

Includes 2003 ECAO Annual Report

The Ontario

ELECTRICAL CONTRACTOR

ECAO
ELECTRICAL CONTRACTORS
ASSOCIATION OF ONTARIO

Volume 41 • Number 3

A portrait of Dave Mason, a middle-aged man with a mustache, wearing a light-colored button-down shirt. He is smiling slightly and looking towards the camera. The background is a blurred office setting.

Meet Dave Mason **ECAO's New President**

- **Is the MCR Obsolete?**
- **PIPEDA - New Privacy Legislation**
- **Motor Starters as Disconnects**
- **Utility Regulation in Ontario**

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ECAO
ELECTRICAL CONTRACTORS
ASSOCIATION OF ONTARIO

170 Attwell Drive, Suite 460, Toronto, Ontario M9W 5Z5

Tel: 416-675-3226 Fax: 416-675-7736

1-800 387-ECAO (3226)

email: ecao@ecao.org Web: www.ecao.org

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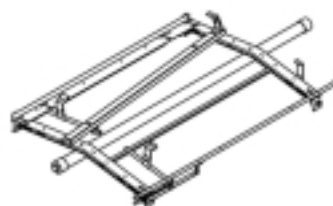
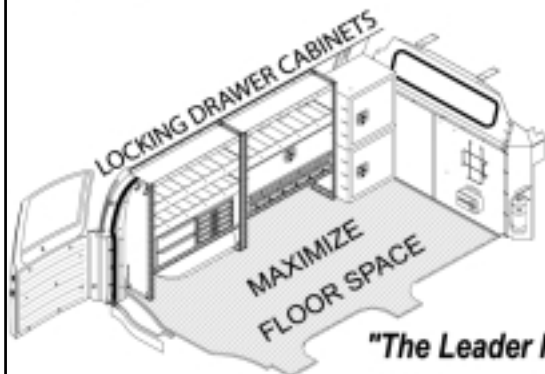
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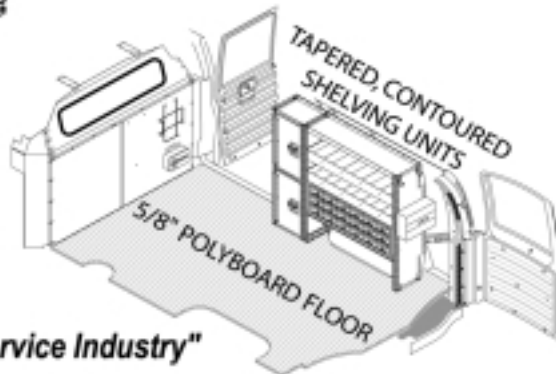
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Editor's Message

by Earle Goodwin

Welcome to the Annual Report edition of the *Ontario Electrical Contractor*. This is the issue where we get to look back and gauge our accomplishments and recognize those people who made them possible. While the accomplishments are important, I echo the comments of the Executive Vice President, who states that his favourite part of the report is the list of names that start each committee's report. Associations are, when all is said and done, groups of people working towards common goals. ECAO is blessed with a very dedicated group of individuals who take great pride in their accomplishments – and rightly so. Reading through the committee reports illustrates just how hard they are working on the industry's behalf.

Wrapping around the Annual Report, we have a mixed bag of useful articles for you in this issue.

ESA's Gary Gilbert explains how Rule 28-602(3)(1)(b) of the Ontario Electrical Safety Code is applied to allow manually operated

motor starters to be used as disconnects in certain applications. This rules revision in 2002 has raised some questions on their use in this capacity.

David Moncur, of David Moncur Engineering, looks at a legislative change that goes back to 1997 and is still causing confusion in the area of safety interlocks on machinery. Until the change in legislation, MCR circuits were a common method of protecting workers from their equipment. Because these electrical circuits were sometimes prone to failure, the law and standards were re-written and Dave explains the implications for those who fabricate and install machine controls.

Next, we get an introduction to our new association President, Dave Mason. Dave is no stranger to the contractors in Hamilton, nor to most people who have been involved with ECAO, having served on numerous committees and acted as our master of ceremonies at the last two annual conferences. He was kind enough to find a couple of hours with me recently, and we talked about

his background, his company, and his aspirations for the Association.

We next turn our attention to the new world of electrical transmission regulations in Robert Frank's primer on the regulation of utilities in Ontario. This article looks at the regulatory environment in the province as a background piece for an article that will appear in the next issue that will explain the steps involved in protecting our line contractors when they feel that the rules aren't being adhered to.

Rounding the issue out, we asked Scott Thompson to explain the Personal Information Protection and Electronic Documents Act (PIPEDA) which comes into effect at the start of next year. This new legislation will have an impact on the way you keep records on your personnel.

As always, I hope you find this material useful. Feel free to contact me with your comments on any of the articles in this magazine, or if there is something you'd like to see, but haven't yet.

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Rule 28-602(3)(1)(b) permitting manually operated motor starters or controllers to be used

as a disconnecting means was revised in 2002. The following question has been raised:

Is a manually operated across-the-line type of motor starter permitted to serve

- (i) A single motor providing it has a horsepower rating not less than the single motor it serves, or
- (ii) A group of motors providing it has a horsepower rating not less than the largest motor in the group and a current rating not less than 115% of the full load current of the largest motor in the group plus the sum of the full load currents of all the other motors in the group which may be in operation at the same time?

A manual motor starter, or controller (switch) labelled with the word “controller” shall be marked “Suitable as a Motor Disconnect” if it is intended to be used as a disconnecting means to satisfy the requirements of Rule 28-600. If a switch that is not marked “Manual Motor Controller,” “Motor Controller” or “Controller” is certified with CSA Product Standard C22.2 NO.4, Enclosed Switches and complies with the applicable requirements of Rule 28-602 regarding type and rating, then it does not require the marking “Suitable as a Motor Disconnect.”



Manual motor controllers are designed and certified using the Canadian Standards Association (CSA) Standard C22.2 NO.14, entitled: "Industrial Control Equipment." The standard allows the controller contacts to weld closed under a short circuit condition. Due to the number of incidents, and at least one fatality servicing a motor controlled by this type of equipment, the CSA committee for Product Standard C22.2 NO.14 introduced more testing requirements for manual motor controllers designed to be used as disconnects in accordance with Rule 28-602(3)(1)(b) of the Canadian Electrical Code. Manual motor controllers meeting these new requirements are certified to the current C22.2 NO.14 Product Standard with the additional require-

ments detailed in CSA's Technical Information Letter (TIL) D-24. TIL D-24 does not allow the contacts of a motor controller to weld closed during specified tests, and be subsequently labelled, "Suitable as a Motor Disconnect."

Rule 28-602(3)(1)(b) intends the disconnecting means for a motor, motor starter, or controller be the same as for a branch circuit, except that where a manually operated across-the-line motor starter shall be installed, the starter is approved for motor disconnect requirements. The intent is that under short circuit conditions the contacts will not weld together, thus creating a dangerous condition for those working on the motor circuit. Please note: manual motor starters certified to the requirements of C22.2 NO. 14 alone, and NOT labelled "Suitable as a Motor Disconnect," can have welded contacts following a short circuit fault condition and therefore may not open all the ungrounded conductors under all conditions of operation.

Other Disconnecting Means for motor branch circuits

In addition to the change identified above, the Canadian Electrical Safety Code (CEC) allows for different requirements for disconnection means for motors to open all ungrounded conductors simultaneously safely under the connected load. If this disconnection is required to interrupt current, the disconnection means shall have a horsepower rating or be capable of safely making and breaking the locked rotor current of the connected load.

Rule 28-602(1) states that a disconnection means for a motor branch circuit is:

- A manually operable fused or unfused motor circuit switch having a horsepower rating not less than that of the motor it serves; or
- A moulded case switch or circuit breaker; or
- An instantaneous-trip circuit breaker; or
- An equivalent device that opens all ungrounded conductors of the branch; or
- A single plug fuse for a branch circuit having one grounded conductor feeding a two-wire single-phase or dc motor rated at not more than 1/3 hp provided it is used only as an isolating means and is not used to interrupt current; or
- A drawn-out feature of a high-voltage motor starter or controller of the draw-out

type providing it is used only as an isolating means and is not used to interrupt current.

