

# **An Industry-Based Solution to Safety and Occupational Regulation for the Construction-Related Electrical Trades**

## **Discussion Paper**

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**Electrical Contractors Association of Ontario (ECAO)**

**Ontario Electrical League (OEL)**

**International Brotherhood of Electrical Workers -  
Construction Council of Ontario (IBEW - CCO)**

**February 25, 2020**



# An Industry-Based Solution to Safety and Occupational Regulation for the Construction-Related Electrical Trades

## Discussion Paper

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1. Our industry has previously submitted two concept papers for consideration by the government. The first concept paper – *Skills and Safety Matter* – focused on the importance of maintaining Ontario’s commitment to the Red Seal standard and the need to continue the policy of restricting the practice of electrical trade activities to qualified electricians and registered apprentices.<sup>1</sup> The second concept paper – *An Industry-Based Solution* – recommended assigning to the Electrical Safety Authority the responsibility for administering occupational requirements that pertain to the two construction-related electrical trades.<sup>2</sup>
2. This Discussion Paper expands on the proposals set out in the two concept papers. The industry welcomes the opportunity for further dialogue with the government and we assure the government of our cooperation in implementing the goals of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019 (MSTAA)*.

### Précis of the Industry Proposal

3. The following are the industry’s recommendations:
  - **Trade Activities Policies of the Construction-Related Electrical Trades**

When sec. 2 of the *MSTAA* is proclaimed, it directs the Minister to issue a policy for each prescribed trade that describes the activities of that trade. The industry recommends that the policies describing the activities of the two construction-related trades – Construction and Maintenance Electrician (309A) and Electrician-Domestic and Rural (309C) – should remain the same as the current scopes of practice that are set out in Reg. 275/11 of the *Ontario College of Trades and Apprenticeship Act (OCOTAA)*;
  - **Restricted Trade Activities**

The industry recommends that *all* of the activities in the above policies pertaining

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<sup>1</sup> Skills and Safety Matter: Maintaining High Standards in the Electrical Trades is Essential for an Effective Ontario Apprenticeship Model (July 2019)

<sup>2</sup>An Industry-Based Solution for Administering Occupational Requirements and Other Trade-Related Regulations for Electrical Work (January 2020)

to the two construction-related electrical trades should be prescribed as restricted. There should be no change in the current practice of protecting the public and workers from the improper performance of electrical tasks by unqualified persons. The application of this principle, however, should allow for the continuation, as appropriate, of well-established exceptions to the restricted practice standard in civil construction (*e.g.*, road construction) when those exceptions have been acknowledged by the Ontario Labour Relations Board;

- **Changes to Restricted Practices**

In light of the importance of public and worker safety, the industry recommends that changes to the list of restricted practices for the two construction-related electrical trades should be considered, if at all, *only* after extensive consultations with industry stakeholders;

- **Commitment to Red Seal Standard**

In line with Ontario’s historic commitment to the Red Seal Program and the requirements of sec. 12(1)(c) of the *Ontario Labour Mobility Act*, the industry recommends that certifications that pertain to activities in the two construction-related electrical trades should be eligible for Red Seal Endorsement and that no certifications would be issued that are not eligible to Red Seal Endorsement. This would preclude establishing “mini-trades” or “skillset certifications” in the electrical industry that would be ineligible for Red Seal status.

- **Expanded Role for the Electrical Safety Authority (ESA) in conjunction with the Electrical Contractor Registration Agency (ECRA)<sup>3</sup>**

The industry recommends that the Minister enter into an “Administrative Agreement” with the Electrical Safety Authority (ESA) *per* the *Safety and Consumer Statutes Administration Act, 1996 (SCSAA)* to administer the following sections of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019* with respect to the two construction-related electrical trades:

- Sec. 3: Performing Restricted Activity
- Sec. 4: Employing Individual to Perform Restricted Activity
- Sec. 5: Ratios

*Per* current practice, decisions to suspend a contractor’s licence or impose conditions on that licence would be made by ECRA, based on recommendations of ESA. Appeals would be to the Licence Appeal Tribunal.

