

# **HAMILTON PUBLIC ELECTRICAL SAFETY AND CONSUMER PROTECTION PILOT PROJECT**

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## ***Rationale***

In 1997, the ECA Hamilton undertook a Pilot Project on enforcement of electrical contractor licensing and the taking out of permits from Ontario Hydro (now the ESA) to do electrical work, supported by funding from the Joint Electrical Promotion Plan.

At that time our Association was seriously concerned about the problem of too large a number of unqualified and unlicensed people performing electrical work for hire in our community. There were two issues to be addressed: the protection of the public and the negative and undermining impact of non-compliance with the law by such people on law-abiding licensed contractors.

Ensuring that electrical work is done safely, by qualified personnel, and using recognized standards for workmanship has been a fragmented mandate in Ontario for many years. This project was designed to bring together the several parties involved to provide a seamless integration of enforcement. It has worked exceptionally well, on both quantitative and qualitative terms. The major concerned parties involved included: The Electrical Safety Authority (ESA), the Ministry of Labour (MoL), the City of Hamilton, and the electrical construction industry.

The key element here was that the initiative was industry driven and had the full support of law-abiding union and non-union contractors. This grouping was unique and had never before worked together to this common end – to ensure public safety and compliance with the law.

## ***The Process***

The process developed was as follows: ESA, following its normal procedures – but with additional oversight on seeing workers' C of Qs and identification of potential safety violations, would inform the municipality of the names and locations of people taking out permits for electrical work and the MoL of possible OH&SA violations. Municipal building inspectors would then visit the locations to see if work was being done by licensed contractors using qualified workers. A report was then submitted and the findings listed. Similarly, MoL inspectors would do site visits on reports of suspected violations.

Each month the municipality provided the Enforcement Committee with a listing of previous and current activity which was scrutinized by the group. It showed the date(s) contact was made, the status of licensing, action taken (if any), any referral to the appropriate authority and outcomes.

For example, if it were suspected that there were violations of the Ministry of Training, Colleges and Universities (MTCU) requirements for the compulsory electrical trade, the MoL was called in. If there were any apparent infractions of the Occupational Health & Safety Act, this too was

reported to the MoL for compliance. In some instances, it was found that permits had not been obtained and the ESA would generate revenues from this discovery when contractors were required to comply.

Using this technique the representatives, working as a group, could identify any repeat “offenders” and a decision taken to proceed with an action to ensure compliance – making the person write the Licensing exam, proceeding to a fine or the courts. Some actions did not require the group to be involved, the MoL having the mandate to take swift action to enforce the law, for example.

In addition, due to the fact that the initiative was industry driven, individual contractors were encouraged to identify trucks seen in the area and to report those which were not known to them.

The program has had an effect beyond its boundaries as word spread that the program was in place. Those willing to circumvent the law, particularly out-of-town contractors, became more cautious. There has been an increase in the observance of the regulations and the law in Hamilton as a result.

### ***The Results***

Monitoring of those who took out permits has taken place throughout the project and a comparison of the first six months of 1998 with the first six months of 2001 shows that in 1998, 52.5% of those taking out permits were licensed contractors while in 2001, 77% were – an increase of almost 25%.

The effectiveness of the initiative is well demonstrated from the revenue generated by the initiative (additional licences taken out and fines for non-compliance) by the City of Hamilton. Annual statistics are as follows:

1997	\$4,818	(September to December only)
1998	\$14,266	1,100+ investigations/enquiries
1999	\$14,516	900+ investigations/enquiries
2000	\$11,028	
2001	\$3,937	(January to July only)

The change in permit takers and the revenue generation, taken together, clearly demonstrate the effectiveness of the program and that it is meeting a primary goal of improving public safety through compliance. It was clearly understood at the outset that, as the program became effective, revenues would decline. And they have. These are the prime indicators of increased compliance in all areas.

Though statistics on the following were not kept during the course of this initiative, many non-qualified people working at the trade have been identified who have been required to take out Contracts of Apprenticeships as well as instances where the MoL has closed a work site as a result of non-compliance with the OH&SA and its regulations.

This initiative has clearly demonstrated that when the authorities responsible for the various aspects of enforcement in the construction sector work together in a co-operative manner, compliance is improved, revenues are generated to support legislation, and public safety is enhanced.

It is a system which merits provincial implementation.

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