In the case of a disconnection means for a group of motors, Rule 28-602(2) states that the disconnecting means shall have a rating equal to the sum of the full load current of all the motors that may be in operation at the same time plus 15% of the largest motor. In addition the horsepower rating shall not be less than the largest motor in the group if a motor circuit switch is used.

Rule 28-602(3) intends to require that the *disconnecting means* for a motor, motor starter, or controller be the same as for a *branch circuit*, except that different requirements may be allowed, such as:

- An isolating switch or a general-use switch used as an isolating switch, if lockable in the open position, marked as required by Rule 26-100(2) and having a current rating not less than 115% of the full load current rating of the motor it serves shall be permitted to serve as the disconnecting means for a motor or motor starter:
 - (i) Rated at more than 100 hp if for 3-phase operation; or
 - (ii) Rated at more than 50 hp if for other than 3-phase operation; and
- An attachment plug shall be permitted to serve as a disconnecting means for a portable motor and its starting and control equipment provided:
 - (i) The attachment plug and receptacle has a current rating not less than the ampacity of the minimum size conductors permitted for the motor branch circuit or tap in which they are connected and are used only as an isolating means and not to interrupt current; or
 - (ii) The attachment plug and receptacle is used as permitted by Rule 28-500(3); and
- The draw-out feature of a high-voltage starter or controller of the draw-out type shall be permitted to serve as the disconnecting means for the motor or controller providing it is used only as an isolating means and is not used to interrupt current; and
- A manually operated general-use ac switch having a current rating not less than 125% of the full load current of the motor and which need not be horsepower rated shall be permitted to be used as a disconnect-

ing means for a single phase motor; and

- A fused or unfused motor circuit switch shall be permitted to be used as a disconnecting means for a group of motors served from a single circuit and need not have a rating greater than that necessary to accommodate the proper rating of fuse required for the fused switch provided it has:
 - (i) A horsepower rating not less than that of the largest motor in the group; and
 - (ii) A current rating not less than 115% of the full load current of the largest motor in the group plus the sum of the full load currents of all the other motors in the group which may be in operation at the same time.

Personnel safety is a paramount consideration:

- When working on equipment always follow the proper lockout procedure required by both your company and the Occupational Health and Safety Act.
- Use an approved voltage tester, certified to a CSA standard.
- Always conduct sufficient tests with an approved voltage tester to ensure that the equipment is not energized.

Or

- Have visible isolation of the contact surfaces of the disconnecting device so you can ensure that the equipment you are working on is not energized.

Conducting "sufficient tests" involves:

1. Measuring a known voltage source (to ensure you have bonding and the meter works)
2. Ensuring that there is no voltage on the load side of all contacts of the isolating device (ensures contacts are actually open), and
3. Following lockout and tag out procedures to ensure voltage cannot be reconnected while you are working on the equipment.

Gary Gilbert, PEng., is the Code Engineer with the Electrical Safety Authority.

Further information about the Electrical Safety Authority and how you can acquire Bulletins and the Ontario Electrical Safety Code, also available electronically, can be found at www.esa-safe.com.

Safety Interlocks - MCRs Don't Cut It

by David Moncur, P. Eng.

Beginning in December, 1997, all machinery and equipment that is “constructed, reconstructed, altered or installed in a factory” in the Province of Ontario became subject to a Safety Review known as a Pre-Development Review (PDR). In October, 2000 the PDR process was changed and became the Pre-Start Health and Safety Review (PSR). This is covered in Section 7 of the Ontario Health and Safety Act and Regulations for Industrial Establishments.

Electrical control systems can fail in ways which could result in dangerous situations. Particular attention should be paid to minimizing the probability of this occurring.

What is the impact of all of this on today’s professional electrical contractor? If you are a contractor who fabricates or installs machine controls, then this legislation has changed, in a significant way, the way in which industrial machines in Ontario are controlled. Part 2 of the Table referred to in Section 7 states that Sections 24, 25, 26, 28, 31, and 32 of the Regulation are applicable if:

Any of the following are used as protective elements in connection with an apparatus:

1. Safeguarding devices that signal the apparatus to stop, including but not limited to safety light curtains and screens, area scanning safeguarding systems, radio frequency systems and capacitance safeguarding systems, two-hand tripping systems and single or multiple beam systems.
2. Barrier guards that use interlocking mechanical or electrical safeguarding devices.

The most practical way to achieve compliance with the Table is to ensure that the

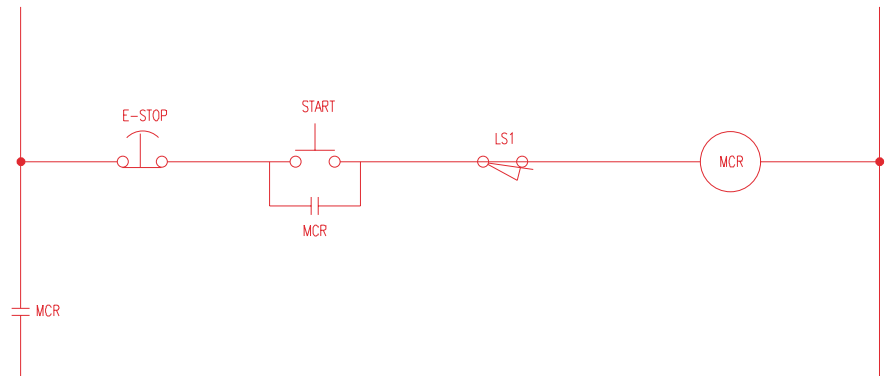


Fig 1. Typical MCR Circuit

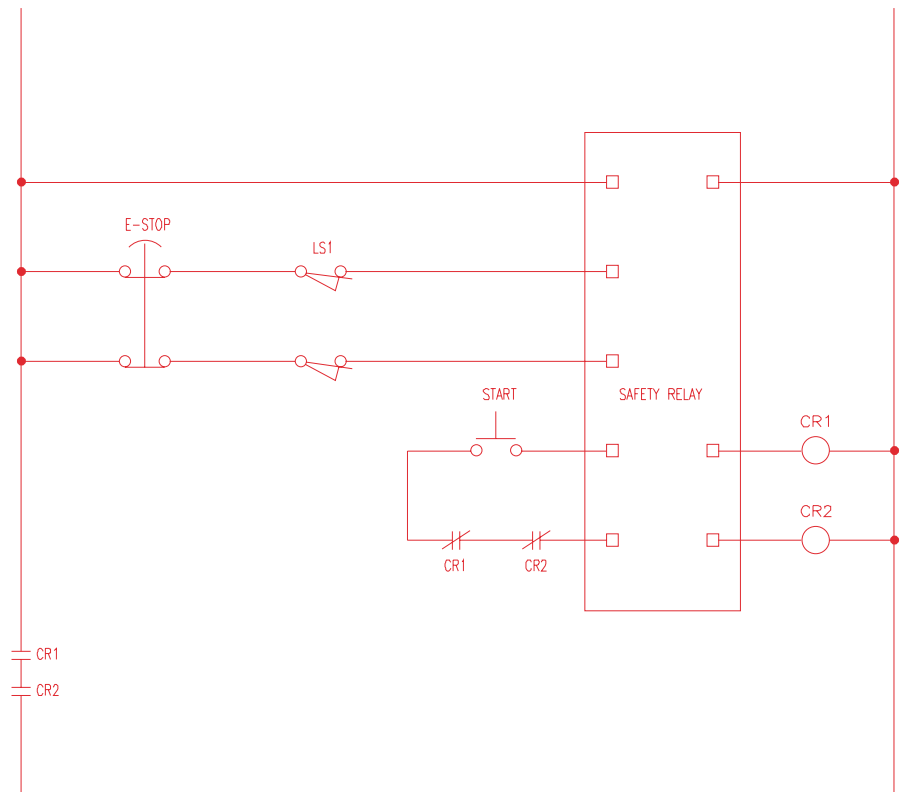


Fig 2. Elementary Safety Relay Circuit

controls for any piece of industrial equipment satisfies the requirements for any machine specific CSA Standard **plus** the requirements of CSA Standard Z432-94 (Safeguarding of Machinery). In this article we will discuss the changes to the time honoured control philosophies that are required to comply with this standard.