## **Trade Activity Policies of the Two Construction-Related Electrical Trades**

4. Current scopes of practice for the two construction-related trades are set out in Reg. 275/11 of the

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<sup>3</sup> Following discussions with the Ontario government and with the government’s agreement, the Electrical Contractor Registration Agency (ECRA) was established by the Ontario Electrical League and the Electrical Contractors Association of Ontario to take over the function of licensing contractors. That function was previously carried out by municipal governments. The Electrical Safety Authority provides ECRA with administrative support.

*Ontario College of Trades and Apprenticeship Act (OCOTAA)*. The scopes of practice are based on the National Occupational Analysis (NOA) for the electrical trade. (These Scopes of Practice are attached as an appendix),

5. NOAs are administered by Employment and Skills Development Canada and draw on industry input across Canada. The administrative authorities for apprenticeship in each province and territory validate the draft NOA. The NOA is then used by each province and territory to establish competency standards, training standards and regulated scopes of practice. As well, the NOA is the basis for the examination questions that are used across Canada to evaluate the competence of a persons applying for a Certificate of Qualification.<sup>4</sup>
6. The current scopes of practice for the two construction-related electrical trades reflect the competencies analysis of the NOA for Construction Electricians. This document runs some 87 pages and describes in considerable detail the tasks performed by Construction Electricians and the competencies (both practical and theoretical) that are needed to perform those tasks.<sup>5</sup> Ontario's interests are best served by continuing to ground the scope of practice and training standards for the construction-related electrical trades in the NOA for Construction Electricians. Diverging from that model will undermine competency standards in Ontario and significantly reduce the ability of Ontario-trained electricians to have their qualifications recognized across Canada.
7. The industry recommends, therefore, that when policies for the two construction-related trades are issued *per sec. 2 of MSTAA*, those policies should be the same as the current scopes of practice set out in Reg. 275/11 of *OCOTAA*. The policies should then be updated, based on industry consultations, when the Construction Electrician NOA is updated.

### **Restricted Trade Activities in the Electrical Industry**

8. Both the Construction and Maintenance Electrician (309A) and the Electrician-Domestic and Rural (309C) were designated as compulsory trades under *OCOTAA* and its predecessor legislation, the *Trades Qualification and Apprenticeship Act*.
9. In addition, it should also be noted that sec. 182 of the "Construction Projects Regulation" to the *Occupational Health and Safety Act* specifically restricts, subject to certain limited exceptions, connecting, maintaining or modifying electrical equipment or installations to qualified 309A or 309C electricians or registered apprentices in those trades. The policy of restricting electrical work to qualified persons has served Ontario well, as is demonstrated by the progressive reduction in electricity-related injuries, deaths and damage to property.
10. The current policy of restricting the performance of electrical work to qualified persons is founded

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<sup>4</sup>The following web site of the Canadian Council of Directors of Apprenticeship provides a more detailed description of the NOA process and its critical role in the trades and apprenticeship system: [http://www.red-seal.ca/resources/n.4.1\\_.1b.4.5t-eng.html](http://www.red-seal.ca/resources/n.4.1_.1b.4.5t-eng.html)

<sup>5</sup> The NOA for Construction Electrician can be accessed at: [http://www.red-seal.ca/docms/const\\_electric\\_noa2011\\_eng.pdf](http://www.red-seal.ca/docms/const_electric_noa2011_eng.pdf)

on five important considerations:

- First: public and worker safety should always be paramount. Tasks covered by the *Ontario Electrical Safety Code* should be performed *solely* by persons who are trained in that Code.
- Second: based on ESA analysis, improper installation procedure or lack of hazard assessment was the cause of 50% of the electricity-related fatalities and critical injuries;<sup>6</sup>
- Third: ESA data also show that more than three-quarters of electricity-related work fatalities were experienced by workers who were *not* trained as electricians or powerline workers;<sup>7</sup>
- Fourth, again, based on ESA analysis, 9% of fires causing structural loss, where electricity was the ignition source, were caused by faulty wiring, *i.e.*, improper installation;<sup>8</sup>
- Fifth: there is an inextricable link between understanding electrical theory and the competence to perform electrical tasks properly and safely. Unsafe work practices and improper electrical installations are a direct result of *not* understanding electrical theory. (Appendix A of the previously submitted concept paper, *Skills and Safety Matter*, sets out a detailed analysis of the link between knowledge of electrical theory and correct performance of the tasks described in the scope of practice of a 309A electrician.)

