA's Code of Ethics to ECRA's Code of Ethics subcommittee***

This item is regarding ESA's Compliance Policy and not the Code of Ethics.

14.01.02 – *Compare Ontario College of Trades' (OCOT's) Professional Misconduct Code to ESA/ECRA's draft Code of Ethics*

OCOT has a Code of professional misconduct that is established by way of a regulation under their Act. It is framed in a negative context and pertains to activities considered to be bad behaviour and unprofessional.

Their Code covers general principles with respect to safety standards, competency of workers, protecting safety on the job site, professionalism, falsifying information, etc. We have all of the same types of principles covered either in the Electricity Act, Ontario Regulation 570/05 or ESA/ECRA's draft Code of Ethics.

Mary Beth indicated it is important to have stakeholders input and a clear rationale for the establishment of a Code of Ethics.

14.01.02 – *Presentation on details of the master electrician (ME) online exam at next ECRA meeting*

Implementation of the online exam was accepted into the budget. Vendor to provide the software package has been solicited; meeting with them in the next couple of weeks to finalize. By fall 2014 the program will be running and online exams will be offered.

Exam sessions will be offered around the province in computer labs; candidates will have to sign in to a remote secure site to complete the online exam. The program will automatically score each exam and the results sent out shortly afterwards. This will save a lot of administration and shipping costs, will increase security and the exam will be more robust as the program can change the sequence of the questions and answers. There will be more transparency and efficiency gains.

Initially both online and hard copy exams will be offered. Online exam sessions will remain proctored and the three hour period for completing the exam will remain. The members expressed their support for this initiative

14.01.02 *Request Sunnybrook attend an ECRA meeting*

Looking at inviting Sunnybrook to attend the November ECRA meeting in Mississauga. It was proposed they speak at the LHM rather than at ECRA.

14.01.02 *Obtain speaker from the insurance industry*

Contact information received, looking at possibly requesting them to attend the November ECRA meeting.

13.04.02 *Council annual survey: Send out a list of questions for ECRA council to review and then discuss at next meeting*

Questions have not changed much since the previous year; this allows easy comparison to the answers year after year. If any ECRA council member has any suggestions they can provide it to Farrah.

ECRA council members will have 4-6 weeks to provide answers and the survey will be anonymous.

13.03.04 *Arrange for an ECRA member orientation*

Orientation is open to all members that wish to attend. Deb Steggles will be providing the orientation which will include the background of licensing, where ECRA started, what ECRA plans on doing, a presentation on the statutes of the laws and regulations of licensing, the Terms of Reference (TOR), as well as an orientation on filling out expense forms.

It was agreed that the morning of June 6th is the best available day for the council to have the orientation. The meeting will be 3 hours, a webinar will be put into place for those that are unable to attend in person but want to attend the orientation.

11.01.04 *Continue to monitor OCOT's progress and provide update at next meeting*

OCOT has a total of 41 enforcement officers as of March 2014 with a total of 2842 field inspections; they have issued 71 provincial offence notices with 8 prosecutions. OCOT's job is to ensure safety on the jobsite with qualified trade's people; this type of enforcement was not happening before as it was not previously governed.

4.02.03 Membership Update

RAGC was very pleased with the number and quality of applicants received. Selection committee was unanimous and recommended to the Board Brian Smith and Diana Miles to the ECRA council. The Board approved. John Raeppe, on behalf of ESA's Board of Directors, welcomed the two new members to ECRA.

14.02.04

MEC Update

Cameron Hann, Chair of the Master Electrician Committee, provided an update to the ECRA members. He will be attending on an annual basis to discuss the challenges faced with ME's.

The main highlights of his presentation were as follows:

Next year will be busy with keeping up with the new Ontario Electrical Safety Code (OESC). Once the new OESC release date is known, MEC will be ramping up to make sure the Pre-Master Electrician Course and Master Electrician Exam are updated.

MEC had a problem with attendance so webinar is now included as part of the meeting and has been working well. MEC considered having an alternate representative, however, it was noted that the alternative would have very little knowledge of what has been happening at the meetings as they would only be stepping in when the delegate is not able to attend. MEC is confident that having the webinar meetings will assist in absenteeism, and that increasing members is not necessary.

Looking at including the LEC & DME Guide as part of the pre-master's training. Important to educate on the Guide first, then roll out; there has to be a strenuous and education effort. Literature can be added to the ESA website and Plugged In, and possibly on the renewals for EC's and ME's.