For as long as control systems have been implemented, the standard MCR circuits

consisted of single contacts from a Stop Pushbutton, a Start Pushbutton, a Seal-In Contact, and numerous other contacts (from limit switches, pressure switches, etc.) that acted together to start a machine, or more importantly, stop the machine. The MCR circuit that we are all familiar with is now obsolete. Section 9.4.1 of CSA Standard Z432-94 states:

Continued on page 10

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Continued from page 8

Electrical control systems can fail in ways which could result in dangerous situations. Particular attention should be paid to minimizing the probability of this occurring. Interlocking devices, signal operated devices, interconnections, and overall electrical control system design shall be such that a fail-safe mode is achieved.

In order to achieve this "fail-safe mode",

it is now necessary to provide dual or redundant contacts from all emergency stopping devices. An emergency stopping device is defined in Section 7.3 of the Standard as:

An emergency stop device, when operated, shall stop the machine, through actuation of a brake or other means, as quickly as is necessary to guard personnel (see Clauses 7.4 and 7.17). Where an emergency stop incorporates a friction brake,

such brakes shall be of the "normally on" type and shall utilize the external power source only for the release of the brake. An emergency stop is not an alternative to guarding. Handles, bars, push buttons, etc, used for actuating the emergency stop shall be coloured red and be readily accessible. Push buttons used for emergency stop shall be of the mushroom head type.

Where there is more than one control or work station, an emergency stop push button shall be positioned at each station. It is essential that release or resetting of the emergency stopping device does not cause the machine to operate. Restarting shall only be by operation of the normal start control.

Now we have the unenviable task of replacing the old style MCR circuit with a similar circuit that is dual-channel. How is this achieved? The first thing that happens is that the MCR relay is replaced with a Safety Relay. A safety relay is a device that monitors two input channels and should one or both change states, the internal circuit of the safety relay operates to latch in sets of output contacts. The status of the output contact is monitored as a part of the input contact chain. This requires that all emergency stopping devices now have a second set of contacts to initiate that stopping function, in addition to any other contacts.

That was the easy part. Now it gets a little more difficult, or frustrating, to achieve compliance with the Act and the Standard. The Safety Relay circuit must be a hard-wired circuit and must be separate and apart from your PLC programme. Section 7.6.3 of the Standard states:

Emergency stop devices, as defined in Clause 7.3, shall be hardwired and not affected by, or routed through, the programmable system. The emergency stop devices may be monitored through the programmable system.

Section 28(b) and (c) of the Act states that:

An operating control that acts as a guard for a machine not otherwise guarded shall: (b) be arranged so that it cannot be operated accidentally; and (c) not be made ineffective by a tie down or other means.

Simply put, the rocker style limit switch that has been used as a door limit for decades is now also obsolete. A safety limit switch must be installed wherever a

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personnel safety gate, or door, exists. This safety limit switch generally has a keyed device that is permanently mounted on the moving part of the guard and the key receptacle and switch body is permanently mounted on the stationary part of the guard. When the guard closes, the key fits into the receptacle and, once the machine is reset in accordance with Section 7.3 of the Standard, the machine can be operated again.

Are these devices readily available? Yes, all control manufacturers have entered the safety product market, along with some new ones, and most devices are stocked at your friendly neighbourhood wholesaler. Is technical advice available? It has been my experience that all manufacturers maintain full product support and they are more than willing to help you successfully use their product.

This is not the end of the process. The legislation requires that the PSR be signed and sealed by a Professional Engineer, licenced in the Province of Ontario. Many consulting engineering firms offer this service. What is important for you, as a professional electrical contractor, is that the firm that you or your customer deal with is familiar with machine controls and can evaluate the proposed controls for compliance with the Act and Standards. A firm that specializes in municipal infrastructure may not be the best firm to team up with.

Remember, the ultimate goal is to ensure that the normal operation of a machine, once installed, will not endanger a worker. The PSR process is an important step in achieving this goal. The safety of workers can only be enhanced by ensuring that all machine controls under your responsibility are safe and reliable. Only after you have achieved this can the PSR be issued for the machine. Your customer is counting on you to provide safe machine controls and it is only by ensuring that your controls comply with the machine specific CSA Standards and Standard Z432-94, can you assure your customer that your machine controls are safe for his workers.

David Moncur, P. Eng., is Principal of David Moncur Engineering, a consulting engineering firm that provides PSR services to the electrical contracting industry.

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President's Message



With the annual meeting in St. John's my term as President comes to a close. It's been a bit less than the full two years, but it's been eventful.

At the time of writing, we are hearing encouraging rumours that the long-term goal (over 50 years) of establishing provincial contractor licensing may be coming to fruition. We are now hoping that the government has the time and opportunity to present the legislation in the house. Provincial licensing offers the promise of putting all contractors on a level playing field. As it is today, licensing has the potential to be used as a barrier to trade or, at least, it can be an expensive nuisance due to the number of licenses required across the province. One license will allow a contractor to work in every municipality in the province and, with licensing in all municipalities, these annoyances are eliminated. Provincial licensing also provides an opportunity to enforce trade qualifications and ensure that minimum contractor standards, such as WSIB registration, are being met.

Over the year, ECAO played a significant role in working with ESA to revise the electrical wiring inspection fee guide. The new guide, which took effect on June 1, eliminates some of the overlap that existed between categories in the old guide.

In both of the examples, above, ECAO was able to forge working relationships with others in the industry to accomplish goals that were unattainable by each working on their own. This approach to industry issues came to the fore when Case Opdam was president and I'm encouraged to see it continuing.

Within the association, we saw the first Electrical Project Supervision courses being run in the local areas. You have told us you've wanted this course for quite some time, and we looked at several ways to develop it. In the end we were able to "Canadianize" NECA's successful course and, from all accounts, it is being extremely well-received by those who have taken it. Currently, our trainers are trained to Level II, and work is ongoing to complete their training in the fall.

We also saw the *Contractor's Guide to Workplace Safety and Insurance* published this winter and had seminars delivered around it in several local areas. WSIB payments represent a sizeable payroll expense and understanding the intricacies of claims management can have a significant impact

on your bottom line. Congratulations are due to everyone involved in this Guide's production.

Being president of ECAO is an experience I'd recommend to anyone. It has provided me with a chance to get more deeply involved with this industry and given me a perspective that many people don't get a chance to see. It has also been the source of great personal satisfaction to see an idea start from casual conversations with contractors to become policies and programs that benefit the industry.

Being president has also given me the opportunity to meet a wide cross section of the membership. I'd like to thank everyone for the warm welcome I received whenever I visited a local area. I'd also like to thank the local areas for the fine people they have sent as representatives to the Board of Directors and our various committees.

I've enjoyed working with the Board and very much appreciate the support they have given me over my term. In particular, I'd like to thank the executive and past president for their counsel and guidance over the past two years.

The committees are the strength of the association and it has been extremely gratifying to see all committees taking a very active role in the work of the association. My thanks to all members and committee chairs.

Finally I'd like to thank the ECAO staff for their hard work and diligence. While ECAO members do a great deal of work, they do not have the time to devote to the association that is required to accomplish everything that needs to be done. It falls largely to the staff to keep everything working smoothly and moving forward and I, for one, sincerely appreciate their support.

In closing, I've greatly enjoyed my term as president. It's been a busy term and a time of personal growth for me. While I think it's obvious from the thanks I've given leading up to this point, I'm not taking any personal credit for the association's accomplishments during my tenure. It has definitely been a team effort. But it has been a pleasure to contribute my portion to that success and I look forward to supporting Dave Mason as he continues to build on our successes.

George Boals,
President

Contractor & Industry Standards Committee

- Glenn Carr, Chair
- Gary Beer
- George Boals
- Ed Braithwaite
- Mike Caletti
- Wayne Crockett
- Garry Fitzpatrick
- Wayne Gatien
- Dave Mason
- George McCue
- Case Opdam
- Joe Spadafora
- Eryl Roberts, Recording Secretary

The Contractor and Industry Standards Committee strives to develop and implement standards within the electrical industry that allow contractors to conduct their businesses safely and compete fairly across the province. This is accomplished by working through the ECAO and cooperatively with other stakeholders in the industry.

This year, in partnership with the Electrical Safety Authority (ESA) and Ontario Electrical League (OEL) work continued to establish a system of province-wide contractor licensing. Progress continues to be made on this long-held ECAO goal with cabinet's approval, in principle, for a province-wide electrical contractor and trade licensing system early in May. ECAO understands that the approved model is based on the industry consensus proposed to the government by ESA, OEL and ECAO in 2002. This approval sets the stage for development of legislation, consultation with the Association of Municipalities of Ontario (AMO) and implementation of the industry/ECRA transition plan.