11. For all of these reasons, the industry is strongly of the view that the current policy of restricting the performance of the electrical tasks to qualified 309A and 309C tradespersons or registered (and supervised) apprentices in those trades should continue to apply when secs. 3 and 4 of *MSTAA* are proclaimed and implemented. That is to say, *all* activities of the two construction-related electrical trades should be restricted, *per* the current practice. The only exceptions to this principle would be:
- i. well-established practices in civil construction (*e.g.* roads) which have been acknowledged by the Ontario Labour Relations Board;
  - ii. electrical tasks performed by persons qualified as Industrial Electricians, Powerline Electricians or Entertainment and Industry Power Technicians when persons in those trades (or registered and supervised apprentices in those trades) are operating within their approved scope of practice; and
  - iii. electrical tasks performed by persons in other currently compulsory trades where the trade standard includes training in relevant electrical

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<sup>6</sup> Electrical Safety Authority, *Electrical Safety Report, 2017*

<sup>7</sup> Electrical Safety Authority, *Electrical Safety Report, 2017*

<sup>8</sup> Electrical Safety Authority, *Electrical Safety Report, 2017*

theory (e.g., Refrigeration and Air Conditioning Mechanic).

### Changes to Restricted Practices

12. Changes in technology may make it appropriate to update the list of electrical tasks that are restricted. The industry is unanimous in its conviction that such changes should be made *only* after extensive consultations with industry stakeholders. For consultation purposes, industry stakeholders would include:

- provincial industry associations (*i.e.*, ECAO and OEL),
- unions,
- the Electrical Safety Authority,
- the Ontario Fire Marshal,
- the Canadian Standards Association,
- the Health and Safety Branch of the Ministry of Labour,
- the Canadian Electrical Contractors Association,
- electrical utilities, and
- the colleges and training centres that deliver apprenticeship training to the electrical trades

13. As a general principle, if a new electrical task is covered by the Ontario Electrical Safety Code, the performance of that task should be restricted to persons who are trained in the Code.

### Maintaining Ontario's Commitment to the Red Seal Standard

14. The Red Seal Program is a national program to harmonize competency standards for trades at a high level of excellence.<sup>9</sup>

15. The Red Seal Endorsement is the 'gold standard' for the skilled trades. Red Seal Endorsement ensures that Ontario-trained tradespersons not only have a high level of competency but that their qualifications will be recognized everywhere in Canada. Of equal importance, the Red Seal Endorsement ensures that electricians who come into Ontario also have the standard of competency that Ontario's employers need and expect. High standards of competency in the trades and inter-provincial recognition of qualifications have been important objectives of every Ontario government, regardless of party. The Red Seal Standard has been singularly important in advancing both of these goals.

16. Ontario's electrical industry has a particularly strong connection to the Red Seal. The Red Seal originated in Ontario in the 1920s when the Ontario Electrical League (OEL) introduced the symbol to attest that residential wiring was installed by a qualified tradesperson and met the necessary safety standards. The program spread across Canada (and internationally). The concept of a national competency standard and symbol were then adopted in 1952 when Canada established the Inter-Provincial Standards Red Seal Program. The Program now covers 55 trades.

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<sup>9</sup> Details about the Red Seal Program can be found on the program's web site: <http://www.red-seal.ca/w.2lc.4m.2-eng.html>

17. Ontario could seriously weaken the Red Seal Program if it were to create skillset-based “mini-trades” in the electrical industry with certifications that do not meet the Red Seal Standard and which would not be recognized by other provinces. Moreover, doing so also could run counter to the *Ontario Labour Mobility Act*. *The Mobility Act* was enacted in response to the *Agreement on Internal Trade (AIT)*. When the AIT was agreed to, there was concern that its mutual recognition requirements could lead to a watering down of standards in the skilled trades. To prevent this, sec. 12(1)(c) of the *Mobility Act* provides that Ontario will *not* establish occupational certifications that are inconsistent with the Red Seal program.
18. For all of these reasons, the industry strongly believes that the Minister should *not* certify any skill-sets in the electrical industry unless those certifications meet the Red Seal Standard.