ACTION: **Angela Jackson** – Look into adding a checkbox to the LEC & ME renewals which would indicate the licence holder has read the LEC & DME Guide.

The council was asked if they felt MEC was unnecessary, members agreed that it is warranted and therefore should remain. MEC is a vital step for moving from a trade aspect to a professional one.

Next meeting is scheduled for September 2014.

14.02.05

MEC Membership

The OEL submitted Steve Del Guidice as a replacement for Luke Bogdanovic on MEC. Steve has been with OEL for 6-7 years and can bring great guidance to the committee.

ACTION: **Cameron Hann** – Provide bio of Steve Del Guidice to Cynthia for distribution.

*MOTION to appoint Steve Del Guidice to replace Luke Bogdanovic on MEC by
Louis Violo*

Seconded by Gary Oosterhof

All in favour

Carried

14.02.06

ESA's Compliance Policy

ESA's Compliance Policy sets out the principles and framework used by ESA when undertaking compliance activities across any of ESA's delegated statutes, including licensing and the OESC. It describes the approaches and criteria that guide ESA's decision-making processes for undertaking activities to ensure compliance with these statutes. The policy promotes the application of a risk-based, responsive and graduated approach to undertaking compliance activities.

Although this policy has only recently been put into place, the principles and approaches were already being followed prior to its implementation.

The decision-making authority to suspend and revoke an EC or ME licence rests with the Statutory Directors; in making those decisions, the principles and approaches contained in this policy need to be taken into consideration.

The compliance decision-making process generally involves ESA building a case, looking at the harms and the record of the offender, and then making a decision. There is typically at least one warning letter issued prior to considering further discipline action or prosecution, however, if the offence is severe or poses a risk to safety then consideration then discipline or prosecution may be considered.

14.02.07

Rationale for a Proposed Code of Conduct & Next Steps

This will align with ESA's Compliance Policy which requires proportionate and progressive actions be considered when dealing with non-compliance. There currently is a gap between the light handed and heavy handed approach. There are many options that ESA could work with, need to establish what would fit in this gap.

Mary Beth indicated that ESA has flagged to MCS that ESA and ECRA are considering the development of a Code of Conduct for licensees. As this would become part of regulation, government will need to receive a rationale and evidence to support what is proposed and also information on likely stakeholder acceptance; ultimately the final Code would be presented to the Minister.

Through research being conducted by ESA it was identified that many consumers generally do not trust trades that they hire to work in their home. Homeowners would rather lean on a recommendation from someone they trust like family or a friend than hire an unknown contractor as some of them have been burned with overcharging, etc.

Acronym's used in presentation

OMVIC – Ontario Motor Vehicle Industry Council

RECO - Real Estate Council of Ontario

14.02.08

LEC and DME Guide

Guide has been stakeholdered; recommendations and changes were presented to the ECRA council. Need to finalize so that the goal of printing, distributing and then speaking about the Guide is achieved for the fall LHM.

Important to include an education process as there may be a perception that there are new or additional requirements added; licence holders need to understand that the Guide is merely interpreting the existing Regulation.

Blue section boxes with actual wording from the Regulation have been removed as per response received by legal counsel; suggestion is to include the full Regulation as an attachment instead. ECRA council was in agreement but did indicate that there should be references and hyperlinks to the Regulation.

ACTION: Tracy Durant – Include specific references to the Regulation and hyperlinks electronically.

Page 9, 10, 12, 14 – presented changes were agreed to by ECRA Council as is.

Page 11, 16, 17, 22 – presented changes were agreed to by ECRA Council with a few changes to be made:

ACTION: Tracy Durant – Page 11 of the LEC & DME Guide, add “written” to the 2nd sidebar, 2nd sentence.

ACTION: Tracy Durant – Page 16 of the LEC & DME Guide, change wording under 3.1 to “...responsibilities set out in section 6 of the Regulation for the carrying out of electrical work on behalf of an electrical contractor must have a ME licence issued by ESA prior to being designated by the LEC.”

ACTION: Tracy Durant – Page 17 of the LEC & DME Guide, change “readily” to “be available” under the examples of direct supervision.

ACTION: Tracy Durant – Page 22 of the LEC & DME Guide, add “holder” to the end of 1st paragraph under 5.1 I.

ACTION: Tracy Durant – LEC & DME Guide, change “licensee” to “licence holder” throughout document.