ECAO was represented by Glenn Carr, Case Opdam, Wayne Smith, Mike Tremblay, and Eryl Roberts on ESA's contractor advisory committee for fee restructuring. In 2002, ESA set out to re-examine the way inspection fees were determined and to develop a more equitable system. As a result, the concept of a basic exemption was explored and endorsed by the ECAO Board of Directors, and a pilot Certified Electrical Contractor Program was instituted for evaluation.

The committee also continued to monitor the practice of "reverse auctions" as a method of tendering electrical work. While ECAO supports efforts to streamline bidding procedures, there are grave concerns about this method of tendering as it seems to contravene many of the principles that the construction industry has developed and learned to trust over many years of practice.

Electrical Contractor Registration Agency

Chaired by Glenn Carr, ECRA is made up of 3 ECAO, 3 OEL and

2 senior ESA representatives, plus representation from the licensing municipalities. ECAO acts as the secretariat for ECRA.

The purpose of the Electrical Contractor Registration Agency is to administer a provincial system of examining and registering master electricians and electrical contractors. It also serves as the Secretariat to the Reciprocal Recognition Program for licensing Master Electricians.

ECRA continues to assist contractors in other communities in efforts aimed at introducing or upgrading existing electrical contractor and master electrician licensing by-laws.

ECRA also delivers pre-master exam courses to assist exam candidates in their preparations to write the exam. In the past, it was very evident that the high failure rate on the master electrician exam was due to the lack of adequate preparation on behalf of the candidates. Although there had been some courses available, there was no consistency in their format or their relationship to the exam.

The ECRA pre-master course is 36 hours in length divided into 12 modules and covers the Ontario Electrical Safety Code, relevant legislation (Occupational Health and Safety Act, etc.), calculations and trade practices, and business practices. Local ECAs, the Electrical Safety Authority, and Community Colleges can offer the course. To date, over 100 students have taken the course in London, Kitchener, Toronto and Mississauga.

In preparation for province-wide contractor licensing, work continues in preparing data systems for transfer to ESA in the eventuality that our recommendations are adopted.

Municipalities in Reciprocal Recognition Program are:

- Toronto
- Region of Hamilton-Wentworth
- London
- Ottawa
- Kitchener-Waterloo
- Windsor
- Thunder Bay
- Guelph
- Kingston
- Brantford
- Barrie
- Cambridge

Bid Depository

ECAO firmly believes that to protect the sanctity of bids, bid depository procedures are in the best interests of owners, architects, tender-calling authorities, engineers and contractors. Therefore, ECAO promotes the use of standard bid depository rules, and is a member of the Ontario Bid Depository Council (OBDC).

ECAO is represented on the OBDC by Case Opdam.

Ontario Joint Standard Practices Committee

The Ontario Joint Standard Practices Committee provides a forum for fair, impartial and logical analysis of issues and problems confronting various segments of the industry in their mutual dealings. The goal of the Committee is to achieve equitable and standardized solutions that will benefit the entire construction industry in the province of Ontario.

The Committee is composed of delegates from the following member organizations:

- Canadian Institute of Steel Construction – Ontario Region
- Consulting Engineers of Ontario
- Construction Specification Canada – Toronto Chapter
- Electrical Contractors Association of Ontario
- Mechanical Contractors Association of Ontario
- Ontario Association of Architects
- Ontario General Contractors Association
- Surety Association of Canada

Meetings of the full committee are conducted on an ad-hoc basis to discuss topics of concern to the construction industry. These discussions indicate areas of interest, which are then delegated to sub-committees for study, research and development of agreed items.

Endorsement of all agreed items is done by consensus of the member organizations.

The following is a list of agreed items:

- Pre-purchasing of equipment and material
- Back charges
- Take-over procedures of the OAA/OGCA
- Building Permits
- Revisions to drawings and specifications
- Required number of sets of tender documents
- Change order procedures
- Fire dampers
- Liquidated damages
- The provision of project plan and specifications
- Warranty/completion accounts

The Committee now meets as required when new agenda items come forward. The province's entire construction industry benefits greatly from this committee's continued work in promoting standard practice issues among the diverse participant organizations.

ECAO is represented on the Ontario Joint Standard Practices Committee by George Boals of Seymour & Boals Ltd.

Human Resources Development Committee

- Fred Black, Chair
- Gary Carr
- Gary Ganim
- Ron Goode
- Scott Kenyon
- John Wright
- Gary Robertson, Recording Secretary

The Human Resources Development Committee sources and develops courses and programs to ensure that contractors have access to the best employee training and executive development resources, in order to allow them to conduct their business as safely, efficiently and profitably as possible. This year the committee launched two new training courses.

The Electrical Project Supervision course is based on the NECA Management Education Institute's course revised to reflect legal and management practices in Ontario. The course is given in three levels, with each level covering the same basic topics in greater detail. Students are encouraged to apply their training in the field before taking the next level of training. To date, 12 trainers in 8 local areas have been trained to Level II with Level III training to expected to take place in the fall. Level I training has been successfully completed by 98 students who took the courses in Toronto, Ottawa, Kitchener, Sudbury, Sault

Ste. Marie, Kingston, Niagara, and Hamilton. Level II training is currently underway in Toronto and Hamilton with courses to be offered in the remaining areas listed in the fall.

Also new this year were the addition of WSIB counselling and a series of WSIB Claims Management Seminars. WSIB premiums represent the largest payroll contribution a contractor makes. Over the years, the body of rules and regulations surrounding it have become more and more complex. An understanding of claims management not only allows contractors to avoid running afoul of the system, but can also ensure that they will pay the proper amount and allows them to take advantage of any rebates to which they are properly entitled. The seminars were developed to amplify points raised in ECAO's latest publication, *Contractor's Guide to Workplace Safety and Insurance*, and give contractors an opportunity to discuss WSIB matters with knowledgeable staff.

The Human Resources Committee continued to monitor the performance of the Provincial Apprenticeship Committee (PAC) over the year. Over the past few years there has been growing concern about the PAC's effectiveness. Our representation on the PAC continues to voice these concerns and strives towards restoring the effectiveness the PAC requires if it is to fulfil its role in supplying our industry with the well-qualified, highly trained apprentices we require.

In the spring, the committee hosted two important NECA-MEI seminars, conducted by Dr. Awad Hanna, *Managing Productivity*

to *Improve the Bottom Line* and *Managing Construction Delay Claims*. Those attending the seminars indicated that the material was well-presented and very useful.

Work continues on the following, established programs:

Fire Alarm & Protection Certification Program

The Fire Alarm & Protection Certification Program ensures that those working in this segment of the industry have the requisite skills to perform work on life and health safety systems to high standards. The course was developed by ECAO and IBEW in conjunction with the office of the Fire Marshall of Ontario and consists of 4 levels of training. To receive the certificate, the candidate must achieve a test score of 70%.

Certification is valid for 5 years and is renewed through an updating course. The course is being offered in most areas of the province. In addition to traditional upgrading classes, an internet-based delivery system is being developed to allow electricians to upgrade at their own pace.

There are currently approximately 1200 fire alarm electricians who have been certified through our program and 500 more taking the course.

Fire Alarm Contractor Registration Program

The Fire Alarm Contractor Registration Program allows ECAO to effectively market the services of its members who have successfully met the registration criteria to building owners across the province. Registered contractors meet the requirements set out in the Ontario Fire Code for servicing, maintaining and certifying fire alarm systems. These regulations are being stringently enforced by the Fire Marshal's office.

There are in excess of 100 contractors who have registered with the program and have access to the logo, truck decal and other marketing materials the program provides.

Over the last year we have noticed that some contractors have had problems renewing their insurance with respect to fire alarm work. A meeting was held in July which was attended by contractors, the fire marshal's office and representatives from the insurance industry. After hearing about the Fire Alarm Contractor

Registration and the Fire Alarm & Protection Certification Programs and having their questions answered, the insurance people said they felt that they had a better grasp on the diligence our contractors had shown and that they would take the information back to their company to see if an insurance program could be developed for them.

Network Cabling Specialist

The trade of Network Cabling Specialist was established by the Apprenticeship Certification Act in 2001, and has been incorporated into our collective agreement. After many delays, the exam for the Certificate of Qualification was established and made available in April.