### **Statutory Framework for Delegating Administrative Authority**

19. To facilitate the delegation of administrative authority to entities with industry expertise, the previous Progressive Conservative government enacted the *Safety and Consumer Statutes Administration Act, 1996 (SCSAA)*. The purpose of this legislation is to provide a flexible means of delegating administrative authority while maintaining overall ministerial accountability and ensuring the protection of due process.
20. There are currently six statutes identified in the SCSAA for which administrative responsibilities are delegated to designated administrative authorities. The administrative authorities and the specific sections of the six statutes are identified in Reg. 187/09 to the SCSAA. For background, the following table lists the six statutes and the designated administrative authorities.

<i>Electricity Act, 1998</i>	Electrical Safety Authority
<i>Funeral, Burial and Cremation Services Act, 2002</i>	Bereavement Authority of Ontario,
<i>Motor Vehicle Dealers Act, 2002</i>	Ontario Motor Vehicle Industry Council
<i>Real Estate and Business Brokers Act, 2002</i>	Real Estate Council of Ontario
<i>Technical Standards and Safety Act, 2000</i>	Technical Standards and Safety Authority
<i>Travel Industry Act, 2002</i>	Travel Industry Council of Ontario

21. Pursuant to the SCSAA, the Minister enters into an “Administrative Agreement” with the designated administrative authority. These authorities are industry-based, not-for-profit corporations. For purposes of the SCSAA, the “Minister” may be either the Minister of Government and Consumer Services (who has overall responsibility for the SCSAA) or another Minister, as appropriate.
22. As noted in the above table, the Electrical Safety Authority already operates under an Administration Agreement with respect to administering certain sections of the *Electricity Act*. These pertain chiefly to maintaining and administering through inspections *Ontario’s Electrical Safety Code*, licensing electrical contractors and establishing standards for Master Electricians.
23. Sec. 35 of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019* appears to explicitly contemplate delegating administrative authorities as part of the overall strategy to modernize the skilled trades and apprenticeship system. The industry believes that the Electrical Safety Authority is the best situated body to expertly administer secs. 3, 4 and 5 of the *MSTAA* with respect to the two

construction-related electrical trades. An Administrative Agreement with the ESA to administer these sections for the *MSTAA* would *not* detract from the authority of the Minister to determine the standards or qualifications for persons in the electrical trades, to establish restricted activities for those trades or to set ratios.

24. There are six compelling reasons why the ESA, in conjunction with ECRA, is well suited to administer secs. 3, 4 and 5 of the *MSTAA* with respect to the two construction-related electrical trades:

- First: the ESA and ECRA are an industry-recognized, expert bodies in the electrical industry with a focus on public safety;
- Second: the ESA has a cadre of trained and qualified inspectors with particular expertise in electrical installations;
- Third: ECRA has demonstrated its ability to protect the public interest through the system of contractor licencing without costs to government;
- Fourth: the Administrative Agreement model has already proved to be both effective and cost-efficient. ESA data show a steady improvement in Ontario's electrical safety performance;<sup>10</sup>
- Fifth: the ESA and ECRA understand the electrical industry and its stakeholders as well as the public interest in electrical safety; and
- Sixth: the ESA already establishes and administers standards for Master Electricians, while ECRA already administers contractor licensing.

### **A Separate Administrative Agreement**

25. As noted earlier, the government has already entered into an Administrative Agreement with the ESA to administer certain sections of the *Electricity Act*.

