Meeting:	**Contractor Advisory Council (CoAC)**	
Date:	**Friday, December 8, 2017**	
Location:	**CHSI, 5110 Creekbank Road, Training Room 3**	
Present:	Joe Kurpe (Chair)	ECAO
	Dave Ackison	OEL
	Clint Attard	OEL
	Luke Bogdanovic	OEL
	Mark Hopkins	ECAO
	Larry Shaver	ECAO
	Robert Smith	LEC
	Dan Williams	LEC
Regrets:	Scott Kelly (Vice Chair)	OEL
	Tony Minna	ECAO
	Rob Sloan	OEL
Guests:	Sharmila Uruthiranandasivam	MGCS
ESA Staff:	Farrah Bourre	
	Patience Cathcart	
	Kathryn Chopp	
	Earl Davison	
	Matthew Pittman	
	Mark Taylor	
	Carol Keiley	

17.05.01	AGENDA/MINUTES/ACTION ITEMS

Motion to Approve Agenda

MOTION to approve agenda by Dave Ackison
Seconded by Larry Shaver

Carried

Motion to Approve Minutes

MOTION to approve October 12, 2017 minutes by Clint Attard
Seconded by Dave Ackison

Carried

Review Outstanding Actions

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

17.05.02	WORKSHOP: RISK-BASED OVERSIGHT

Mark Taylor led the Council on a Risk-Based Oversight (RBO) workshop to discuss the proposed changes under RBO, and address the benefits, challenges and outcomes. The goal of the workshop is to get feedback from contractors on the proposed design of the RBO model.

ESA's target for moving to RBO is April 2020.

The reasons as to *why* ESA is moving to RBO – e.g. to allocate more time to high-risk work and reduce effort on low-risk work – cannot be changed.

ESA's analysis of wiring permits indicates that 94% of all low-risk work is inspected and 43% of ACP low risk work is inspected. ESA wants to physically inspect 20% low-risk, 50% medium-risk and 100% high-risk.

The nine risk attributes assign risk differently than ACP does and is more effective at assigning risk.

Members asked:

Why is less high-risk wiring work inspected under ACP?

It is due to existing ACP selective inspection rules such as 1:8, 1:5 and so on.

Could LECs who choose not to participate in ACP affect those numbers?

This is not the case because the work is captured either way, it's just entered in the system in a different category.

There are additional benefits to RBO for the LEC, including:

- more time with the ESA inspector
- increased predictability of site visits
- most site work will proceed quickly (i.e. less waiting for ESA inspectors)
- easier to comply
- level playing field for all LECs as ACP may be removed (currently ACP appears like a "quality" program)

A member commented that an LEC chooses to participate in ACP as it is voluntary – if you don't care if you're in ACP, than these benefits won't matter; it's the preauthorized connections from utilities that matters most in ACP.

ESA commented that RBO is beginning to look like ACP for everyone – if you have low defects then preauthorization would still be in place. Features of ACP could be incorporated into the RBO model.

ESA still envisions that LECs would have to have a minimum amount of applications for permits to merit selective inspection, and there would be conditions to be met under RBO. It was proposed that an LEC who submits less than 10 permits per year would be subject to 100% inspection (10 permits per line of business). If one submits more than 10 permits per year, then selective inspection would take effect.

A CoAC member felt 10 permits per year was too low and open to risk and recommended a minimum 50 permits per year.

Another member felt different lines of work should have different minimum permit volumes.

Another member said customers have a big issue with paying for an inspection but not getting it. When this happens under ACP, you try to explain how the program works, but they often still want to see an inspection take place.

Mark Taylor then demonstrated the Risk Inspection Model (RIM) tool and explained how it works. There are two pieces of data not currently collected in RIM but will be collected under RBO – public exposure and environmental factors.

An issue was raised by a Council member regarding an industrial company working on residential job for the first time. Would that be considered high risk?

The defect ratio, which is applied to all work, would be considered. Also, there are a series of filters under consideration (generators are included) which would result in mandatory visits.

A member asked what happens if the inspector doesn't have all the information.