ACTION: Tracy Durant – Page 24 of the LEC & DME Guide, 1st side box, change “not acting” to “failing to act”.

ACTION: Tracy Durant – Page 24 of the LEC & DME Guide, remove the 4th paragraph and reword the 5th paragraph under section 5.1 IV to indicate “...is established in part by businesses acting with honesty and integrity, and following the rules that protect consumers from harm.”

OEL provided their feedback and recommendations on the LEC & DME Guide. First item pertained to deleting section 2.4 IV and applying section 5.2 in all circumstances, rationale was due to ESA blocking permits. This is a topic that should be addressed with COAC, however, it was mentioned that blocking of accounts could be as a result of defects or it could be due to money owing. In either situation, if an account is blocked the contractor is notified.

ACTION: **Tracy Durant** – Page 25 of the LEC & DME Guide, section 5.2 to include when an NOP would be issued.

Second item dealt with deleting section 5.1 IV pertaining to all aspects of fraudulence. It was recommended to delete this item; however, since the Act is specific and does reference fraud (113.2(2)) it will need to remain. However, it was suggested that it would make more sense to split this section.

ACTION: **Tracy Durant** - Page 24 of the LEC & DME Guide, separate section IV as it is referenced in the Regulation. Consumer protection and acting with honesty and integrity to be under their own section.

Third item dealt with section 3.2 indicating the DME is responsible only for the proper application of the OESC and that all duties are the responsibility of the LEC. This item was discussed amongst the ECRA council and was identified that both the LEC and the DME are responsible for the OESC, laws related to health and safety and consumer protection (separately responsible). The Regulation does not contemplate the DME being responsible for business practices, which is specific to the LEC.

ACTION: **Tracy Durant** – Page 9 of the LEC & DME Guide, side box, include that the DME has a responsibility along with the EC.

ACTION: **Tracy Durant** – Page 18, include that the DME has a responsibility along with the EC under section 3.2.

Timeline:

- Changes listed above to be completed by Friday April 25th - final copy to be emailed to ECRA council.
- Guide to be presented at OEL's AGM the following week, or by next OEL meeting date of May 23rd the latest.
- Gary Oosterhof to put a motion forward to OEL on the acceptance of the Guide.
- ECRA Council teleconference to take place on May 9th at 10am to walk through the final version of the Guide and to pass a motion for acceptance.

14.02.09

Provisional Contractors

Not presented on today due to aggressive agenda.

14.02.10 **Financial Review**

A financial review of the licensing line of business was presented.

Council prefers the pie chart when looking at the expense and revenue trends. Licensing administration expenses and revenue include Normand and Angela's staff and the corporate support includes departments such as Legal, HR and Regulatory. It was noted that the revenue associated with licensing is projected to grow at approximately 1% year over year over the next 3 years.

ECRA AC Costs of \$38,618.44 do not include administrative staff, these costs are strictly the expenses occurred by the ECRA meetings.

There needs to be financial considerations when moving forward, some things are necessary as its driving compliance and creating professionalism.

Much discussion was had pertaining to allocation of permit revenue when licensing enforcement results in more permits being taken. Permit revenue is not attributed to the licensing line of business; wiring is a separate line of business. It was noted that there are costs associated by the wiring function when these additional permits are generated.

The licensing fees support the enforcement of the Regulation, the permit fee covers activities including the inspection that is associated with the electrical installation.

There was a marginal increase in permits from 2.5yrs to 1.5 years ago, still compiling last year's numbers. The average 2.5 years ago was 36 permits per LEC and 1.5yrs ago it was 39 permits per LEC.

There are limited options for revenue generation. Currently, fees are the only source but it was noted that there could be other sources such as training or education programs.

The review of the financials underscored that as ESA/ECRA considers new initiatives, off-setting funding must be determined.

Master electrician exam costs and revenue will relatively remain the same even with the introduction of the online exam.

14.02.11 **Other Business**

none

Adjournment

MOTION to adjourn by Diana Miles

All in favour

Carried

End of ECRA Advisory Council Meeting

If there are any discrepancies to these minutes, please report them to John Salmon and Normand Breton by email.

2014 Meetings:

January 22, 2014	Mississauga
April 23, 2014	Mississauga
May 9, 2014	Teleconference (Guide)
September 23 - 24, 2014	Thunder Bay
November 3 - 4, 2014	Mississauga