26. We suggest that a separate Administrative Agreement be developed, rather than an amendment to the existing agreement. There are three reasons that a separate Administrative Agreement as preferable:

- First: regulating occupational requirements is significantly different from administering the *Ontario Electrical Safety Code*. Occupational regulation focuses on inspecting work-in-progress. whereas administering the *Electrical Safety Code* focuses on completed work. For this reason, ESA inspections to verify the standards of completed work are typically scheduled. By contrast, inspections to verify compliance with occupational requirements will entail unscheduled inspections of work-in-progress, as well as responding to complaints. There is also an important difference in enforcement models. The enforcement model

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<sup>10</sup> Electrical Safety Authority, *Electrical Safety Report, 2017*

for administering occupational requirements will utilize cautions, compliance orders and penalties of varying severity, depending on the context. By contrast, the administration of the *Electrical Safety Code* is binary – an installation is either approved or there is an order for re-work to be done. The differences in the enforcement model point to the need for a distinct Administrative Agreement.

Second: enforcement is an important statutory function under the *MSTAA*. There needs to be a clear line of accountability from the ESA and ECRA directly to the Minister of Labour, Training and Skills Development. This also points to the need for a distinct Administrative Agreement between the ESA/ECRA and the Minister of Labour, Training and Skills Development.

Third: an appeals process, which is important to fairness, will need to be specified in the Administrative Agreement. This is discussed below.

### **Issues to be Addressed in an Administrative Agreement**

27. Among the issues that the Administrative Agreement between the Minister and the ESA will need to deal with:

- i. specific delegated authorities and responsibilities;
- ii. accountability to the Minister;
- iii. inspection powers conferred on the ESA;
- iv. power of the ESA to issue cautions, compliance orders and administrative charges;
- v. power of ECRA to suspend a contractor's licence or make that licence conditional;
- vi. appeal processes;
- vii. stakeholder consultation mandate;
- viii. ratios;
- ix. funding.

### **28. Delegated Authorities and Responsibilities**

The specific authorities that would be delegated to the ESA would be the administration of sec. 3, 4 and 5 of the *MSTAA* in relation to the two construction-related electrical trades, namely Construction and Maintenance Electrician (309A) and Electrician-Domestic and Rural (309C). This would mean that the ESA would inspect, as it deemed appropriate, electrical work-in-progress or contractors' administrative records to ensure that electrical work was being performed in conformity with sec. 3, 4 and 5 of the *MSTAA*. As discussed below, the ESA would also have the authority to issue cautions, compliance orders or administrative charges to non-compliant contractors and workers. Where appropriate, the ESA could recommend to ECRA that a contractor's licence be suspended or made conditional. Review and appeal processes are discussed below.

In addition to their delegated authorities, the ESA and ECRA would also provide the Minister with advice, based on their own expertise and their stakeholder consultations, on:

- changes to occupational standards for the two construction-related electrical trades,
- updating or renewing trade qualifications, and
- changes to restricted practices.

Consideration should be given to delegating to the Electrical Safety Authority responsibility for inspecting and enforcing the “Electrical Hazards” sections of O. Reg. 219/31 (the Construction Projects Regulation) to the *Occupational Health and Safety Act*. Sec. 182 of the Construction Projects Regulation restricts (subject to certain exceptions) connecting, maintaining or modifying electrical equipment or installations to qualified 309A or 309C electricians or apprentices in those trades. This overlap with the restricted activities provisions of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019* suggests that it could be appropriate to unify the administration of occupational requirements under a single administrative authority, namely the ESA, whose inspectors are also professionally qualified to exercise technical judgement on electrical matters.

At a later point, the Minister may also wish to delegate to the ESA responsibility for administering sec 3, 4 and 5 of the *MSTAA* for Powerline Technicians (434A) and Entertainment Industry Power Technicians (269E). However, at present, this need not be regarded as a priority as neither of these trades currently has a restricted activity.

### 29. Accountability to the Minister

The Administrative Agreement should set out reporting requirements for the ESA and ECRA. This would include an Occupational Qualifications Enforcement Framework which would be subject to Ministerial approval. The Framework would describe the conditions under which inspectors would issue cautions, compliance orders and administrative charges and also the conditions under which a contractor could be subject to having its licence suspended or continuation of the licence made subject to conditions. The Framework should be jointly prepared by the ESA and ECRA.

The Administrative Agreement should also set out requirements for an annual report to the Minister and a strategic plan which would indicate how the ESA and ECRA plan to carry out and finance their enforcement and advisory mandates.

