

Date: Monday, October 3 & Tuesday, October 4, 2016

Location: Holiday Inn Kitchener Waterloo Conference Centre

Meeting: Electrical Contractor Registration Agency (ECRA) Advisory Council

Present:

| | |
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| Louie Violo | OEL |
| Larry Allison | CAC |
| Debra Mattina | AMCTO |
| Joe Kurpe | ECAO |
| Larry Shaver | ECAO |
| Sean Bell | UCAO |
| Brian Smith | ESA appointee |
| Ron Bergeron | OEL |

ESA Staff:

| | |
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| Normand Breton | ESA |
| Nancy Evans | ESA |
| Tracy Durant | ESA |
| Kath Chop | ESA |
| Farrah Bourre | ESA |
| Shana Hole | ESA |

Guests:

| | |
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| Mary Beth Fazzari | MTCU |
| Fred Black | ECAO |
| Gary Oosterhof | ESA Board (Day 2) |

16.05.01 **Review of Agenda**

Sufficient members in attendance for quorum.

*MOTION to approve agenda by Joe Kurpe
Seconded by Debra Mattina
All in Favour
Carried*

16.05.02 **Review of Minutes**

Motion to Approve June 16 and September 9 Minutes & Review Action Items

Amendment to the June 16 minutes was made to correct a typo on page nine, Item 16.02.08, paragraph seven. An additional amendment was made to the September 9 meeting minutes to reflect the correct member association for Larry Allison.

*MOTION to approve June 16 and September 9 minutes as amended made by
Larry Allison
Seconded by Joe Kurpe
All in favour
Carried*

Outstanding Action Items Were Discussed

16.02.09- Sunnybrook: Obtain more information regarding how the last funds were dispensed and bring back to ECRA for discussion. A copy of the Sunnybrook presentation will be provided for review.

Update will be provided at the next ECRA Meeting. Materials will be supplied for review beforehand.

14.03.03- Tony Dean Report: Request OCOT to attend ECRA meeting.
Normand Breton has received a response back from OCOT after reaching out. OCOT will be attending the next ECRA meeting. It was suggested that all Council questions be saved for the OCOT representative at the November meeting.

15.05.10 – Sale of Distribution Products to Non LECs:

- **To set up a sub-committee for the purpose of assessing regulatory impact regarding the sale of distribution products to non LEC's.**
- **To provide proposed approach and background material by next meeting.**

Items have been postponed to next year.

16.05.03

Membership Update

Three potential candidates for the Community Member at Large representative were brought forward to ECRA. The Council was asked to decide which candidate(s) to nominate to go forward with interviews.

The Council was reminded that the ESA Board appoints nominees to the ECRA Advisory Council. RAGC will interview candidates and then make member recommendations to the Board. The next Board meeting is scheduled for November.

A member inquired how the member selection process is conducted by ESA. ESA representative indicated that a search is done for the position through LinkedIn, as well as through executive, management and stakeholder outreach.

The ECRA Council was asked to nominate one or all candidates to proceed to the interview process and subsequent recommendation.

MOTION to nominate all three potential applicants from the Community at Large to move through the interview process made by Brian Smith.

Seconded by Joe Kurpe

All in favour

Carried

Council was updated on the recent Chair and Vice Chair elections for the Master Examining Committee (MEC). Fred Black was elected Chair and Steve del Guidice was elected Vice Chair.

16.05.04

ME Exam Pass Rate- Impact Analysis.

Shana Hole provided the Council with the history and the evolution of the Master Electrician Examination.

The Council was reminded of the motion made to recommend implementation of a minimum pass rate of 60 per cent in the three sections of the ME exam and a 70 percent overall, with the option of rewriting a section if failed.

An impact analysis was conducted to determine the impact of this change on the public and worker safety as well as the electrical industry and ESA.

The scope of any examination is to test an individual on their minimum knowledge and experience. A question was posed to the Council whether the current ME exam tests the minimum competence criteria. Is ESA still testing knowledge or the ability to find information in a book?

A member pointed out that the exam tests on basics of the Code, the rest is searching out the information. As a result, a level of comprehension is required or the candidate would not be able to finish the exam in three hours.

Another member suggested having a panel of Master Electrician's review the examination before the minimum pass rate is implemented to provide feedback on the impact of the change.

The electronic examination was analyzed by looking at average score per section and how many candidates had passed and how many had failed. If the new pass rate was implemented, 38 individuals would not have passed one section.

It was noted that when looking at the 38 individuals who would have failed one section, there was no indication that they were a safety risk to the public. In addition, it was noted that any accidents that happen today are not directly correlated to pass rate of the exam.

To explore further rationale for the change, ESA is proposing to go through a formal standard setting methodology to ensure that recommended 60/70 pass rate is the appropriate exam scoring. The questions that comprise the exam would be analyzed by using the Angoff method. A group of experts from different areas of the industry would be engaged to determine what minimum competence is. It would then be determined whether 60/70 scoring is the correct formula.