14th Annual Ontario Technological Skills Competition and National Skills Competition

At the time of writing, these competitions are about to be held at RIM Park in Waterloo. The Ontario competitions are being held on Tuesday, May 27 and the nationals on May 30 and 31. A trade fair will be held in conjunction with the competitions again this year. The organized building trades will, again, provide information and hands-on displays for the thousands of students who visit the competition site in the Ontario Construction Secretariat's area.

Electrical Safety Awareness Month

ECAO, partnering with other electrical industry bodies, jointly sponsored Ontario's second Electrical Safety Awareness Month in May 2003. May was chosen to coincide with the Electrical Safety Foundation International (ESFi) safety awareness month in the US.

This year, the themes were "Where the Power Meets the People" and "Look Up, Look Down, Look Out" to highlight power line safety. A safety video entitled *Buddy* was developed for distribution to the provinces 3600 elementary schools as well as brochures and public service announcements directed at the farming community who have a higher than average rate of accidents involving power lines.

Member Services Committee

- Brad Walker, Chair
- George Boals
- Scott E. Borland
- Ed Braithwaite
- Gary Carr
- Garry Fitzpatrick
- Mike Floto
- Greg Galbraith
- Earle Goodwin, Recording Secretary

One of the objectives of ECAO is to provide tangible services to the membership that are beyond the resources of individual companies, or services that are accessed at discounted rates on a group basis.

The committee continued to work to establish the new Associate Members program and saw 11 companies welcomed into this new membership category. It also established the program's first

Executive Council, who will help define the role of Associate Members in ECAO.

In addition, this year the membership services Committee made strides to improve on the services that have traditionally been offered, by expanding the list to include cellular telephone, group home and auto insurance, tool rentals and office supplies.

After lengthy deliberations, Federated Insurance Company of Canada was

selected to provide home and auto insurance. Federated has a track record of superior quality and customer service with ECAO members and we look forward to a long and mutually beneficial relationship with them as they extend their service offering into this new area.

Federated continues to offer a wide range of business insurance products to ECAO members. These include commercial general liability, commercial property, and equipment replacement insurance. A unique insurance product is contractor's errors and omissions insurance which offers protection when you are required to repair or replace work due to an alleged error or omission by your company, but no bodily injury or property damage is involved. Federated also developed a new product to meet the needs of our fire alarm contractors, who found it increasingly difficult to find carriers willing to underwrite this business.

Final arrangements are being made with Hertz Equipment Rentals for discounts on tool and man-lift rentals, as well as two companies for office supplies and equipment at discounted rates. We anticipate these will be put in place over the summer and early fall.

On-going services continue to be well-received by the membership.

Automotive products are available from Jim Peplinski's Leasemaster National auto, where all makes and models of

cars and trucks can be purchased or leased and provided anywhere in the province. Guy Dufour, our account manager, will source the vehicle to your specifications and provide you with a quote. Van outfitting services are also available.

Members can take advantage of two fuel purchase plans. Petro-Canada and Imperial Oil both offer fuel at a 2¢/litre discount plus the advantage of cards that can be custom tailored with features that meet the needs of both the executive fleet and service vehicles. ECAO members can participate in one or both plans at the same time.

Employee benefit and retirement plans are available from Skipwith and Associates. Dental, medical, long and short term disability plans can be tailored to meet the needs and budgets of large and small contracting firms. This was the first full year that a basic plan was available for those who wish to offer benefits without all the "bells and whistles" at very reasonable rates. A full range of Registered Retirement Savings Plans and Mutual Funds is also available.

Through its affiliation with the Canadian Electrical Contractor Association (CECA), ECAO makes available to its members all items contained in the CECA publications Catalogue. CECA is the exclusive Canadian distributor of products and publications of the National Electrical Contractors Association and produces its own items, such as Job-site Journals.

Public & Member Relations Committee

- Bradley Vollmer, Chair
- Don Allen
- George Boals
- Doug Cormier
- Jack Gibson
- Mike Sharp
- Earle Goodwin
- Lucy Roberts, Recording Secretary

The Public and Member Relations Committee has two responsibilities, one is to facilitate communications between ECAO, its membership and the public, the second is to develop, promote and administer recognition awards.

In the process of carrying out our responsibilities the committee addressed the following issues:

- Alternate meeting methods, such as video conferencing, are being investigated in order to increase meeting participation, committee participation and assist in reducing travel expenses.
- The planning for the annual Conference. Last year's Conference in Cuba at Sandals Royal Hicacos was very well

received and highly rated by those who attended. Planning for this year's conference in St. John's, Newfoundland, which we are co-hosting with CECA, is complete and well on its way to being a sell out. Windsor has been selected as the site for the 2004 conference.

- We continue to keep you informed on current industry issues through the ECAO News newsletter and Ontario Electrical Contractor magazine.
- The website has been updated to make it easier for members to find the information they need. Space was also created for the Associate Members. Members are reminded that confidential information is available via a membership password system. This includes information on the collective agreement and local appendices, ECAO calendar, registration forms and status of the strategic plan. Those who have not already done so can receive their usernames and passwords from the ECAO office.
- We continue to encourage the use of the web site and e-mail to enhance the dissemination of information and real time communication, while reducing time, printing costs and distribution costs.

Electrical Trade Bargaining Agency

Peter Bryant, Chair	.....ECA Northern Ontario
Rick Ball	.....ECA Thunder Bay
Mike Caletti	.....ECA Ottawa
George Docherty	.....ECA Toronto
Dave Duffy	.....Georgian Bay ECA
Paul Robinson	.....Windsor ECA
Wayne Gatien	.....Line Contractors
Jim Gruber	.....ECA Central Ontario
Erv Krause	.....Niagara Peninsula ECA
Dario Maola	.....ECA Sarnia
Dave Mason	.....ECA Hamilton
Brian McDonnell	.....ECA London
Ed Norman	.....ECA Quinte-St. Lawrence
Ray Porter	.....ECA Oshawa & District
Tony Fanelli	.....Industrial Contractors Association
Neil Donnelly	.....Electrical Power Systems Construction Association*
Barry Roberts	.....Electrical Power Systems Construction Association*
Eryl Roberts	.....Secretary
*non-voting members	

The Electrical Trade Bargaining Agency (ETBA) and Electrical Trade Joint Board (ETJB) concluded negotiations surrounding the implementation of a pre-apprentice program, initiated studies which will examine our market share in the each of the thirteen local areas, and began working towards renewal of the Joint Proposal (no strike/no lockout agreement) in preparation for negotiating the Principal Agreement in 2004.

The concept of pre-apprenticeship was first agreed to at the conclusion of negotiations over the issues arising from Bill 69 in October 2001. At that time it was supposed to be implemented to coincide with the start of the new contract on May 1, 2002. This, however, proved elusive for a number of reasons – not the least of which was the necessity to modify legislation to allow for pre-apprentices in a certified compulsory trade. This was accomplished and negotiations continued until both parties confirmed

ratification of the agreement March 27, 2003. Local ETBA representatives are working with their counterparts in the IBEW to establish the rules for pre-apprenticeship in their areas.

Maintaining and improving market share is a constant source of concern for ECAO members and central to negotiations between the ETBA and IBEW. A major difficulty has been to arrive at numbers that quantify it that can be accepted by both sides. To accomplish this, both sides approached the Ontario Construction Secretariat and asked them to institute a comprehensive study of our market share in the institutional, commercial, and industrial sectors on a region-by-region basis, starting with Windsor as the pilot. The Secretariat accepted this difficult task and has presented the initial results for Windsor. This information is currently being reviewed and the model is being refined to allow a consistent approach to be applied to the remaining local areas.

When complete, this information will provide us with a clearer picture of our current position and will be able to be used as a benchmark in the future.

The Joint Proposal, sometimes referred to as the no strike/no lockout agreement, has been a key element in our labour relations environment since the early '90s and is now serving as a model in several other building trades. It is under this Proposal that the Joint Electrical Promotion Plan (JEPP) and the Electrical Trade Joint Board (ETJB) were established. One of the first steps in preparation for a new round of negotiations is the renewal of the Joint Proposal. After it is reviewed and agreed to by the ETJB, it must be ratified by each individual member of the IBEW and each local ECA. The ETBA is working diligently towards renewal of this important Proposal.

The ETJB continues to deal with issues arising from interpretation of the Principal Agreement.

