



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on September 17th, 2019

Minutes of the Elevating Devices Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 10:00 a.m. on the 17th day of September 2019.

Present: Cliff Ayling, PCL Constructors Canada Inc.; Trevor Doell for Peter Beerli, Thyssenkrupp Elevator Ltd.; Ahmad Hussein, TSSA's Consumers Advisory Council; Rob Isabelle, KJA Consultants Inc.; Stan Jones; BOMA & Northam Realty; Lisa Konnry, Schindler Elevator; Kelly Leitch (Chair), KONE Inc.; Haroon Huri, Toronto Transit Commission; Derek Petri, York Region District School Board; Hugh Richards for Patrick Yeung, Otis Canada; Rick Sokoloff, Independent Elevators Contractors Association (IECA) & Quality Allied Elevator; Phil Warne, True Canadian Elevator Maintenance Co. Ltd.

Andrew Chin, Finance Specialist, Special Projects (Item 11); Bonnie Rose, President & CEO; Danielle Fernandes, Advisory Council Coordinator; Kristian Kennedy, Manager, Government Relations; Dean McLellan, Director, Elevating and Amusement Devices; Nameer Rahman, Policy Advisory; Phil Simeon, Director, Regulatory Policy; Robert Wiersma, Manager, Public Safety Risk Management; Sandra Cooke, TSSA Ombudsman; Viola Dessanti, Director, Strategic Analytics; Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (Item 11).

Guests: Sarah Jeffrey-Hampton, Senior Policy & Program Analyst, Ministry of Government and Consumer Services (MGCS)

Regrets: Sean McCormick, IUEC; Michael Sentenai, Del Property Management/ ACMO.

1. Constitution of Meeting

The meeting was called to order at 10:00 a.m.

For the safety moment, K. Kennedy provided some context and Council was shown a short video from the International Organization for Standardization (ISO) on the importance of safety symbols in promoting safety and helping to avoid injury.

2. Approval of the September 17th, 2019 Agenda

Council approved the meeting agenda of September 17th, 2019 as presented.

3. Approval of April 17th, 2019 minutes

Council approved the minutes of April 17th, 2019 as presented.

Action: D. Fernandes to update minutes to show D. Petri as present.

4. Review of Action items from last meeting

D. McLellan spoke to pending action items. As it relates to the action item for the working group on the Maintenance Control Program (MCP) changes, D. McLellan advised that the last MCP meeting was productive, with a strong membership with diverse backgrounds in the industry. He noted that a number of issues were raised at the last meeting that cannot be addressed by MCP, adding that the working group is trying to narrow down what falls within the purview of MCP. In relation to the flood report form, D. McLellan confirmed that the form is now with TSSA's legal department for review. The form will be posted on the website and circulated once the review has been completed. For the action item related to the Fire Code, it was confirmed that the information regarding this was sent to council after the meeting along with the minutes. D. Fernandes confirmed that federal buildings would be discussed under item 13b of the agenda, additionally, she confirmed L. Konnry

September 17th, 2019

Page 1



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on September 17th, 2019

has renewed her term on Council and the membership list was updated accordingly. As it relates to membership renewal, she noted that this item will be discussed under item 15a of the agenda.

5. Chair's Update

K. Leitch spoke to this item, referencing his report to the President and CEO which was circulated prior to the meeting. He noted that there has been some productive work arising from the Council and expressed Council's commitment to stay engaged as TSSA moves forward to becoming an outcomes-based regulator.

6. TSSA President & CEO's Report

B. Rose treated her report as read. There were no comments or questions from Council.

7. Ombudsman's Report

S. Cooke spoke to this item, referring to the report distributed to the Council prior to the meeting. She provided an overview of the role and function of the Office of the Ombudsman and reminded Council that Ombudsman as well as whistle blower services are available to stakeholders.

