

Meeting: Contractor Advisory Council (CoAC)
Date: Thursday, November 17, 2016
Location: CHSI, 5110 Creebank Road, Training Room 3

Present: Joe Kurpe (Chair) ECAO
Dave Ackison OEL
Clint Attard OEL
Tony Minna ECAO
Larry Shaver ECAO
Rob Sloan OEL

Regrets: Luke Bogdanovic OEL
Scott Kelly (Vice Chair) OEL

Guests: Lydia Ma MCGS

ESA Staff: Nancy Evans
Farrah Bourre
Kathryn Chopp
Mark Taylor
Nansy Hanna
Freda Lam
Joel Moody
Kara Fraser
Carol Keiley

16.04.01 AGENDA/MINUTES/ACTION ITEMS

Motion to Approve Agenda

MOTION to approve agenda as amended by Tony Minna

Seconded by Dave Ackison

Carried

Motion to Approve Minutes

MOTION to approve September 16, 2016 minutes by Larry Shaver

Seconded by Clint Attard

Carried

Review Outstanding Actions

The outstanding actions were reviewed and the status updated – see attachment.

16.04.02 INTRODUCTION TO ADJUSTED AGENDA STRUCTURE

Nancy Evans provided the Council with an overview of the proposed new adjusted agenda structure for future council meetings being tested with this meeting.

Agenda now structured into three categories:

1. Strategic and Planning Items
2. Process and Operational Items
3. Council Administration Items

The intent is to focus on significant strategic items and have meaningful discussion on them. The new structure is a way to evolve the Council to continue to provide high value input and to address recommendations from the member survey results.

**16.04.03 STATE OF ELECTRICAL SAFETY:
2015 ONTARIO ELECTRICAL SAFETY REPORT (OESR)**

See presentation.

Freda Lam presented 2015 electrical safety data, focusing on electrical related occupational deaths and injuries with an emphasis on electrical workers and electrical fires from wiring infrastructure.

This is the fifteenth anniversary of the Ontario Electrical Safety Report (OESR). Data from the report contributes to the development of ESA's strategic plan, assists in awareness campaign development, and educates others about electrical safety priorities.

Occupational fatalities continue to outpace other areas. A case study of an electrical worker was reviewed.

Shocks in the home to the 0-14 age group is an emerging trend have identified as contributing significantly to non-occupational electrical injury rates.

Comments/Questions:

What is the definition of "occupational"?

This includes not just electrical workers, but anyone who was injured on the job, in any occupation. In an emergency department, treatments would be allocated to either WSIB for occupational or OHIP for non-occupational.

0-14 age group – do we know how they got burned or electrocuted i.e. what they were doing?

No. ESA collects data from Emergency Room visits and this data does not detail specific cause beyond electrical burn to the upper body.

What caused decline in powerline fatalities?

There were a lot of powerline awareness campaigns in place. The LDC industry has achieved a big decrease in their incidents. There has been increased training around best practices, but the training among workers is not consistent – contacts and near misses remain high.

16.04.04

COAC LOOKING FORWARD

See presentation.

Nancy Evans provided an overview of CoAC's role and how ESA can broaden discussions and participation on the Council.

Member survey results raised a few concerns and issues by CoAC members with increasing membership being suggested.

Key opportunities for improvement were discussed.

Comments/Questions:

It was raised that contractors/ associations would appreciate legal expertise to help understand regulations, TORs, responsibilities, FOI, etc.

ESA has and can continue to bring its in-house legal counsel to advisory council meetings as required to provide explanations or background on issues related to ESA. However ESA cannot provide separate legal counsel to contractors or contractor associations to act on their behalf; that is beyond ESA's role.

It was suggested that round table discussions would be better than member surveys to discuss feedback– bring topics to the table and go through them. Staff agreed that such discussions would be worthwhile and that the two are not mutually exclusive – we can collect survey feedback and have discussions. Because ESA surveys all its advisory councils it is helpful to have comparable survey data.

Expand membership as well to ensure we have a good cross section of the full contracting community by type of work, company size, and geography; could look at introducing webinars so people could more easily participate.

CoAC can invite people to specific meetings as industry guests depending on agenda items.

There is an opportunity to have more workshop style meetings, more discussions where CoAC provides input rather than just giving comments on what is presented to them. The agenda would be structured to accommodate workshops.

ESA is actively working to engage more contractors in the CoAC discussions.

ACTION ITEMS:

- Carol to provide dial-in conferencing info for future meetings
- Plan to have a roundtable discussion as part of annual feedback/assessment.

16.04.05

RISK-BASED WIRING OVERSIGHT

See presentation.

Nansy Hanna presented a review of the risk-based approach to inspections that ESA is moving towards.

ESA is looking for CoAC's feedback on how this will be received by the contractor community.

Process breaks down into four parts:

1. Risk assessment (based on nine risk attributes)
2. Determination of how oversight will be done based on the level of risk
3. Applicable policies/processes that guide ESA and provide consistency
4. Inspector feedback that up-dates and modifies risk assessments

ESA will test-drive the model to see how it works and what the impact is.

There is a benefit of fewer inspections of lower risk work by competent contractors, which is better for the contractor so they don't have to schedule/reschedule; however, the contractor will need to know when an inspection won't happen.

One challenge is ensuring we are collecting all the necessary information to do the risk assessment.

There is a perception that you're paying for an inspection. It was suggested that ESA consider an option to request an inspection even when one is not required with an applicable fee.

How will this be rolled out?

ESA will test the new approach in a segmented roll-out. It was discussed that the current plan is to roll-out by type of work e.g. starting with commercial renovation.

It was suggested that ESA consider roll out by contractors rather than type of work as many contractors do multiple types of work.

Comments:

Contractors would prefer to know ahead of time if an inspection is happening.

