



ECRA Advisory Council Meeting
 Minutes of Meeting
 February 2, 2017

LOCATION

ECRA Advisory Council Members

Larry Allison	ESA Consumer Advisory Council
Ron Bergeron	Electrical Contractors (OEL)
Sean Bell	Utility Contractor Association
Joe Kurpe	Electrical Contractors (ECAO)
Debra Mattina	Municipalities
Larry Shaver	Electrical Contractor (ECAO)
Brian Smith	Electrical Safety Authority
Catherine Taylor	Community at Large
Louie Violo	Electrical Contractors (OEL)

ECRA Advisory Council Members - Absent

ESA Staff

Farrah Bourre	
Normand Breton	
Tracy Durant	
Scott Eason	
Nancy Evans	
Shana Hole	
Aisling O'Doherty	
Amy Ross	
Maureen Smith	
Mark Taylor	

Guests

Mary Beth Fazzari	MGCS
Jeff Koller	Electrical Contractors Association of Ontario
Bob Onyschuk	Ontario College of Trades
Stephen Sell	Ontario Electrical League



ECRA Advisory Council Meeting

Minutes of Meeting
February 2, 2017

1 Preliminaries

Introduction of new ECRA Member

- Introductions were made
- Louie resigned as the Chair of ECRA and from the Council in general. A copy of his resignation letter is attached to the minutes. Staff thanked Louie for his significant contributions to ECRA
- The Council agreed to have Joe Kurpe, one of the ECRA Vice-Chairs, chair the remainder of the meeting

Approval of the Agenda

The following motion was carried:

Motion: To approve the agenda

Motioned by: Brian Smith

Second: Debra Mattina

Motion carried.

Minutes of ECRA Meeting

The following motion was carried:

Motion: To accept the minutes of the November 21, 2016 and November 22, 2016 meeting as amended

Motioned by: Debra Mattina

Second: Brian Smith

Motion carried.

Review of Action Items

- 14.03.03 – OCOT is scheduled to present at this meeting
- 2016-06-01 - Have Training attend the next ECRA meeting to show what has been done to include the Guideline to the Duties and Responsibilities of Licensed Electrical Contractors (LECs) and Designated Master Electricians (DMEs) in the Pre-Masters training
 - o Complete
- 2016-06-02 - Add the Licence Holder Standards of Conduct to the “Guideline to the Duties and Responsibilities of Licensed Electrical Contractors (LECs) and Designated Master Electricians (DMEs)”
 - o This will be a part of the next print run
- 2016-06-03 - Add to the work plan Communicating the Guideline to the Duties and Responsibilities of Licensed Electrical Contractors (LECs) and Designated Master Electricians (DMEs)
 - o Complete

- 2016-06-04 - Add to the next MEC agenda discussion on how to proceed with the use of the electronic code book
 - o Complete. The MEC had a good discussion around this item and decided to hold on this item as well. The MEC will revisit the exam questions first then have another discussion about the use of electronic copies of the OESC and Reference material being made available during the exam
- 2016-06-05 - Add publishing compliance actions to the ECRA work plan
 - o Complete
- 2016-06-06 - ESA to bring processes and implementation plans for publishing of compliance actions to ECRA for discussion
 - o Complete
- 2016-06-07 - Add an update regarding the ME Exam pass/fail scoring change to the next ECRA meeting agenda
 - o Complete
- 2016-06-08 - Send out the updated work plan to ECRA with the draft minutes
 - o Complete

2 Review of Council Administrative Processes – Farrah Bourre (ESA)

The Agenda Setting Process

- Agenda is set based on items in the work plan, projects being worked on or coming up, action items and ESA program developments and updates
- ECRA members are asked if there are any items they propose for the agenda
- A final copy of the draft agenda is provided to the Chair of ECRA for comment
- ECRA Terms of Reference was reviewed with respect to setting the Agenda