In response to a question from Council regarding what types of complaints can be facilitated through the whistle blower services, S. Cooke advised that the service can be used to report issues with TSSA, or parties regulated by the TSSA. She added that having enough information is fundamental to investigating the issue, and often the absence of full information poses challenges for investigation. Additionally, in response to a question from Council regarding the number cases specifically related to the elevating devices (ED) sector, S. Cooke advised that to her recollection, there were no cases specific to the sector. She added that the majority of the cases were related to the fuels program area, noting that part of the reason can be attributed to the fact that the jurisdiction of the fuels regulations is significantly broader than other program areas. Additionally, in response to a question S. Cooke also advised that the decision to deem information insufficient comes from both the Office of the Ombudsman and the program area. She noted that numerous attempts are made to contact the complainant prior to a case being closed, adding further that the case can be reopened at any time by the complainant. She advised that should anyone require her to speak at their associations regarding these services, she would be happy to comply.

Action: D. Fernandes to include contact information for both the Office of the Ombudsman and whistle blower service in the minutes. (See appendix).

8. Outcome-based regulator – Update

S. Cooke spoke to this item and advised council of TSSA's compliance support program, which is scheduled to launch in the upcoming weeks. She explained that this service seeks to provide assistance to higher risk customers who may not know how to comply with the regulations. She noted that involvement in the program is completely voluntary and operates independently from TSSA inspections. B. Rose thanked S. Cooke for her hard work on this program, adding that this program, once launched, would be the first outcomes-based regulator initiative. She added that this program is targeted at high risk entities and is culturally important in moving TSSA away from being enforcement centric.

In response to a question from Council as to why the compliance support program is not mandatory, S. Cooke advised that the purpose of this program is to allow high risk entities to begin to take ownership of compliance, and to support them as necessary. B. Rose added that once the program launches TSSA will look at the data in order to assess whether the program is working to increase compliance, noting that this is a complimentary tool in the outcome-based regulator toolkit. Additionally, S. Cooke explained, in response to a question from Council, that TSSA will look at the last three inspections to determine which entities are to be considered high-risk.

September 17th, 2019

Page 2



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on September 17th, 2019

S. Cooke also provided an overview of other outcome-based regulator initiatives, not directly linked to the ED program, such as the compliance checklist developed for tanker trucks, and the work currently being done on pipelines and fuel oil distributors.

9. Update from Strategic Analytics

V. Dessanti spoke to this item and provided a historical framework for Risk-Informed Decision Making (RIDM) at TSSA. She explained that TSSA is in a period of transformation, which requires a review of the current model to capitalize on opportunities for improvement and consistency, adding further that the model needs to be pressure tested and vetted given TSSA's new strategic direction and in consideration of the Auditor-General (AG) recommendations. Moreover, she advised the Council that TSSA is embarking on a peer review of its RIDM framework, adding that TSSA is looking for insights, input, and feedback on the improved risk model in order to prepare and validate a plan for implementing changes in the Spring/Summer of 2020. She added that TSSA is looking for suggestions of individuals best suited to be a part of the peer review panel.

In response to a comment from Council regarding the aggressiveness of the timeline, V. Dessanti advised that the spring/summer, 2020 she anticipates the development of a plan for implementation, not full implementation of a new model. She added that she will share more information with Council as it is available.

10. Safety and Compliance Report

R. Wiersma spoke to this item and treated the report sent to Council ahead of the meeting as read. He highlighted a few key findings in the Annual State of Public Safety Report (ASPR), including an increased trend in the number of occurrences, noting that this is largely driven by increased reporting in both the amusement devices and elevating devices sector. He explained that a significant difference in the report this year, is the tracking of pipeline occurrences. He added that FY19 saw a decrease in the observed injury burden, with the elevators and escalators remaining below the historic average.

As it relates to elevators and escalators, R. Wiersma reported that compliance remains low but is underpinned by low and medium risk orders. In the elevating devices sector specifically, there is an increasing trend in the number of occurrences, specifically 12.7% per year (FY08-FY19), which can, in part, be attributed to the increasing number of elevators, increased reporting, and distracted users. He added that 31.9% of the occurrences related to non-compliance, noting that this is where we want to target our efforts. In terms of compliance, he advised that most code non-compliance was low and medium risk, while less than 1% of the qualified provincial inventory are those that pose a major safety concern. As it relates to escalators, R. Wiersma advised of an increasing trend in the number of occurrences, mostly attributed to user behaviour. He added that code non-compliance was medium and low risk.