A member pointed out that they felt comfortable with a 70 per cent pass rate and they felt that this pass rate is reflective of an open book exam. However, they had concern regarding the low scores in the code section of the examination.

An ECRA member indicated that with respect to the failed sections, candidates should re-write the entire exam as you want the individuals to meet overall standards versus a section at a time. In addition, because the question bank is the same, ESA needs to limit the amount of times the exam can be re-written.

An ECRA member expressed frustration with the pace of this initiative, however does understand the need to justify the proposed 60/70 pass rate and have experts to look at the questions. Analysis is essential for this recommendation to move forward and to do our due diligence to ensure that the MEs are qualified and practice as safely as they can.

ESA suggested that the recommendation can be made to RAGC based on the information that we currently have and ask if they would like us to provide more information in order to move forward with the stakeholder consultation.

*MOTION to go forward with the recommendation to RAGC for a 60/70 pass rate on the ME exam on the basis of additional analysis done and presented by ESA made by Larry Allison
Seconded by Debra Mattina
All in favour
Passed*

16.05.05

ME Exam - Electronic Ontario Electrical Safety Code (OESC)

With the recent introduction of the electronic version of the Ontario Electrical Safety Code (OESC), as well as the current electronic format of the Master Electrician examination offered by ESA come new challenges. Presently, ESA only allows a hard copy of the OESC into the examination, however a large portion of electricians currently use the electronic code on a daily basis.

At the last MEC Meeting, a discussion was held regarding allowing the electronic version of the OESC into the examination.

The MEC felt strongly that anyone with the electronic version of the OESC should be allowed to utilize this version during the examination; however questions remained under what conditions this could be done.

Does ESA provide a copy of the electronic OESC for the individuals writing the examination? The OESC is currently available in pdf. format making it easy for individuals to utilize this tool to search by using key words or even entire questions.

The MEC is in support of ESA providing the electronic version of the OESC, however felt that there need to be conditions which would encourage the user to actively search for information, such as it is done with the hard copy of the code. It was suggested that the electronic version of the OESC be provided as long as the search feature and the find and copy functions be turned off, encouraging the use of the document as it were a hard copy.

An ECRA member felt that since the electronic code is currently widely used in the field, this resource should also be available during the examination.

Some raised concern that ESA is testing on the knowledge of the electrical code not the use of the computer. It was agreed that it is important that individuals do not utilize the pdf. "find" feature to their advantage and obtain answers without actively seeking for information as they would do in a hard copy of the code. It is important that we test on knowledge, not on how to use the find feature to seek answers.

MOTION to adapt MEC's recommendation to allow the electronic OESC into the ME examination with a disabled search function made by Larry Allison

Seconded by Debra Mattina

All in favour

Carried

16.05.06

Licensing Discipline- Enforcement Update FY2016

Normand Breton provided the Council with an enforcement update for the last twelve months.

The complaints process was presented. It was acknowledged that ESA pursues charges against individuals with a strong likelihood of conviction and greatest impact on safety. This process is based on guiding principles of the current enforcement philosophy.

Statistics for Licensing complaints received for the last three fiscal years were

presented. These complaints are related to licensing at the customer service centre, through e-mail, fax and mail.

There were 859 complaints received for unlicensed contractors, 94 investigations, 36 charges, (some of these will appear next year as they have not yet made it to Provincial Court as formal charges), and 40 convictions. The remaining four will carry forward.

When there are additional complaints against the same individual this will be escalated. Licensing also looks at whether an individual is already in our data base, and this is also quickly escalated. It was pointed out that every quarter this information is also published in Plugged In.

A member asked whether underground work was also reflected in the 859 complaints received. It was clarified that the complaints received are about not having a licence versus disciplinary action or non payment of fees. These are complaints received from the general public and inspectors.

Another member asked to explain a recent blitz as it relates to proactive enforcement and discipline. Normand Breton elaborated that the blitz in questions has a dedicated inspector who drives around and looks for work being performed. In addition, the inspector will utilize building permit records in order to identify unlicensed and licensed individuals working illegally. It was mentioned that everyone can be approached at any time, it is not only when conducting blitz. In addition, ESA receives complaints and works with investigators to identify non compliant individuals by way of stings. Currently ESA has fourteen investigators dedicated to enforcement activities.

The case of Halls Heat and Cooling was presented. A member questioned whether ESA is working with the TSSA to ensure that HVAC contractors are compliant and pulling permits when required. ESA indicated that HVAC contractors are put through a risk based filter to identify high risk individuals as was done with the respective case.

A Council member inquired whether there has been a noticeable change/shift in the number of permits taken out. ESA pointed out that on average contractor compliance has been experiencing an increasing trend per year, from 36 to 46. Another trend is that contractors who have been pulling very little permits 10 or less per year has been trending down. It was pointed out that ESA conducted audits on about 100 contractors who pull 10 permits or less.

