



Contractor Advisory Council Minutes
April 21, 2016

Meeting: Contractor Advisory Council (CoAC)
Date: Thursday, April 21, 2016
Location: CHSI, 5110 Creekbank Road, Training Room 3

Present: Joe Kurpe ECAO
Clint Attard OEL
Luke Bogdanovic OEL
Larry Shaver ECAO
Rob Sloan OEL
Tony Minna ECAO

Regrets: Dave Ackison OEL
Scott Kelly OEL
Michael Lettner ECAO

Guests: Stephanie Martin MCGS

ESA Staff: Nancy Evans ESA
Earl Davison ESA
Farrah Bourre ESA
Mark Taylor ESA
Nansy Hanna ESA
Normand Breton ESA
Carol Keiley ESA

16.02.01 AGENDA/MINUTES/ACTION ITEMS**Motion to Approve Agenda**

MOTION to approve agenda as amended by Luke Bogdanovic

Seconded by Tony Minna

Carried

Motion to Approve Minutes

MOTION to approve Feb 18, 2016 minutes by Larry Shaver

Seconded by Clint Attard

Carried

Review Outstanding Actions

The outstanding actions were reviewed and the status updated. The following action items have been moved from Outstanding Action items to the Council's 2017 work plan and will be tracked via updates to CoAC once or twice a year:

- CSC Update
 - #15.03.03 NOLA enhancements
 - #15.02.04 Permit Correspondence
- LEC Campaign Update – #15.02.05

The September meeting has been rescheduled to Friday, September 16, starting at 8:30 a.m.

16.02.02 2016/17 COAC WORK PLAN

The 2016/17 work plan was distributed to CoAC for review. The Council was asked if there were any topics that should be added to the work plan.

Disconnection of power education item was deferred from this meeting due to the briefing planned on the Pro-Teck licensing conviction.

Landlord-tenant issues was added to the list of education session topics.

The work plan will be reviewed regularly at CoAC.

There was a discussion about how to ensure non-CoAC members benefit from the information and discussion that occurs at the meeting. Ideas for communicating educational topics to the contracting industry:

1. Publish under contractor resources on the web.
2. Share with various associations.
3. ESA to develop a template for education topics so presentations are consistent and key takeaways are identified

Comments/Questions:

ESA should share educational updates to other organizations to extend the reach of the information.

ESA should attend ECAO and OEL Inspector nights – share educational information with GMs or Inspectors who attend Inspector Nights or chapter events as these are captive audiences.

ACTION ITEMS: ESA Communications – Create a template for education topics that includes a page outlining educational information to be shared with members’ associations.

16.02.03 ACP SURVEY RESULTS

See presentation.

Farrah Bourre and Mark Taylor provided a preview of the ACP Survey Results. The purpose of survey was to understand how ACP is perceived by the industry and if/how it can be improved. ESA has received recommended changes to the Program from CoAC members, but it’s important to know exactly what the perceptions are in the marketplace. ESA requires this insight to determine what changes should be made to the ACP program.

The survey found a generally positive view of the program from all contractors, and a particularly high level of favourability among contractors who are participants in ACP.

The survey results underscored that process efficiencies and advantages are the primary drivers of ACP participation/interest. The criteria for participation were identified most often as an area for improvement.

Opportunities for improvement are based on key findings in the survey and feedback from CoAC. One improvement has already been implemented – ACP contractors are being notified if an inspector isn’t showing up (ACP residential only). This has also

been a culture change to manage within the ESA.

ESA is going to move ahead with developing some process improvements to ACP and will invite contractors to participate in the development process.

Changes to ACP will be considered in the context of ESA's plans to migrate to more risk-based inspections. ESA is building the capability for the risk of an installation to be ranked according to nine different attributes in the Safety Risk Assessment Tool (SRAT), and inspectors will receive this information.

ESA will be looking at all the ACP work done in the last year and run it through the SRAT. ESA to determine how the work fits into the various categories of risk, and then apply that to ACP going forward.

Comments/Questions:

Were the survey results influenced by geographical area?

That analysis was undertaken and the researchers didn't find any meaningful differences based on geography.