In response to a question from council regarding the availability for flood data for the past two years, R. Wiersma noted the data is available, adding there was an increase but questioned what TSSA can do in relation to these occurrences. Moreover, in response to a question, regarding whether the current metric takes into consideration vulnerable populations, R. Wiersma advised that though usage does change the risk score, vulnerable populations specifically, is currently not part of the metric, however TSSA is considering how this can be added.

11. Business model

B. Rose spoke to this item, referring to the presentation shared with Council prior to the meeting. She advised that our existing fee model is outdated and complex, and that a new model is required to support TSSA's transition to becoming an outcome-based regulator, adding that its scope will cover all programs and all activities. She added that the guiding principles for the new business model are 1) simplicity; 2) equitability; 3) encouragement of compliance; 4) efficiency; 5) dispute reduction; 6) cost recoverability; and 7) accessibility. She confirmed that TSSA is moving away from a fee-for-service model towards a model where the license fee is inclusive of regulatory inspection activities, adding that the new model would be revenue neutral. She proposed the following options for consideration within the framework: 1) flat fee regardless of category; 2) flat fee based

September 17th, 2019

Page 3



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on September 17th, 2019

on category; or 3) flat fee based on risk and category. Moreover, K. Kennedy noted that online consultation would be utilized after each council meeting, adding that TSSA would be requesting feedback from various industry groups in addition to the Advisory Councils. B. Rose advised that once we have consensus on the option to pursue, further detail will be provided, with the final rollout to depend on the complexity of the option chosen.

There was significant discussion on this topic. A number of Council member requested some examples of scaling by category. S. Ariyaretnam provided some examples of potential categories for the ED sector and noted that TSSA is looking for Council input as to what should be the categorization within the sector. A number of Council members stressed the merits of option number three (flat fee based on category and risk ranking), noting that this would target repeat offenders, while acknowledging that this model would be the most complex to implement. B. Rose advised council to consider option three in light of the data related to high risk offenders, which is significantly small for the ED sector, adding that the evidence is mixed on whether penalization drives compliance. There was a suggestion from a Council member to start with either option one or two and then add option three, as currently it may seem like TSSA is trying to do too much, too fast, noting that this would engender an environment where the industry and TSSA work collaboratively as a partnership. Another Council member suggested a hybrid between option 2 and 3 where the model would be a flat fee based on category, where repeat offenders would pay the cost for additional inspections over and above the ones that are included in the flat fee. There was some additional discussion regarding the merits of a hybrid option, the importance of fee predictability, and the assessment and application of various filters (i.e. community demographics) that should underpin, and pressure test the model. Council was advised that a link to the online consultation platform would be shared with them shortly after the meeting and would remain open until the end of December.

12. Ministry of Government and Consumer Services (MGCS) Update

S. Jeffrey-Hampton spoke to this item and treated the report circulated to Council prior to the meeting as read, noting that burden reduction has been a major initiative for the current government. In response to a question from Council regarding MGCS' relationship with TSSA, S. Jeffrey-Hampton responded that TSSA and the Ministry have a strong relationship that is collaborative. She added that the Ministry is pleased and excited about TSSA's transformation to becoming an outcomes-based regulator, while recognizing that this will not be an overnight change, particularly given the breadth and depth of the regulations under TSSA's mandate. Additionally, in response to a question regarding when MGCS gets involved in matters related to TSSA, S. Jeffrey-Hampton noted that the Ministry regards TSSA as the experts, and typically does not get involved in operational matters.

13. Council Issues

a. Flood Report Form Update

D. McLellan advised that an update on the flood report form was provided under item 4 of the agenda. In response to a question from council regarding challenges in defining "floods", D. McLellan advised that the definition comes down to if the equipment is affected by the conditions. There was some additional discussion on the practicality of when to act as it relates to floods. D. McLellan advised that the form may provide some guidance in that respect, noting further that the objective of the form is to reduce the down time of elevators that are minimally impacted by a flood.

b. Update on Federal Buildings

D. McLellan spoke to this item advising council that TSSA has contracts with some federal buildings, by prior agreement with the federal government, but that we do not regulate them. There was some discussion regarding when a contract with TSSA is warranted as it relates to federal buildings. Council requested some additional clarity on the matter.