Power & Utility Sector

- Wayne Gatien, Chair
- Bob Barrow
- Ed Braithwaite
- Tony Decuzzi
- George Docherty
- Mike Galley
- John Hayes
- Frank Hudson
- Jim Kellett
- Peter Langenham
- Bill McKee
- Hugh Skinner

Plus members of the ECAO Board and ETBA, as required

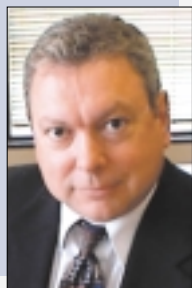
The deregulation and restructuring of the energy sector in Ontario continues to be a major concern for the Power and Utility Sector Committee.

In order to deal with these issues, a Joint Line Contractor committee has been established with the IBEW and both ECAO and the IBEW have received intervenor status with the Ontario Energy Board (OEB), which allows them to voice their concerns in the upcoming Transmission systems code, Hydro One rates, and Toronto/Whitby-Ottawa Hydro local complaints cases being heard this year. Results of these cases may well determine the viability of our contractors in this sector.

The OEB has released its "Principles" for the Transmission systems code case at the end of April and the Joint Line Contractor committee has submitted its response. This will establish the "rules of engagement" for the upcoming case.

Thanks to support from the Board of Directors and the Utility Sector Contractors we have been able to sustain the defence of ECAO work. However it appears uncertainty in the Energy Ministry and the Ontario Energy Board activities will require the battle to continue. ECAO legal advisors are keeping the members informed and well represented at the proceedings. The committee is hoping for an abbreviated path to success.

Executive Vice-President's Message



At its previous annual meeting the ECAO devoted one session to review and adoption of changes to its strategic plan. The revised plan made its way to the annual conference through the seven committees and two agencies that make up and energize the ECAO.

A review of this annual report will show how the strategic plan and this committee structure drives the ECAO and how important it is to keeping the organization moving forward. The committees are also the main points of contact between ECAO and its active members. Indeed, from my point of view the most important element of the annual report is the lists of names of committee members. It's a chance for well-deserved recognition that all too often gets overlooked or taken for granted. It's a chance to identify who really runs the place.

ECAO's committees are subject experts. Just as electrical contractors often specialize in niche markets, ECAO committees focus on specific issues impacting upon association and contractor life. Through their collective learning and experience ECAO committee members bring a wealth of knowledge to bear on issues confronting our industry. It's not staff, legal counsel or lobbyists who get things done – it's the committee members directing them who deserve the credit.

Just by listing the committees one begins to get a picture of how broad the interests of the association are and how complex this business has become.

- The Human Resources Committee handles all aspects of training from apprenticeship through contractor education and occupational safety.
- The Labour Relations Committee looks after all LR policy and, as the ETBA, is legally responsible for all provincial bargaining issues.
- Contractor & Industry Standards does all things necessary to qualify and license electrical contractors through the ECRA, manages relations with the ESA and promotes the use of sound commercial practices within the industry.
- Member Services seeks to provide high quality, well-priced services for contractors through bulk purchase plans and manages the association's relationship with its service providers and associate members.
- Public Relations focuses on communicating our story internally and externally through all media including the Internet and plans great business/leisure conferences.
- Power & Utility Sector Committee (primarily high voltage contractors) oversee all LR, HR activities in that sector and, in addition, represent the interests of the private sector at the Ontario Energy Board.
- Holding it all together is the Board of Directors and the Executive Committee responsible for the governance and strategic direction of the association. Six directors chair the committees listed above, while most others represent ECAO

on other industry boards.

The electrical contracting industry is highly controlled and regulated. From the list above you can see that ECAO is an active participant in this process, but something is lacking. While we might be influential participants whose advice and counsel is sought after and valued, we do not actually run our own affairs. That is why our strategic plan has evolved from a plan to manage seven committees into a road map for achieving industry self-management.

ECAO's new plan envisions an industry-driven and self-managed electrical contracting industry. Its corporate mission is to "...represent and lead the electrical industry in the establishment, governance, and further development of a self-managed industry to the benefit of its members and the public."

During his term, President Boals has used the strategic plan to develop this sense of common purpose within the committees and to raise the sights of the ECAO to higher targets such as self-regulation. The first and obvious target has been contractor and trade licensing, the core of all regulatory activity in our industry. But the vision affects all areas of association business and the leadership has impressed upon the committees the importance of contributing to this super-ordinate goal. Whether it's the Board shaping the ECAO governance system to meet the strict criteria set for self-regulated businesses in the Municipal Act or the Member Services Committee promoting the ECAO Registered Fire Alarm Contractor seal to the insurance industry as THE standard of excellence, everyone is contributing to the vision.

Another development arising from this broader vision is the realization that we cannot do everything on our own. Over the past few years ECAO has developed a reputation for team building and creation of industry alliances in order to achieve overall industry goals. Sometimes leadership is as simple as knowing whom to invite to the party. In particular, the partnership among the ESA, OEL and ECAO to achieve province-wide contractor licensing has been a template for other endeavors. The same coalition concept with different players is evident in our participation at the Energy Board, in efforts to combat the underground economy and to improve regulation of the electrical C of Q.

The Plan is working. After months of proposal development, industry negotiations, numerous presentations, visits to at least five government ministries and stakeholder consultations, the industry proposal for provincial licensing has finally received approval in principle from the government cabinet. With any luck, ECAO and its partners will see enabling legislation this year and we can begin the process of running our own affairs.

I know that you have heard all this before. Indeed, you probably read it right here in some previous EVP message. But this time it's true ... it's in the Plan.

Eryl Roberts
Executive Vice-President

Objectives

- ▶ To present a favourable contractor image to our customers and industry colleagues
- ▶ To provide information by news media and research reports, which will keep members up to date on industry and business trends
- ▶ To develop, promote and administer training programs which will advance the technical and business management skills of our industry
- ▶ To promote the safe use of electricity
- ▶ To respect the role each group plays within the electrical and construction industries and recognize those areas where cooperation will advance the opportunity for all segments to provide satisfactory customer service at a profit
- ▶ To maintain economically sound labour/management relations in the best interests of our customers
- ▶ To encourage the free flow of communications between ECAO and government
- ▶ To work with other government organizations toward the expansion of our national economy, a high level of employment and the development of the individual

Board of Directors

George Boals, Chair	Director-at-large
Rick Ball	ECA Thunder Bay
Gary Beer	ECA Toronto
Fred Black	ECA Toronto
Ed Braithwaite	ECA Sarnia
Peter Bryant	Director-at-large
Gary Carr	ECA Oshawa & District
Glenn Carr	Director-at-large
Wayne Crockett	ECA London
Dave Duffy	Georgian Bay ECA
Greg Galbraith	Niagara Peninsula ECA
Wayne Gatien	ECA Northern Ontario
Jim Gruber	Director-at-large
Larry Macdonald	ECA Toronto
Dave Mason	Director-at-large
Bill McKee	ECA Ottawa
Dan Moore	ECA Central Ontario
Case Opdam	Director-at-large
Brian Rielly	ECA Hamilton
Brad Vollmer	Windsor ECA
Brad Walker	ECA Quinte-St. Lawrence
Eryl Roberts, Secretary	
Gary Robertson, Recording Secretary	

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Alex McKinnon* - 1948-50
Gordon Behling* - 1950-51
Angus C. Fox* - 1951-53
George Rysdale* - 1953-55
Roland Demers* - 1955-56
Clare Dent* - 1956-57
Osman Ellis* - 1957-58
Clare Dent* - 1958-59
J. Keith LeGault* - 1959-60
E. Ted Dodington* - 1960-61
H. John McDonald - 1961-63
Clayton Joice* - 1963-64
William R. Roberts - 1964-66
James P. Wilson* - 1966-68
Mike T. Sharp - 1968
Noel A. George* - 1969-71
Ross Sawle* - 1971-73
James H. Wilson* - 1973-75
C. Arthur Wilson - 1975-77
Douglas J. B. Wright* - 1977-79
M. Mike Vukobrat* - 1979-81
Jack A. Moncur - 1981-83
H. Charlie Norris* - 1983-85
J. Z. Gus Varga - 1985-87
Rick W. Brodhurst - 1987-89
John E. Waugh - 1989-91
Blythe McCleary - 1991-93
Wayne Gatien - 1993-95
Ed Braithwaite - 1995-97
Garry Fitzpatrick - 1997-99
Case Opdam - 2000-01

*Deceased

Membership

ECAO represents only bona fide electrical contractors. There are two categories of membership for contractors. Contractors may join on a direct individual basis, or they may be members on an individual basis but have their dues paid for through an Area ECA. Companies and organizations that are not electrical contracting firms but have an interest in the industry are eligible for Associate Membership. There are presently 13 Area ECAs.