ESA answered that fee codes also feed into the RIM. ESA will always default to the higher-risk category.

A CoAC member suggested that previous work should be in the system so if an address is entered in the system, than previous work should come up (e.g. complete rewiring of a home done in past)

The inspector has discretion to override the system and decisions can be made based on information not in the system. Inspector feedback after a visit can also be fed back into the system and may influence the next inspection.

Audits could help protect against misinformation being entered into the RIM tool; audits could be done on an annual basis (previous 12 months). For example, a contractor whose work is always low-risk may trigger ESA to audit a contractor's work.

A CoAC member suggested permits get reviewed at the time of processing if a large volume of low-risk work is coming in for one contractor. He also mentioned that he would not allow ESA in to his office to review his business' electrical work.

A member recommended that an audit is not the best idea – if ESA sees a trend of a lot of low-risk/no-see work than the inspector should override the system and do a spot site visit. Don't let it get to the audit point. Customers may not understand why ESA is going back to a site a year later for an inspection.

It was asked if any of the nine attributes are rated higher than others?
Yes, they are weighted differently. History of performance is weighted more than others.

Filters are rules that get applied after the nine attribute assessment and override the RIM tool oversight outcome, usually to make a site visit mandatory. Filters under consideration include:

- Homeowner notifications – homeowners' work should always be inspected
- Large jobs/permits over $500 – if it's a big job make sure ESA sees it
    - Note ESA may increase amount to $1000 (it's a very small number of

permits affected)
    - A lot of data analysis yet to be done
- New residential and ICI
- Pools/hot tubs
- Renewable energy
- Generators hard-wired
- Lighting retrofit – product safety/approved products not being used
- Large commercial jobs (greater than 100 outlets)
- Service connections
- Miscellaneous fee codes
- Temporary service for single service
- Annual volume less than 10 permits

A CoAC member suggested that an inspection shouldn't be based on the permit dollar amount, but rather the inspector's discretion based on the work. Some customers absolutely want an inspection while others don't; some customers may need it for insurance purposes.

Under RBO the work would be grouped in buckets of five and the contractor wouldn't have to wait a certain amount of time to get the certificate of inspection.

A member asked what is the inspectors' biggest concern with RBO?

ESA responded that concerns around accurate data coming in and filters that will be applied.

A CoAC member noted that with ICI and large jobs, the customer checks and balances and controls in place so it should be considered low-risk.

Another member had concerns about how ESA will check that forms have been completed correctly.

There is currently a selective inspection process in place (ACP); feedback from the inspector will feed back into system and affect future work.

<u>Fee Model</u>

ESA has to ensure the model covers costs and does not produce excessive revenue. There are concerns about a large bulk of work not currently familiar with selective inspection. What will be the reaction under RBO?

There are several fee models under consideration with more consideration on twp particular types – risk-based and rebate models.

ACTION	**Mark Taylor: Continue discussion at the next COAC meeting in February 2018.**

17.05.03 MASTER ELECTRICIAN (ME) EXAM CHANGES

Scott Eason provided COAC with an overview of ME Exam changes.

The initiative originated with ECRA who noticed a gap in the ME Exam. The exam contains three parts and requires 70% overall to pass; however, there is a concern that you could do well in two areas and terribly in the third, and still pass the exam. ECRA recommended a minimum of 60% in each section of the exam, as well as 70% overall.

One objective for changing the exam is to increase knowledge of new MEs. The second objective is to increase efficiency of automated reporting, which helps evaluate exam content and ensures it is fair to all.

The current platform doesn't allow separation of the three sections which is why we're moving to a new platform/vendor. ESA is planning to select the new vendor by the end of December 2017 and targets April 1 to launch the new exam.

Actual exam questions won't be included in the testing phase so there's no risk of the questions being leaked to the public.

A council member asked what the pass rate is and if it would change under the new criteria.

The current pass rate is 89% for the ME exam. A sample of 500 test results tested against the new criteria showed 7% would have failed the exam bringing down the rate to 82%.