Action: D. Fernandes to invite TSSA's legal department, to the next EDAC meeting to provide information on TSSA's position regarding federal buildings.

September 17th, 2019

Page 4



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council Meeting on September 17th, 2019

c. Working Group on MCP Changes

It was noted that a comprehensive update to this issue was provided under item 4 of the agenda.

14. Questions and other Business

K. Leitch advised Council that the FAC minutes we circulated the morning of the meeting. A Council member requested to see the escalator checklist, D. McLellan advised that the program is are working on this checklist and would share once available.

Action: D. Fernandes to append the FAC minutes to the EDAC minutes. (See appendix).

15. Council Administration

a) Membership renewal – Peter Beerli

There was a motion passed by Council to have T. Doell replace P. Beerli on Council as the representative for Thyssenkrupp Elevator Ltd. K. Leitch thanked P. Beerli for this time served as a member on the Council.

Action: D. Fernandes to update the membership list.

b) Changes to Council Administration

K. Kennedy spoke to this item and advise the Council that D. Fernandes is now the new Council coordinator. He advised that meetings will no longer be scheduled two or three years in advance, but rather on a per annum basis in order to better leverage the Council more strategically for matters that require consultation. Additionally, he advised that moving forward, any action items identified during Council meetings would need to be phrased as a Council deliverable as opposed to referencing corporate projects more broadly. He also advised Council that TSSA would be leveraging 'Bang the Table/ Engage TSSA' for online consultation to complement Council meetings during times when Council is not scheduled to meet, or the matter is lengthier than the Council meeting would allow. There was a comment from Council regarding the timeframe of minutes, K. Kennedy advised that we aim to have the minutes distributed four weeks from the meeting date.

c) Advisory council Survey results

K. Kennedy provided an overview of the Advisory Council Survey results, he advised that 'Bang the table/Engage TSSA' was utilized to conduct the survey, adding that the number of respondents were lower than in the past. Overall the survey found a slight increase in members' views of the councils, but he cautioned that these results are based on a relatively narrow dataset.

Action: D. Fernandes to append the presentation to the minutes. (See appendix).

16. Adjournment

The meeting adjourned at approximately 12:30 p.m. Council held an in-camera session with Bonnie Rose, followed by a Council-only in-camera session without TSSA staff or guests.



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council Meeting on September 17th, 2019

Appendix

TSSA's Ombudsman & Whistle Blower Service

<https://www.tssa.org/en/about-tssa/ombudsman.aspx?mid=445>

Field Advisory Committee (FAC) Minutes – September 4, 2019 (Double click paper clip image to open)



Field Advisory Committee
September 4, 2019
Minutes

MINUTES

Attendance: see attachment
Yellow = denotes action item Green = denotes complete, no action required

1 CALL TO ORDER

- J.Egan
- R.Kremer called the meeting to order at 9:35 am

2 INTRODUCTION OF ATTENDEES

- J.Egan
- Introduction of Chair, members, guests & sector affiliation
- Attendees as per sign in sheet.
- Skype attendance: John Egan, Andy Wells, Farid Malek

3 ANNOUNCEMENTS & Safety Moment

- J.Egan / R.Kararas
- Sharing the Road and Back to School

4 ADOPTION OF THE AGENDA

- J.Egan / All
- Agenda was adopted as presented.

5 APPROVAL OF March 21, 2019 MINUTES (attachment)

- J.Egan
- Minutes of March 21, 2019 were approved as issued.

6 PERSONNEL (attachment)

- J.Egan
- review listed members, alternates & sector representation
- review attendance record

September 2018 Discussion Recap

- Members and alternates remained unchanged at this meeting
- FAC members to re-evaluate their sector representation once terms of reference finalized

March 2019 Discussion Recap:

- Membership representation discussion was deferred pending finalization of terms of reference

September 2019 Discussion:

- The discussion on membership representation was deferred to the next agenda item

Advisory Council Survey Results (Double click paper clip image to open)