ECA Central Ontario
ECA Hamilton
ECA London
ECA Northern Ontario
ECA Oshawa & District
ECA Ottawa
ECA Quinte-St. Lawrence

ECA Sarnia
ECA Thunder Bay
ECA Toronto
Georgian Bay ECA
Niagara Peninsula ECA
Windsor ECA

Membership in the Electrical Contractors Association of Ontario provides a channel for communication and action with the following organizations:

CECA – Canadian Electrical Contractors Association

COCA – Council of Ontario Construction Associations

ECAO's New President - Dave Mason

by Earle Goodwin

Dave Mason, ECAO's 32nd President, hasn't strayed too far from home over the years. As a boy, he used to play in the fields around where his Hamilton office stands today.

Dave is the second of six children born to Charles and Dorothy Mason, with the only girl arriving as one of the twins that were born last. Dave's father took care of the family by working in Stelco's maintenance department and always felt that one of his sons should be a plumber. His third son, Alan, would fulfil that wish, but David followed his older brother, Les, into the electrical trade.

After serving most of his apprenticeship with Bennie Electric, David got his C of Q at the end of the 60's. He spent much of the 70's working for Ward Electric before starting his own company around 1980.

Today, D. J. Mason Electric Co. Ltd. employs Les and the other electrical brother, the male twin, Roy. It also employs Dave's wife, Jennifer (who, despite persistent rumours, is NOT the "J" in the company name) who acts as office manager, bookkeeper and general factotum.

Together they have established a successful shop that handles a wide variety of projects in and around the Hamilton area. Dave describes his company's niche as, "light industrial with a lot of commercial."

Over the past few years, Dave has found that he enjoys the design/build projects - warehouses, factories, retail and office space - that have been coming his way in increasing numbers. Most intriguing is getting the lighting right in office space. Lighting sets the mood. Too bright and it feels sterile and cold, but get the levels too low and people find it hard to work.

Another area of expertise is machinery service. From cranes to printing presses, a number of Hamilton area companies rely on D. J. Mason Electric to keep their valuable equipment producing for them.

Central to Dave's success is his concern for quality control and customer satisfaction. After satisfying himself that the job is done right, he personally contacts each customer to ensure that they are happy.

As all-consuming as running your own business can be it has not deterred Dave from getting involved in wider industry issues. He has consistently found the time to serve on the Hamilton ECA Board, including a term as president, the Electrical Trade Bargaining Agency, the Electrical Trade Joint Board, the Joint Electrical Promotion Plan Board, and the ECAO Board. Through experience gained on all these com-

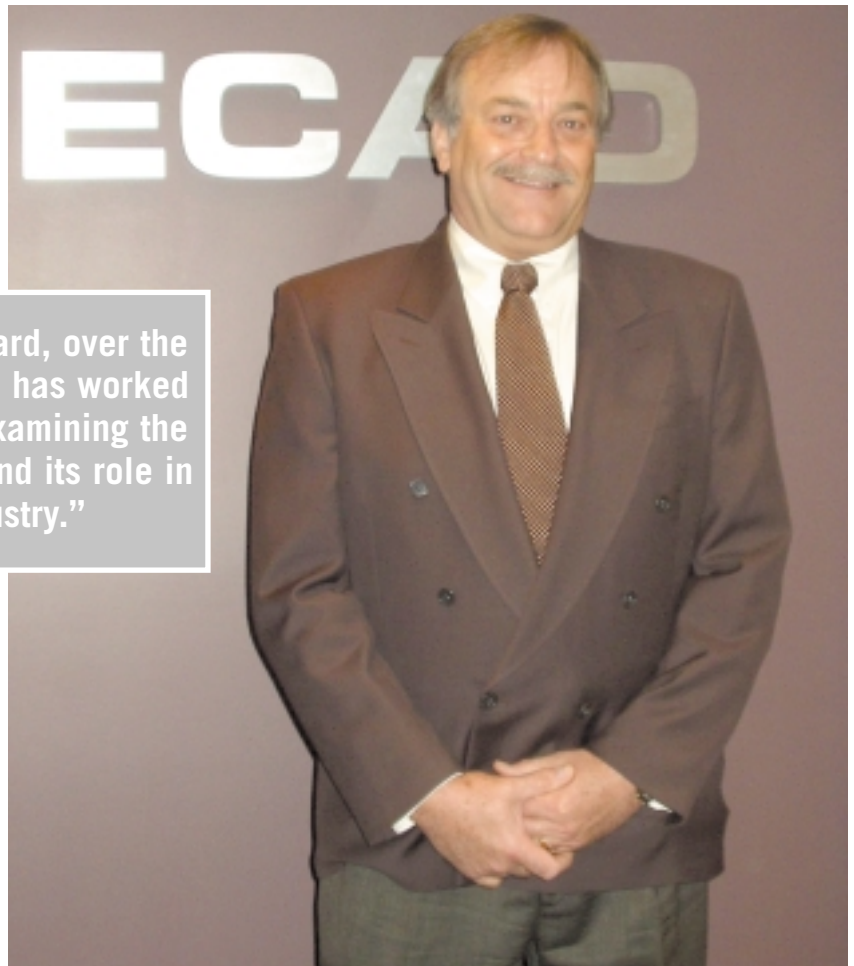
mittees he's come to recognize when things are running well and when they're off the rails. ECAO, in his estimation, is running extremely well.

According to Dave, "The ECAO Board, over the last few years, has worked very hard at examining the way it works and its role in the industry. Case Opdam, made sure that we had a meaningful strategic plan. George Boals realized that committees were the key to ensuring that the strategic plan was implemented. George deserves a lot of credit for that and I intend to carry on in that direction."

The fact that things are going well doesn't mean that the association can afford to become complacent. There is still a lot to be accomplished. Electrical contracting has its challenges and ECAO will always have a role in removing as many of these as it can for its members.

Summing up his plans for the association, Dave says, "I'd like to see all our members get some competitive advantage out of their membership in the association. The upcoming negotiations in 2004 will obviously play a role in that. But competitive advantage is also available through the programs developed by the Member Services Committee, as well as the training and programs offered by the Human Resources Committee. Anything we can do to become more efficient and productive helps our position in the marketplace."

"The ECAO Board, over the last few years, has worked very hard at examining the way it works and its role in the industry."



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Regulation of Utilities in Ontario

by Robert Frank

Under the *Ontario Energy Board Act, 1998* transmission and distribution utilities in Ontario are regulated by licenses issued by the Ontario Energy Board (the "Board"). As well, utilities must comply with the conditions of their license.

Conditions of license for utilities include various codes issued by the Board, rules issued by the IMO and Acts, including: (i) the Affiliate Relationships Code; (ii) the Distribution System Code; (iii) the Retail Settlement Code; (iv) the Standard Supply Service Code; (v) the Market Rules (vi) the *Ontario Energy Board Act, 1998*; and (vii) the *Electricity Act, 1998*.

The purpose of the Affiliate Relationships Code is to set out the standards and conditions for the interaction between electricity distributors or transmitters and their affiliated companies. This is meant to prevent util-

ities from providing subsidies or other forms of preferential treatment to their affiliates. The Distribution System Code sets the minimum obligations to customers that a licensed electricity distributor must meet when distributing electricity within its Service Area under its licence and the *Energy Competition Act*. The Standard Supply Service Code establishes the rules which govern the conduct of Ontario electricity distributors in the provision of electricity to customers who do not purchase electricity supply from competitive retailers and thus receive a "default supply" from the utility. The Retail Settlement Code outlines the minimum obligations that an electricity distributor and retailer must meet in determining the financial settlement costs of electricity retailers and consumers in accommodating service transaction requests where a competitive retailer provides service to a consumer. The Market Rules define the IMO-

administered markets and describe how they will operate. The *Ontario Energy Board Act, 1998* sets out the powers of the Board with respect to both the gas and electricity market, whereas the *Electricity Act, 1998* applies to the process of opening the electricity market to competition.

When a licensee is not complying with its license, the Board may order the licensee to comply and impose administrative penalties of up to \$10,000 per day.