Some Council members would like to go through results with their committees. Survey results will be distributed in the weeks ahead.

ESA will be releasing the official, final report when it is ready and provide to the associations.

ESA should make small changes over five years while working toward a risk based approach.

16.02.04

2017 FEE CHANGES

See presentation.

Mark Taylor presented a preview of what changes are under consideration for 2017. The increase will be similar to last year at approximately 1%, which is below the projected rate of inflation (1.8-2%).

The breakdown of individual fees is still under consideration.

Comments/Questions:

Could the cost of non-contractor permits be driving more people underground since their fees are more than contractor fees?

ESA is not seeing evidence of this in research.

Solar permit fees are still high compared to residential. Has ESA considered adjusting solar fees?

Oversight is still being determined so no adjustments have been made. A different fee code could be applied rather than a fee adjustment which would have to go through stakeholder consultation.

There was a concern over the jump from for ACP renewals \$23 to \$83 to be equal to non-ACP. Consider keeping it at \$23 if an inspection has occurred.

- ACTION ITEMS:**
- Mark Taylor – Take CoAC feedback into consideration when considering what fee to apply to solar installation projects.

16.02.05

CODE & LICENSING AWARENESS

See presentation.

Nancy Evans presented the findings of the Code and Licensing Awareness survey which was used to measure rates of awareness of regulatory obligations among key stakeholders.

As part of ESA's Harm Reduction Strategy 2.0, ESA will seek to improve the rate of compliance with electrical safety regulations over the next five years. The survey results will help ESA execute targeted programs to improve awareness and understanding in areas needed to improve compliance.

Municipalities tends to have lower familiarity with requirements– are they responsible to ensure compliance? It depends on the type of work, but they are responsible for compliance. ESA trying to get municipalities to pre-qualify their contractors and build this requirement in their procurement contracts. The City of Barrie has already done this and is a model for others.

Overall, awareness of the requirement to hire an LEC has increased – possibly due to awareness efforts over the last few years.

16.02.06

CONTRACTOR FAQS

Agenda item was not addressed due to timing constraints and will be deferred to

June.

16.02.07 FIVE-YEAR LICENSING

See presentation.

Normand Breton provided an update on the new Five-Year Licensing Process.

- All requirements of licensing stay the same.
- There have been no significant issues with the new renewal process so far. Good feedback has been received and the change is largely supported.
- The two-piece Master Electrician (ME) card will become a one-piece ME licence. The Electrical Contractor (EC) licence will remain separate.
- ESA will continuously review Five-Year Licensing to look for opportunities for improvement.

16.02.08 ECRA-ESA LICENCE HOLDER STANDARDS OF CONDUCT

See presentation.

Normand Breton provided an overview of the Licence Holder Standards of Conduct which has been created to describe fundamental principles in the Electricity Act that guide the conduct of Licensed Electrical Contractors and Master Electricians.

The Standards of Conduct does not contain any new requirements or new information – it takes existing law, explains it in plain language and uses examples so licensees easily understand what's expected of them. It has been endorsed by ECRA as well.

A draft copy of the Standards of Conduct was distributed to CoAC.

Comments/Questions:

The emergency situation examples are subjective – raising fees during emergencies seems to be received negatively.

There is a consumer protection component in Regulation 570/05 where LECs are expected not to price gouge consumers.

Why has ESA developed this document?

ESA's analysis of non-compliance shows there is a lack of understanding by contractors when it comes to their obligations. Guidelines like this one help licensees

understand their roles and obligations under the law. It is difficult to enforce the law if contractors don't understand it. This also makes the licensing system more robust so there are no surprises. Some of the content is included in the ME Exam.

Before the LEC/DME Guideline came out, some contractors never knew what their responsibilities were. It is helpful to have plain language guidance.

16.02.09**MULTI-STAKEHOLDER ACCOUNTABILITY SURVEY**

See presentation.

Nancy Evans provided an overview of the Public Accountability Survey findings.

One of the three goals of ESA's five-year strategic plan is to ensure stakeholders recognize ESA as an effective, publicly accountable organization so research was conducted to establish a multi-stakeholder accountability perception measure.