Contractors would like to see the calculated score on each notification.

ESA should consider allowing photos of work to be submitted as well.

ACTION ITEMS:

- New technology to be put on a future agenda as a workshop discussion.
- Ongoing briefings and discussions with CoAC re: the roll-out of risk-based

oversight

16.04.06

COMMERCIAL RENOVATION PILOT UPDATE – FINDINGS FROM THE LOGBOOK AND INVESTIGATION PROGRAM

See presentation.

Nansy Hanna presented an update on two pilot programs – the Commercial Renovation Pilot record of work (LEC logbook) and the Investigation Program, including findings from the programs.

LEC Logbook Conclusions:

- Participating contractors gave positive feedback based on reduced need to schedule inspections and more meaningful interactions with inspections. The audit-based inspection approach was accepted ; ESA noticed that overall compliance by contractors improved i.e. more work was noted;
- Survey results show the incentives and fees offered in the pilot are good, but ESA should increase the scope of the pilot. The next phase of the pilot will be to expand the pilot to ACP contractors and fine-tune it.

Investigation Program Results to Date:

- The blitzed investigations in the commercial renovation sector found both LECs working without permits and unlicensed companies doing work;
- The blitzes have occurred in three regions so far. There has been a higher rate of non-compliance in the more densely populated region. ESA will monitor to see if that pattern holds true.
- Low number of large projects not taking out permits.
- Overall permit rates rose in regions where the investigations were occurring.

Next phase: Apply investigation program to target areas province-wide on a rotation basis, tailoring criteria to specific areas, and fine-tune the process.

Comments/Questions:

Council members want increased compliance, but would prefer to concentrate on the underground/unlicensed people. ESA noted that it also wants to find unlicensed work but it is also finding LECs working without permits.

The nature of permits (i.e. complexity of work) not being taken is an important

component – is it an outlet or a panel change?

ESA is finding mostly renovation work where permits were not taken.

ACTION ITEMS:

- ESA to send copy of PPT to CoAC.

16.04.07 ACP UPDATE

See presentation.

Mark Taylor provided an update on the evolution of ACP.

ESA will keep the 20 permit requirement for maintaining ACP status; but extend the timeframe to meet the 20 permit threshold from 12 to 18 months so contractors have a longer time to meet the requirement.

ESA will provide updates on timeline for implementing this new requirement.

Comments/Questions:

ESA should consider grandfathering the change.

ACTION: ESA to send a copy of the PPT Mark presented at the September CoAC meeting.

16.04.08 ACCEPTABLE ALTERNATIVE PANEL COVERS

Nansy Hanna updated the Council on this question that arose at a meeting earlier this year regarding acceptable temporary panel covers. She noted that ESA can't specify anything other than the required panel cover as an acceptable alternative.

16.04.09 EDUCATION ITEM ON ESA CORE PROCESSES: DISCONNECTION AND RECONNECTION OF POWER

See presentation.

Mark Taylor reviewed ESA's process for the disconnection and reconnection of power.

Comments/Questions:

There's a challenge coordinating between LDC and ESA. For example, Toronto Hydro

requires proof of inspection before reconnection which adds to complexity in the process.

16.04.10 PROPOSED HOUSEKEEPING AMMENDMENTS TO THE LICENSING REGULATION

See presentation.

Joel Moody presented an overview of proposed housekeeping amendments to the licensing regulation, which have also been reviewed at ECRA.

ESA and MGCS identified 29 areas that needed to be modernized, including

- Remove out dated requirements
- Correct reference areas – there were some areas in the regulation that were referenced incorrectly
- Clarify existing regulatory requirements
- Alignment with other legal requirements
- Consistent terminology

Comments/Questions:

A concerned was raised regarding the planned change to the section noting how the Statutory Director can refuse to grant or renew a license related to default of payments. ESA staff noted that the change proposed is intended to correct an incorrect reference to the applicable clause and align the wording with all the other sections of the regulation, whereas the Council member's recollection was that the reference was intentional at the time the licensing regulation was established.

It was agreed that the member would follow-up with ESA and MGCS re: this item.

ACTION ITEM

- CoAC member to follow-up with ESA and MGCS re: the proposed change to the regulation
- Final proposed changes to be posted by government on the regulatory registry and stakeholders notified.

16.04.11 OPERATIONAL Q&A

No questions or topics submitted by Council members for this meeting.

16.04.12 OTHER BUSINESS

ESA's Request for Information Process

Management raised that ESA had received a complaint from the OEL about the Request for Information process and CoAC should be aware of the complaint. After discussion it was agreed to discuss the item in more detail at a future CoAC meeting.

2017 Meeting Dates

2017 meeting dates were determined and notices will be sent out to all members.

Account Blocking

Motion: CoAC to see ESA's procedures for account blocking and request a list of the LECs who have been blocked.

Moved by: Dave Ackison

Seconded by: Larry Shaver

Carried

ESA staff agreed to provide the information on the account block procedures and discuss at the next CoAC.

In terms of providing a list of contractors by name that have been blocked it was noted that blocks can occur for reasons related to private information (e.g. financial status) and thus couldn't be released. But management can provide numbers to provide members with a sense of scale.

ACTION ITEMS:

- Carol Keiley to send out 2017 meeting dates
- Account blocking procedures to be provided to CoAC members and discussed at the next meeting.

Adjournment

MOTION to Adjourn by Tony Minna

Seconded by Dave Ackison

Carried

End of Contractor Advisory Council Meeting

Next Meeting: February 16, 2017
Time: 8:30 am – 1:30 pm
Location: Centre for Health and Safety Innovation
5110 Creekbank Road, Training Room 3

If there are any discrepancies to these minutes, please report them by email to Joe Kurpe and Farrah Bourre.