The Minute Taking Process

- The minutes are taken by ESA staff and provided to ECRA within 2 weeks of the meeting
- ECRA can move to amend the minutes. The motion must be seconded and approved by the ECRA members.
- Once the minutes have been approved at the following meeting they are posted to the [ESA Website](#)
- ECRA Terms of Reference was reviewed with respect to minute taking

How to fill out and submit personal expenses to ESA

- The Expense claim guideline was provided to ECRA and the offer to answer any questions or assist in completing the form was made to all ECRA members

Membership Update

- There are currently no member term renewals

New Member Recruitment

- Catherine Taylor was introduced as the new ECRA nominated member for the community at large
- Catherine reviewed her background
- ECRA still has a vacant spot for the ESA nominated member
 - o The ESA nominated member is joining ESA on staff as the General Counsel and as a result cannot be a member of ECRA

3 Ontario College of Trades – Bob Onyschuk (OCOT)

- The Ontario College of Trades (OCOT) has 156 regulated trades in Ontario (23 compulsory as of February 2017 and 134 voluntary) and roughly 250,000 members
- OCOT renews the members of their trade boards every 3 years to keep people who are knowledgeable and engaged
- There is a predicted shortfall of about 14,000 skilled trades people in the next few years and OCOT is looking at how to mitigate this shortfall
- OCOT is involved in the process of recognizing certifications from other jurisdictions
- OCOT is set to review journeyman to apprentice ratios in 2018 (OCOT has a [Ratio Calculator](#) available on their website to assist employers in meeting the requirements under their specific regulation)
- OCOT has recognized a large number of 5th year apprentices were not writing their exam to become licensed. As a result OCOT has given 5th year apprentices 1 year to write the exam for the Certificate of Qualification
- OCOT recently completed a blitz of Northern Ontario and found a large number of people working in the 'Motive Power' industry were working unlicensed for several years. OCOT chose to work with these unlicensed people to find sponsors and complete the process to obtain their Certificate of Qualification
- OCOT publishes professional misconduct on their website
- OCOT held an in-person stakeholder consultation on January 27, 2017 to seek input on: new trade classifications; ratio reviews; program evaluation; and compliance and enforcement. An online survey was posted on their [website](#) January 30, 2017 and is open for 30 days
- Bill 70 has not changed OCOT's responsibility for compliance and enforcement
 - o A committee has been tasked with developing a compliance and enforcement policy that will define and be based on 'Risk of Harm'
- OCOT trade boards will be tasked with reviewing the various trade scopes of practice to determine which components of their work meet the risk of harm definition and thus should be protected

4 Risk Based Oversight (RBO) – Mark Taylor (ESA)

- RBO is aimed at
 - Focusing ESA’s wiring compliance resources on higher risk work and emerging risks
 - Achieving greater electrical safety impact, demonstrating public value for money/regulatory burden
 - Capturing more underground economy work and being able to handle additional compliance activity
- Mark was asked if this is designed to run alongside the ACP Program or replace it.
 - There is overlap between RBO and ACP and the committee is currently discussing options for the incorporation of ACP.
- Mark was asked if ESA is looking to reduce the number of inspectors
 - RBO will result in a reallocation of resources and not a reduction in the number of inspectors. The inspectors will be spending more time with activities like high risk items, emerging trends such as solar installations, the underground economy and enforcement
- RBO along with ESA policies will be used to help determine risk and inspection ratios
- Ron showed a decision tree that shows how his company determines when permits are necessary, which permit type to use and inspection fees. Currently the process is very complex and ESA was encouraged to address with complexity at the permit intake point of the process
- The permit intake process in being reviewed as a part of RBO and ESA would also support a process that is simpler
- RBO Next Steps
 - Councils that are relevant to RBO are being kept informed to help in the process
 - ESA will create a model that can be taken to the broader public for consultation