17.05.04 INSPECTOR SCHEDULING

Matthew Pittman, Senior Inspector, Western region walked the Council through how an inspector schedules their day; as well as the factors influence how their day changes.

Matthew reviewed the typical morning procedure for an inspector:

1. Ensure coverage for inspectors
2. ACP jobs are sorted first for pass/no visit and jobs reviewed like RBO – contractor is emailed regarding "pass no visit"
    - An inspector may want to visit a job (e.g. rough in inspection) but something else comes up through the day and can't get to it then has to email the contractor with "pass no visit" after arrangements have

already been made for an inspection

3. Job data is then analyzed – rough in and final inspections are prioritized
4. Work is sorted
    - ACP
    - Accessed arranged
    - Comment section – inspectors manage how they read comments; they can be helpful, but "call ahead's" are challenging as it's time spent on the phone and affects time for inspecting, ensure that lock boxes/keys or access info is included in comments
    - Backlogged jobs – jobs an inspector won't get to today and defers it to another day
5. Information imported to the mapping program and route is created based on efficiency and access supplied jobs

Planning the day can be time consuming for a new inspector. A seasoned inspector can take about 30 minutes to plan their day.

Several factors influence how the day progresses:

- Phone calls and text queries (various reasons)
- Fire Marshal Office/investigations
- Traffic/parking/mapping issues
- Homeowner issues
- Job delays and waiting for contractor or access
- Wrong information on permit (especially as incorrect address)

A Council member asked how an inspector manages large jobs E.g. condo development.

Matthew responded that they visit the job a lot in the beginning, iron out potential issues, and then use discretion going forward. It really depends on how their day is. The first visit will often take longer; if it takes longer than anticipated then the rest of their day will be shuffled or reorganized.

Another CoAC member asked if providing photos would help.

Matthew answered that it can be difficult to judge a photo and an inspector needs to see the big picture. Also, some contractors take advantage and do not send accurate photos.

A CoAC member noted that residential issues seem to have the biggest impact on an inspector's day and take up the most amount of time.

17.05.05	APPEALS PROCESS

Patience Cathcart provided an overview of ESA's appeals process.

Patience began the presentation by reviewing ESA's background and regulatory structure. The four regulations ESA is responsible for were also reviewed to provide the scope of each:

1. Ontario Electrical Safety Code (Regulation 164/99) defines how electrical work will be done
2. Licensing of Electrical Contractors and Master Electricians (Regulation 570/05) sets requirements for those doing electrical work
3. Electrical Distribution Safety (Regulation 22/04) defines safety accountabilities for Ontario's Licensed Distribution Companies (LDCs)
4. Electrical Product Safety (Regulation 438/07) addresses approval of electrical products before their sale, and response to unsafe industrial and commercial products in the marketplace

Appeals can be broken down into two parts – Orders and Notices of Proposal for licences – are there are rules for each of them.

The appeals process:

Order or Notice of Proposal issued
↓
Director of Appeals
(an impartial party, they are not advocating for ESA – renders decision independently)
↓
Review Panel
(roster of 12 people, three are chosen for an appeal – hears each party at a hearing)
↓
Divisional Court
(will only hear procedure or process-related appeals, not factual)

Several types of Orders can be issued, including:

- Disconnection order, Cease and Desist Order, ESA Order
- Order related to unapproved products
- Non-compliance Orders with the Electricity Distribution Safety Regulation
- Non-compliance Orders with the Product Safety Regulation
- Refusal to grant a connection authorization
- Findings on plans
- Refusal to review plans
- Orders to Comply issued under the Electricity Act, 1998

Currently, defects can be appealed but the timeframe doesn't allow the two parties to try and resolve the issue; however, ESA's goal is to resolve defect issues before they go to appeals. An appeal is considered a last resort.

ESA hasn't had any appeals so far from the utility/EDSR side.