Another member inquired what a Notice of Proposal (NOP) is. It was explained that an NOP is issued when the LEC does not meet the requirements of holding a licence: such as the loss of a DME (five business days to report this to ESA), or absence of liability insurance. ESA provides these individuals with enough notice to rectify the issue.

16.05.07 **Licence Holder Meeting Review**

Normand Breton presented the ECRA Council with the set agenda and seating details for the Licence Holder meeting.

16.05.08-10 **ECRA Orientation**

The ECRA Council underwent a comprehensive information session designed to familiarize new ECRA members with ESA's history, corporate structure, mandate and current reporting relationship with the Ministry of Government and Consumer Services.

The presentation was designed as a refresher course for current members.

DAY TWO – October 4, 2016

16.05.11 **Awareness Campaign Update**

Kath Chopp provided an update on the LEC Campaign results.

The campaign targets the Sensible Suburbanites who are unaware of the law requiring them to hire an LEC. The campaign focuses on creating awareness and making this information easy to find and or verify for our target.

ESA wants to intercept when the target demographic in the dreaming phase of renovation planning. It is important to speak to them at the critical point in the decision making process. We are trying to capture the attention of the Sensitive Suburbanite through awareness and education, encouraging them to ask the right questions when thinking about renovating.

ESA collaborated with a design ambassador, Kimberley Seldon to motivate the target to create a beautiful design that is both functional and safe.

FY2017 campaign results were presented. Results measured success of campaign by measuring reach of paid advertising and print media such as newspapers. Another measure of campaign performance was conducted via online survey and looking at whether have we moved the needle in awareness and intent, meaning have changed their mind.

Overall there was an increase in reach and awareness, and intent to hire a Licensed Electrical Contractor. Awareness increased from 44 percent to 50 percent

Key takeaway is that consumers are almost twice as likely to hire an LEC. We are noticing a change in intent and behavior. We are on the right track and things are moving forward.

Materials such as tee-shirts and lawn signs are also available to LECs if they are interested to line up their efforts with ESA.

16.05.12 **Licensing Regulation Amendments**

Tracy Durant presented the Regulatory Review of proposed housekeeping amendments to the Licensing Regulation.

Background information regarding the regulatory review was provided to the Council.

Twenty-nine proposed amendments to the licensing regulation have been identified and were reviewed in detail with the Council. These amendments are being proposed in order to clarify existing requirements and bring the Regulation up to date. There are no new provisions or authorities being proposed.

A Council member noted that “no PO BOX” should be included in s.8 of Subsection 8(c).

It was also noted to update the renewal section to include the requirement of paying ESA fees upon the renewal, this is found in s.15. (5).

The proposed amendments will be submitted to MGCS later this fall for consideration. MGCS is responsible for holding a public consultation on the proposed changes.

16.05.13 **ECRA Education: Permits and Inspections**

Jennifer Beardmore provided the Council with a high level presentation of the permit lifecycle. The presentation focused on the permit process and what it looks like from the time an application files to the time the permit is closed.

It was noted that 25 percent of permits are filed online. Permits filed by mail are mainly done by homeowners. It was also noted that 5-10% of account customers are still set up to receive correspondence by mail. That is why whenever there is a post strike ESA campaigns to have the correspondence switched to online.

Customers are also encouraged to download yearly updated (latest version) of applications. Applications are amended on a yearly basis in January/February, even when there are no fee changes to be made.

Next, ESA’s service commitment for filed permits was discussed describing the turnaround for online, phone in and ACP permits submissions.

A question was asked whether all contractors are aware of the different times it takes for scheduling for the permits. It was noted that contractors are aware that urgent permits need to be phoned in to be processed and scheduled immediately.

16.05.14 **Other Business**

- **2017 Meeting Dates**
Farrah presented the Council with optional dates for the 2017 ECRA meetings. Members were asked to check their availability. Regional meeting will be in the North: North Bay, Sault Sault Marie or Timmins. ESA suggested finding which of the proposed areas has the highest number of LECs to ensure the biggest turnout. Kamila Wojcik will send dates and asked members to respond which dates are best for all of 2017.

2017 Meeting Dates

- ✓ January 26, 2017
 - ✓ February 2, 2017
 - ✓ April 27, 2017
 - ✓ May 4, 2017
 - ✓ October 16/17, 2017 (LHM North)
 - ✓ October 18/19, 2017 (LHM North)
 - ✓ November 20/21, 2017 (LHM Central)
 - ✓ November 22/23 (LHM Central)
- Sunnybrook Update.
This item has been deferred to next meeting.
 - Discipline Guideline & Professional Conduct Documents- Update & Next Steps.
The ESA Discipline process will be promoted through the fall edition of Plugged In and the ESA website.

*MOTION to adjourn meeting by Brian Smith
Second that Ron Bergeron
All in favour
Carried*

Adjournment

End of ECRA Advisory Council Meeting