If a utility does not comply with any of these codes or rules in addition to any specific conditions contained in its license, it will not be in compliance with its license. When a licensee is not comply-

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ing with its license, the Board may order the licensee to comply and impose administrative penalties of up to \$10,000 per day. The Board may also revoke or suspend a utility's license if: (i) the licensee contravenes the *Ontario Energy Board Act, 1998* or the *Electricity Act, 1998* (or any regulations thereunder); (ii) breaches a condition of license; (iii) can no longer act in conformity with the applicable Acts or conditions of license; (iv) is negligent in carrying out license activity; or (v) has made fraudulent misrepresentations in carrying on its business.

Hearings

Transmitters and distributors must make applications to the Board to have their electricity rates set. Without a rates order, which is made by the Board following a public hearing, the transmitter or distributor cannot charge for distributing or transmitting electricity. Other proceedings can be commenced by the Board when it receives a reference from the Minister of Energy or the Minister of Natural Resources, or on the Board's own initiative, such as the current proceedings with respect to the review of the Transmission System Code.

Prior to making orders, the Board must hold a hearing in which the public may participate. Hearings can be either oral or in writing. All documents filed in a proceeding are kept in the Public File Room at the Board's offices, and may be examined free of charge.

If an individual, group or a company wishes to participate actively in the hearing by submitting evidence, or through interrogatories (written questions), cross-examination or argument, the individual, group or company may file a letter of intervention. The Board will review the letter of intervention and may either accept or reject the request for intervenor status. Intervenors may be eligible to

receive an award of costs that are reasonably incurred.

An individual, group or company that does not wish to participate actively in a hearing may file a request to receive the documents issued by the Board with respect to the hearing. A party may also comment on an application through a letter to the Board setting out its opinion. This letter will become part of the public record of the proceeding. If a party would like to participate orally, it must advise the Board Secretary, who will arrange a date and time for an appearance at the hearing.

Consumer Complaint and Dispute Resolution

A utility must have a process for resolving disputes with customers that deals with disputes in a fair, reasonable and timely manner. It also must publish information that will make its customers aware of this process, and make a copy of the dispute resolution process available for inspection at their offices during business hours and provide or send a free copy of the process to any person who reasonably requests it. A customer may also contact the Board through the OEB Customer Service Centre to make a complaint. If the complaint received relates to a compliance issue, the complaint is referred to the Director of Licensing. Retailers are required to refer customers to an independent third party complaints resolution service if complaints to the retailer are unresolved but, as yet, utilities are not required to have this service in place.

Robert Frank is a partner at Macleod Dixon LLP, an international law firm that specializes in national and international energy law services, with a particular emphasis on electricity, natural gas and emissions trading. Robert's practice focuses on advocacy work in the energy sector.

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* Source: CFMA 2002 Information Technology Survey for the Construction Industry.

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Privacy Legislation Arrives for the Private Sector

A Legislative Summary

by Scott Thompson

Effective January 1, 2004 Part 1 of the Federal *Personal Information Protection and Electronic Documents Act* ("PIPEDA") will apply to all organizations in the private sector across Canada, except in those Provinces that have enacted substantially similar legislation and the Federal Governor in Council makes an order of exemption for that Province. Therefore, regardless of when Ontario enacts substantially similar legislation, private sector employers in Ontario need to prepare for PIPEDA taking effect on January 1, 2004.

The purpose of PIPEDA is to establish, in an era in which technology increasingly facilitates the circulation and exchange of information, rules to govern the collection, use and disclosure of personal information in a manner that recognizes the right of privacy of individuals with respect to their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.

PIPEDA will have a very broad application in the private sector. PIPEDA applies to every organization in respect of personal information

that the organization collects, uses or discloses in the course of commercial activities. Commercial activity means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists. Personal information means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization. Therefore where an electrical contractor in the course of its commercial activities collects, uses or discloses personal information that relates to an individual, then that electrical contractor must comply with PIPEDA.

Under PIPEDA an organization may collect, use or disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances. The mantra of PIPEDA is that personal information will only be collected, used or disclosed with the express or implied consent of the individual. One primary exemption from this principle is that an organization may collect personal information without the knowledge or consent of the individual only if the collection is solely for journalistic, artistic or literary purposes. Another primary exemption, that will be more relevant for electrical contractors, is that an organization

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may collect and use personal information without the knowledge or consent of the individual only if it is reasonable to expect that the collection and use with the knowledge or consent of the individual would compromise the availability or accuracy of the information and the collection and use is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province.

The principles of PIPEDA are set out in the Model Code for the Protection of Personal Information contained in Schedule 1 of the legislation, which is a National Standard of Canada. Effective January 1, 2004 all organizations are required to comply with the ten principles contained in Schedule 1, which provides in part as follows.

Principle 1 – Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

The identity of the individual(s) designated by the organization to oversee the organization's compliance with the principles shall be made known upon request.

An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

Organizations shall implement policies and practices to give effect to the principles, including implementing procedures to protect personal information; establishing procedures to receive and respond to complaints and inquiries; training staff and communicating to staff information about the organization's policies and practices; and developing information to explain the organization's policies and procedures.

Principle 2 – Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

The organization shall document the purposes for which personal information is collected in order to comply with the Openness Principle and the Individual Access Principle.

Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfill these purposes. The Limiting Collection Principle requires an organization to collect only that information necessary for the purposes that have been identified.

The identified purposes should be specified at or before the time of collection to the individual from whom the per-

sonal information is collected. When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose.

Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.

Principle 3 - Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where a specific exemption is applicable. Consent is required for the collection of personal information and the subsequent use or disclosure of this information.

The principle requires "knowledge and consent". Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfill the explicitly specified, and legitimate purposes.

The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, organizations shall take into account the sensitivity of the information. In obtaining consent, the reasonable expectations of the individual are also relevant.

The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive.

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An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The organization shall inform the individual of the implications of such withdrawal.

Principle 4 – Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

Organizations shall not collect personal information indiscriminately. Both the amount and the type of information collected shall be limited to that which is necessary to fulfill the purposes identified.

The requirement that personal information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

Principle 5 – Limiting Use, Disclosure, and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as permitted or required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These

guidelines should include minimum and maximum retention periods. Personal information that is no longer required to fulfil the identified purposes should be destroyed, erased, or made anonymous.

Principle 6 - Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the use of the information, taking into account the interests of the individual. Information shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

An organization shall not routinely update personal information, unless such a process is necessary to fulfil the purposes for which the information was collected.

Principle 7 - Safeguards

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information. The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Organizations shall protect personal information regardless of the format in which it is held.

Organizations shall make their employees aware of the impor-

Continued on page 28



The advertisement for Westburne Ruddy Electric features a large image of a warehouse with several white delivery trucks parked in front. The company logo, a stylized gear with a star inside, is visible on the building and trucks. To the right, a collage of five images illustrates various services: 'Distribution' (a hand plugging a cord), 'Automation' (a hand using a tool on a circuit board), 'Lighting' (a modern building at night), 'DataComm' (server racks), and 'Utility' (power lines). The text 'Over 50 Locations to Serve You!' is written in a large, blue, 3D font above the collage. At the bottom, a blue banner contains the contact information: 'For a Branch near you call 1-800-461-1727' and 'Visit our new website at www.westburneruddy.com'.

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Continued from page 26

tance of maintaining the confidentiality of personal information. Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

Principle 8 - Openness

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information. Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals shall be able to acquire information about an organization's policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.

Principle 9 – Individual Access

Subject to certain legal exceptions, an individual, upon written request, shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

An organization shall assist any individual who informs the organization that they need assistance in preparing a request to the organization. An organization shall respond to a request with due diligence and in any case not later than thirty days after receipt of the request. If the organization fails to respond within the time limit, the organization is deemed to have refused the request.

Principle 10 – Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

Organizations shall put procedures in place to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint procedures should be easily accessible and simple to use.

An organization shall investigate all complaints. If a complaint is found to be justified, the organization shall take appropriate measures, including, if necessary, amending its policies and practices.

Conclusion – What to Do?

Electrical contractors need to review their current operations to determine where, when and how they are collecting, using and disclosing personal information in the course of their commercial activities and establish procedures to achieve compliance with PIPEDA on or before January 1, 2004.

Scott Thompson is with the law firm Hicks Morley Hamilton Stewart Storie LLP and specializes in labour and occupational health and safety law.

FEEDBACK

We want your comments

Write to: Earle Goodwin, Editor



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