### 30. Inspection Powers

The inspection powers of the ESA (sec. 113(8) of the *Electricity Act*) should be reviewed to ensure that they are sufficient to meet the ESA’s expanded role in administering occupational requirements. As noted earlier, the current enforcement practice of the ESA focuses on approval of plans and inspection of completed work. The expanded inspection role proposed in this Discussion Note would apply to work-in-progress and potentially also to contractors’ administrative records.

31. Currently the ESA either declines to approve a proposal or orders re-work on an installation that does not conform to *Code* requirements. For enforcing occupational requirements, a different model is required. Specifically, ESA inspectors need to have the authority to:

- I. enter a workplace to respond to complaints about the performance of electrical work by unqualified persons,
- II. proactively inspect work-in-progress for compliance with occupational qualification requirements,
- III. direct an unqualified worker to cease performing electrical work, and
- IV. carry out such other tasks as may be necessary to the proper administration, oversight and regulation of the system.

### 32. *Power to Issue Cautions, Compliance Orders and Administrative Charges*

ESA inspectors should have the authority to issue cautions, compliance orders and administrative charges. There does not appear to be any doubt that ESA inspectors have the authority to issue cautions or compliance orders. It is less certain that they would have the authority to issue administrative tickets. This would need to be clarified and may require additional regulatory authority being conferred on ESA inspectors.

“Cautions” would apply to work that was completed by an unqualified person. A caution warns a contactor not to repeat this.

“Compliance orders” pertain to work-in-progress. A compliance order directs a contractor to immediately remove unqualified persons from electrical tasks and suspend work on those tasks until qualified persons can be assigned. The Minister would need to confirm that the current powers of the ESA (through its inspectors) in sec. 113(11) of the *Electricity Act* are sufficient to support a compliance order.

“Administrative charges” would reflect the cost of processing a caution or compliance order issued to a non-compliant contractor or worker. Administrative charges would be in place of fines issued under the Provincial Offences Act. (The WSIB also uses administrative charges along side or in place of prosecutions).<sup>11</sup> An appeal process would be needed. This is discussed below.

### 33. *Power to Suspend or Impose Conditions on a Contractor’s Licence*

The *Electricity Act* confers the power to suspend or impose conditions on a contractor’s licence (termed an “authorization” in the *Electricity Act*.) The ESA would make a recommendation to ECRA to suspend or impose conditions on a contractor’s licence.

### 34. *Appeals*

Appeals against Licensure Suspensions or Restrictions

The *Electricity Act* provides that if a contractor’s licence is suspended, the contractor can request a hearing. The industry believes that the appeal body should have had no involvement in the original decision to suspend a contractor’s licence or make it conditional. We propose that appeals against suspension or conditional renewal of a licence be heard by the Licence Appeals Tribunal which already exercises this function in relation to a range of other industries.

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<sup>11</sup> Refer to: <https://www.wsib.ca/en/operational-policy-manual/offences-and-penalties-general>

### Appeals pertaining to Cautions, Compliance Orders and Administrative Charges

We suggest that the Minister be the person to whom appeals are made, but that the Minister designate an individual in the Legal Services Branch of the Ministry to act on his or her behalf. This is the model that was used under the *Occupational Health and Safety Act (OHSA)* from the mid-1980s to the mid-1990s. Appeals under *OHSA* are now handled by the Ontario Labour Relations Board. However, we see no reason to involve the OLRB. We favour the simpler process that was used earlier. For these purposes, appeals could be made by the party that was subject to an order or an administrative charge or by an entity such as an owner, employer association or union seeking redress if the ESA did not conduct an inspection or did not take action to address non-compliance. This would mirror the approach taken in sec. 61(5) of the *Occupational Health and Safety Act* which allows appeal both against orders and against the refusal to make an order.

### 35. Stakeholder Consultations

The ESA and ECRA should be mandated to consult with industry stakeholders before providing advice to the Minister on changes to regulatory practice, restricted activities or trade standards.