5 Module 1 of Pre-Master Electrician Training – Amy Ross (ESA)

- ESA showed the progress of updating Module 1 to incorporate the Guideline to the Duties and Responsibilities of Licensed Electrical Contractors (LECs) and Designated Master Electricians (DMEs)
- Updates include
 - More active learning through case studies and activities completed and reviewed in class
 - Update of existing content to better reflect needs of students
 - Remove content that is no longer necessary
- ESA’s next steps are to determine an implementation timeline for rolling out the updated Module 1 (presenter packages, course materials, online course updated, etc.)
- ESA needs to meet with CSA to discuss some of the challenges of updating the online course

6 Master Electrician (ME) Exam Pass/Fail Rate – Scott Eason (ESA)

- The recommendation from ECRA to ESA's Regulatory Affairs and Governance Committee (RAGC) was fully supported by the RAGC
- Next Steps
 - o ESA is currently reviewing the current exam platforms to understand the work required to make the necessary changes
 - o Complete any programming that needs to be done to implement this change
 - o Communicate this change to the LECs, DMEs and the public
 - o Implement that change

7 ECRA Educational Item – Requirements to keep a LEC Licence in Good Standing – Scott Eason (ESA)

- ESA has published the [account blocking process](#) on its website so contractors are able to see the required steps
- When a Licence is suspended or expired a ESAs records are updated to reflect that a licence is no longer authorized to conduct electrical contracting activities
- In October 2016 ESA Licensing made a change so that a phone call will also be made if the licensee submits only one of their documents or fees before last day on either a declaration year or full renewal year
- ESA was asked who a Notice of Proposal (NOP) is sent to
 - o The NOP is sent to the primary contact designated by the Licensee and by their preferred method of communication. Currently no follow-up is done by ESA to see if the NOP has been received by the Licensee
- Licensing fees are now appearing on account statements and sometimes the LEC doesn't realize that their Licensing fee has been paid
- ESA has noticed an issue of LECs not notifying ESA of a change of DME within the 5 days outlined in regulation
 - o ESA is typically made aware of a change in DME when the DME calls to advise they are no longer employed at a company
 - o ESAs system does not allow a DME to be designated for more than 1 company
- ESA has been made aware of LECs experiencing account issues and the account blocking process has been posted on the ESA website to allow LECs to understand the process and provide specific feedback to ESA
 - o As of January 2017 the number of Electrical Contractors blocked (This includes all blocked Electrical Contractors regardless of the reason. Some of the reasons included failed to supply all renewal documentation and/or fee, business has been closed, invalid/no Designated Master Electrician)
 - 54 Electrical Contractors have been blocked for up to 30 days
 - 94 Electrical Contractors have been blocked 31 to 90 days
 - 442 Electrical Contractors have been blocked between 91 and 365 days

- A total of 3,934 invalid and blocked Electrical Contractor licenses and 2,195 invalid Master Electrician licenses since 2007

8 Publishing Contractor Information: Next Steps – Normand Breton (ESA)

- Currently ESA publishes successful prosecutions on its website ([Electrical Contractor Convictions](#), [Review Panel Decisions](#), and articles in [ESAs Newsroom](#) relating to fines, charges and other items)
- ESA has just received a legal opinion from outside legal counsel on what information ESA could potentially publish
- ESA should consider the following ideas when deciding what information to publish
 - What is in the public interest
 - Risk to the LECs/DMEs reputation and livelihood
 - Frequency and severity of the LECs/DMEs actions or non compliance

ACTION: ECRA would like the Consumer Advisory Council (CAC) to make recommendations on how to best capture the interests of the public/consumer (what the public/consumer would like to see published to help them make an informed decision) and the best way to get this information. – Larry Allison (Action Item: 2017-01-01)

9 Other Business

Consultation on changes to the Licensing Regulation 570/05 – Tracy Durant (ESA)

- The Ministry of Government and Consumer Services (MGCS) had changed Ministers which has delayed the approval to consult on the proposed amendments to the licensing regulation
- Once the consultation dates have been determined, the MGCS will send a communication to the contractor associations. ESA will communicate this to its council members and licence holders inviting them to visit the governments [Regulatory Registry](#) website where there will be a 45 day posting to provide feedback directly to the government on the proposed changes

Next Meeting

The next meeting will be held **April 27, 2017**

The location of the next meeting will be:

The Centre for Health & Safety Innovation at 5110 Creebank Road, Mississauga.