- Twelve questions were asked of over 1,600 people including 900 contractors (all key stakeholder groups were included).
- ESA's Mean Accountability Index Score is 7.9/10 which is positive.
- Results were positive in terms of feedback received.
- LECs/MEs provided the most favourable feedback among all stakeholder groups
- ESA was looking for areas to work on, i.e. where the challenges are.
- ESA will aim to maintain this positive assessment on an ongoing basis.

16.02.10**PRO-TECK CONVICTION**

Normand Breton provided a briefing on the recent conviction which resulted in \$537,500 fine for Pro-Teck Electric in Niagara Falls – the largest fine in the history of electrical contractor licensing in Ontario.

The briefing included a review of the specific and unique circumstances in the case, when and how ESA become involved, the behaviour of the LEC, factors that contributed to the Justice of the Peace's assessment and fine calculation, and the rationale for publicizing the conviction.

Norm noted that it was a difficult and complex case and a sad situation for everyone involved.

Comments/Questions:

Council members asked a number of questions about the technical details of the installation work, the nature of the investigation, the impact of the news release, the role (if any) of OCOT, the role and responsibility of the LEC and DME, and whether ESA was looking at the contractor's other work.

16.02.11

REGULATORY BRIEFING: ALTERNATIVE COMPLIANCE UPDATE

See presentation.

Nansy Hanna provided an update on the alternative compliance pilot projects.

Investigations:

- Surprising outcome on investigations pilot to date – shows 92% of non-compliance (lack of permits) was by LECs.

Commercial Reno:

- Pilot started with fourteen participants, but seven LECs will be removed as they are not logging sufficient volume of work to apply the audit approach effectively.
- ESA is expanding the geographical area of the pilot – some work couldn't be logged due to geographical boundaries.
- ESA is inviting 10-15 more LECs to participate in the pilot.
- Not limiting it to size of contractor, just the amount of work being done
- Fees based on min fees \$79 (small devices, etc.) and a discount is given after work is reviewed.

16.02.12

OTHER BUSINESS

Complexity Review

In response to interest expressed by CoAC, Earl Davison presented a preview of the findings of the Complexity Review undertaken for ESA by Deloitte. The report is still in draft form and so hasn't been released yet.

Report highlights:

- Eight "pain points" were identified related to compliance processes.

- Contractors said ESA needs to spend less time on the people trying to comply and use that time to focus on those doing low quality work, as well as the underground economy.
- Need to expand the ACP model by moving to risk-based inspections. Have to think about the best way to move to another model? This can't be done overnight. Pilot programs are one way and risk-based inspections.
- There is a scheduling and inspector workload problem mainly from the Durham Region to London; outside GTA is not as much of an issue.

Comments/Questions:

How will risk-based inspections take place? Will people still receive certificate of inspections?

The quality of work shouldn't hinge on the inspection since it is not the work of the inspector; it is the contractor's responsibility to ensure the work has been done correctly.

Can a member of ECAO and OEL be on the committee for changing ACP?

There will be a working group process with stakeholders to gather input.

Annual Member Survey

The Council was reminded that the annual CoAC Member Survey will be sent out in the next couple of days. Please complete as we are looking for a 100% response rate.

ESA Board of Directors Position

ESA has issued a call for applications for its Board of Directors for a role reflecting the electrical contractor sector. Information has been sent to OEL and ECAO and the role is posted on esasafe.com

Code Training

HVAC grounding and bonding permits and the basic exemption of 2000-5 – repetitive with ESA and TSSA looking at the work.

Code Changes

A Council member asked if ESA is seeing an increase in the volume of permits before new Code changes go into effect. *Is ESA seeing an increase in permits?*

There is a significant increase in the number of permits which impacts service at the CSC.

ACTION ITEMS: ESA will review this dynamic prior to the next release of the OESC.

Adjournment *MOTION to Adjourn by Tony Minna.*

Seconded by Luke Bogdanovic.

Carried

End of Contractor Advisory Council Meeting

Next Meeting: June 23, 2016
Time: 9:30 am – 1:30 pm
Location: Centre for Health and Safety Innovation
5110 Creebank Road, Room TBD

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