### 36. Ratios

The *MSTAA* reduced the minimum journeyperson-to-apprentice ratio to 1:1. By doing so, the *MSTAA* affirmed the importance of the minimum journeyperson-to-apprentice ratio while also enabling contractors to employ a larger number of apprentices. A properly enforced ratio ensures that apprentices will receive high quality on-the-job training from experienced tradespersons. In the electrical trades, a properly enforced ratio is especially important to ensure that work is done safely and in conformity with *Ontario's Electrical Safety Code*, thereby protecting apprentices, other workers and the public. Compliance with legislated ratios, however, cannot be assumed. Without proper enforcement, there will always be a minority that will be tempted to skirt the rules. The minimum 1:1 ratio, therefore, needs to be monitored. This can be accomplished by requiring annual registration and subsequent renewals of registrations of both journeypersons and apprentices and by an explicit mandate to take enforcement of the minimum ratio seriously through a review of registration records, field inspections and a review of employment records.

### 37. Funding

A feasibility study will be need to determine the additional resources that the ESA may require to carry out the expanded mandate proposed by the industry. Based on this feasibility study, the ESA would implement some combination of:

- (a) a moderate increase in the annual contractor licensing fee,
- (b) an annual registration fee for qualified journeypersons similar to the registration fee levied by OCOT,
- (c) a modest surcharge to permit fees for wiring, and/ or
- (d) the funds remaining after OCOT is wound down and which are attributable to fees paid by electricians and electrical contractors.

The intention would be that journeypersons would pay approximately half of the additional ESA costs for the expanded ESA mandate on regulating occupational requirements. The remainder would be shared by contractors and clients. (The latter contribute through higher permit fees for wiring). No portion of the additional costs would be borne by non-construction employers, apprentices or government.

### **Continuing Consultation**

38. The industry appreciates and welcomes the Minister's openness to consultation on the implementation of the *Modernizing the Skilled Trades and Apprenticeship Act, 2019*.
39. In this Discussion Note and in earlier submissions, we believe that the industry has sketched out a workable model which will meet the government's goals and also engage the electrical industry as partners in a modernized trades and apprenticeship system.
40. We look forward to continuing the consultation process.

February 25, 2020

Appendix: Scopes of Practice *per* Ontario Reg 275/11

# Appendix

## Ontario College of Trades and Apprenticeship Act, 2009 ONTARIO REGULATION 275/11

### Scope of Practice — Trades in the Construction Sector

Consolidation Period: From September 22, 2016 to the e-Laws currency date.

Last amendment: 318/16.

<https://www.ontario.ca/laws/regulation/110275#BK9>

#### *Electrician — construction and maintenance*

11. (1) The scope of practice for the trade of electrician — construction and maintenance includes the following:
1. Laying out, assembling, installing, repairing, maintaining, connecting or testing electrical fixtures, apparatus, control equipment and wiring for systems of alarm, communication, light, heat or power in buildings or other structures.
  2. Planning proposed installations from blueprints, sketches or specifications and installing panel boards, switch boxes, pull boxes and other related electrical devices.
  3. Measuring, cutting, threading, bending, assembling and installing conduits and other types of electrical conductor enclosures that connect panels, boxes, outlets and other related electrical devices.
  4. Installing brackets, hangers or equipment for supporting electrical equipment.
  5. Installing in or drawing electrical conductors through conductor enclosures.
  6. Preparing conductors for splicing of electrical connections, securing conductor connections by soldering or other mechanical means and reinsulating and protecting conductor connections.
  7. Testing electrical equipment for proper function. O. Reg. 275/11, s. 11 (1).
- (2) The scope of practice for the trade of electrician — construction and maintenance does not include work performed by a person who is permanently employed in an industrial plant at a limited purpose occupation in the electrical trade. O. Reg. 275/11, s. 11 (2).

#### *Electrician — domestic and rural*

12. The scope of practice for the trade of electrician — domestic and rural is the same as the scope of practice of an electrician — construction and maintenance, but is limited to the following:
1. Work in the construction, erection, repair, remodelling or alteration of,
    - i. houses or multiple dwelling buildings containing six or fewer dwellings, or
    - ii. buildings or structures used for farming.

2. The performance of maintenance to electrical equipment,
  - i. in houses or multiple dwelling buildings containing six or fewer dwellings, or
  - ii. on farms. O. Reg. 275/11, s. 12.