Motion: To Adjourn the meeting

Motioned by: Brian Smith

Second: Catherine Taylor

Meeting Adjourned

February 2, 2017

Mr. Normand Breton
Registrar and Director
Electrical Safety Authority

Dear Norm and ECRA Members:

Please accept this letter as my formal and immediate resignation as Chair of ECRA. I have been proud and honored to have been appointed as Chair based on my experience and reputation as an open shop electrical contractor, representing the OEL and contractors alike. The creation of ECRA was formed years ago, by electrical contractors for electrical contractors. At some point ECRA was taken over by the ESA and has disrupted the vision and goals ECRA was set out to achieve. Based on my current situation and the events that have taken place over the last 18 months, I can no longer serve in this role as it contradicts my beliefs and values of what ECRA was originally designed to accomplish.

For those of you who are not aware, In June of 2015, through ESA's Freedom of Information Policy, ESA has released personal and confidential permit information to a third party in which this information was used against me in an Ontario Labour Relations Board hearing... not once, but three (3) times over the span of 18 months. Through the release of this information of permit addresses, my company has been exposed to a variety of individuals to find out where I had open permits which provided all my jobsite locations. All three requests were made on my company and the reasoning for all three requests was defined as "Pursuant to an Investigation" ...Investigation into what matter, I did not know. Not once was I contacted by ESA either by phone, fax or email to ask me about the Freedom of Information requests being made. Did ESA not have due diligence to vet out the FOI request being made? Did ESA neglect their responsibility under their own policy and protocol to protect me as a contractor? How is my customer's private information protected?

By ESA releasing this information, I have felt betrayed by a system of policies and processes that I have been working to improve for several years. As a result, I feel that the system has failed and allowed me to become victimized by the circumstances that followed. To this day, I have been asking for answers and accountability as to how this could have occurred, still with no resolve.

I have endured a costly and lengthy certification process against my company at the OLRB, but, in the end, I had no option but to close my business. The year and a half long battle at

the OLRB was triggered by the release of information from the ESA to the certification applicant, providing details on locations of my work permits and allowed them to track where my employees were working.

This process of allowing sensitive information to third parties directly attributed to the distress of the long legal battle at the OLRB, which by the way, certification was dropped and hundreds of thousands of dollars spent. While the case was withdrawn, not once, but twice, my family and I lost our business, our home and suffered financial, emotional, and professional damages. Further to this, my company was the source of my Wife's primary source of employment for many years which allowed her to create a work life balance and manage our family at the same time. However, I am grateful to still have my dignity and integrity.

Most recently, I have had to correct my business and master electrician renewals as the information was incorrect as there was a designated master electrician listed on a legal document that didn't even work for me, nor did I recognize his name. Unknown to me, after further investigation, this information had been like this for some time. I knew my license renewal process was coming up; however, I did not receive any 90-day notice, or a reminder 30-day notice. I had to call a few times to have this information corrected. Again, I am dissatisfied as to how ESA manages its policies and procedures and would like to know who is vetting this information.

I did not come here to ask for sympathy, these are simply the facts that I have documented. I am here to ask to have these processes and polices fixed and find out who will be taking accountability as to how these circumstances came to light.

This decision did not come lightly, thus, I can no longer serve as Chair of ECRA. In fact, I believe, in my opinion, that my profile held in past positions, not only with the ESA, has made me a target to other organizations.

Thank you for your time.

Yours truly,

Louie Violo

Louie Violo