A Notice of Proposal can include:

- Refusing to grant a Licence
- Refusing to renew a Licence
- Suspending a Licence
- Revoking a Licence
- Granting a Licence subject to restrictions, limitations or conditions
- Renewing a Licence subject to restrictions, limitations or conditions
- Provisional Refusal to Renew a Licence or Provisional Suspension of a Licence (due to immediate threat to public safety or the safety of any person)

Issues not considered appeals are:

- A complaint (includes ESA policies and procedures)
- A complaint that goes before the Human Rights Tribunal
- A deviation
- A postponement
- A corporate lawsuit filed against ESA
- Fees
- CSS Contracts
- ACP suspensions
- Refusal to write a licensing exam
- Field Notice Of Violation

<u>Code Appeals Simulation</u>

COAC members participated in an appeal simulation where each person was assigned a role.

- The first part of the process, i.e. to decide if an Order will be issued
- If the Order is issued, it can be appealed to the Director of Appeals
- The Director of Appeals has ten days to make a decision
- The Director's decision can then be appealed to the Review Panel
- Either party can then choose to appeal to divisional court (only for disputes about the process) – only lawyers are involved at that point

It was asked if the customer has any role in the appeals process.

If the customer is called as a witness, then they would certainly have a role.

Questions from CoAC included:

What is the cost of an appeal?

The cost may vary depending on how intricate the issues are regarding the appeal. If it is very complicated it can become very expensive in terms of time/money/resources for both parties.

Can an LEC work during an appeal?

An LEC can work during an appeal as long as the "stay" on the appeal has been granted. If for some reason the stay is lifted, or in the case of the issuance of a Provisional Refusal to Renew or Provisional Suspension imposed by licensing, the parties are notified and no further work can be undertaken as per the document issued that describes specifically what must cease.

17.05.06 **Q&A'S**

Several questions were put forth for discussion by Council members.

Indemnification form: Does it have to be signed? Is it being reviewed?

This is a standard contract that goes to anyone wanting to be on ACP, a voluntary program. The form is part of the ACP annual renewal now that licensing has moved to a five-year renewal. Signing the indemnification form means ESA doesn't take all liability for work ESA doesn't inspect. The contractor is responsible for and owns the quality of their work. If you refuse to sign it, it will be returned to you for completion and if it's still not signed then you're not in the program.

Will the indemnification form be part of RBO?

RBO inspections will hinge on risk and that still has to be figured out as part of the RBO model.

Tracking defects assigned to a contractor but not in the scope of the contractor's work: What can be done? [*See action item below for Plugged In article*.]

Part of the defect resolution process is talking to the inspector to try and resolve it. Those defects could then be issued against the property owner if it can be proved the defects were "pre-existing" and not part of the contractor's work.

Emergency connects between utility and customer need to be streamlined. Can this be improved?

Every utility (there are 60 of them) has different response time and process for reconnections. ESA could raise the issue through the Electricity Distributors Association (EDA).

Can COAC attend a Utility Advisory Council (UAC) meeting to raise the reconnection issue with them?

ESA will raise this suggestion with UAC.

Design-build projects: Can these projects be assigned a different kind of permit, like a "placeholder" permit? Then as it becomes more apparent the job involves, you have a better idea of the kind of permit needed and then you can talk it through with the inspector.

Electricians are asking a lot of questions and do not have access to ESA information because they're not LECs. How can they access information?

If there are materials regularly needed on specific topics, this should be done through the DME. ESA relies on DMEs to share information as part of their oversight duty.

If an Inspector comes to a job site where there are ladders in place, can Inspectors use the ladders for inspection?

ESA Inspectors are to use their own discretion; if it's not safe, they won't do it.

There's still a problem with homeowners doing their own work or going underground because they feel contractors charge too much for doing work. What can be done?

ACTION: **Develop a reminder article for Plugged In about the importance of pre-declaration.**

17.05.07	**OTHER BUSINESS**

LEC Store
The LEC Store has reopened and ready to take orders. Contractors can order ESA brochures or download digital materials for use on their website; customized materials are also available at cost.

Motion to adjourn by Mark Hopkins
Seconded by Dave Ackison

End of Contractor Advisory Council Meeting

Next Meeting:	**February 14, 2018**
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.