Minutes of the Operating Engineers Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held in the Ontario Boardroom, 345 Carlingview Drive, Toronto, Ontario at 9:30 a.m. on the 22nd day of October 2019.

Present: Dave Belanger, St. Clair College; Greg Black, International Union Operating Engineers (IUOE); Jamie Dreverny, Ontario Power Generation; Kevin Hillman, TransCanada; Ralf Klopf, Institute of Power Engineers; Peter Michiel, Arianxco Canada Inc.; Ronald Morrison, TSSA’s Consumers Advisory Council; Rod Philip (Chair), Stelco; Randy Purves, J.D. Sweid Foods.

Suba Ariyaretnam, Manager, General Accounting & Financial Reporting (item 10); Dan Brazier, Chief Financial Officer (item 10); Andrew Chin, Finance Specialist, Special Projects (item 10); Alexandra Campbell, VP Communication & Stakeholder Relations; Sandra Cooke, Ombudsman (item 1-7); Viola Dessanti, Director, Strategic Analytics; Danielle Fernandes, Advisory Council Coordinator; Brian Gee, Chief Officer, Operating Engineers Program; AJ Kadirgamar, Director, Operations Shared Services (item 12); Kristian Kennedy, Manager, Government Relations; Humphrey Kisembe, Policy Advisor (item 12); Roger Neate, Director, Boilers, Pressure Vessels, and Operating Engineers Program (Interim); Phil Simeon, Director, Regulatory Policy; Robert Wiersma, Manager, Public Safety Risk Management (item 8-9).

Guests: Diane Allen, Senior Policy Advisor, Technical Safety Unit, Ministry of Government and Consumer Services (MGCS); Erick Morales, Senior Policy and Program Analyst, Technical Safety Unit, MGCS.

Regrets: Bonnie Rose, TSSA’s President & CEO.

1. Constitution of Meeting

   The Chair called the meeting to order at 9:30 a.m. Everyone was welcomed.

   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 October 22nd, 2019 Agenda

   A motion was raised to add continuing education to the agenda under item 12c.

   Council passed the motion and the agenda was approved as amended.

3. Approval of May 23, 2019 minutes

   Council approved the minutes of May 23rd, 2019 as presented.

4. Review of Action items from last meeting

   R. Neate spoke to this item and confirmed that the minutes from May 23rd, 2019 were updated to reflect the attendance of D. Belanger, noting that they were circulated prior to the meeting. Additionally, R. Neate confirmed that the TSSA/IPE/Local 772 letter was sent. In terms of the action item related to the Operating Engineers (OE) Regulation Review consultation report, he advised that it would be shared with Council at today’s meeting. R. Philip advised, in relation to the action item regarding the closure on steam traction concerns, that the letter has not been completed, however work on it is currently under way.

   Action: D. Fernandes to post the letter to power engineers on TSSA website, portal, and append to the minutes.

5. Chair’s Update

   R. Philip spoke to this item and treated his report to the CEO, which was circulated prior to the meeting, as read.

   There were no comments of questions from Council.
6. TSSA President & CEO’s Report

A. Campbell spoke to this item, in the absence of B. Rose. She treated the report as read and opened the floor to questions.

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. She reminded Council that a third-party whistle blower service (for those who wish to remain anonymous) in addition to the Office of the Ombudsman, is available to stakeholders.

There were no questions or comments from Council.

8. 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 current model to capitalize on opportunities for improvement and consistency, adding further that the model needs to be tested and vetted given TSSA’s new strategic direction and in consideration of the Auditor-General (AG) recommendations. As a result, she advised the Council that TSSA is embarking on a peer review of its RIDM framework, 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 question from Council regarding who is currently on the panel of peers, V. Dessanti explained that currently there are several members from other regulatory agencies (such as the Electrical Safety Authority and Technical Standard British Columbia), the panel has a number of academics with expertise in risk and risk analytics, and some with a background in quantitative analysis. V. Dessanti, in response to a question regarding whether insurance companies have been considered to be on the panel, advised that TSSA is current in communication with the insurance sector through some of the Industry Advisory Councils.

9. Safety and compliance report

V. Dessanti spoke to this item and referenced the summary material sent to Council prior to the meeting. She advised that overall there were no fatalities in FY19. She 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 sectors. She advised that there has been an increase in the number of permanent and non-permanent injuries overall, however the number of high-risk devices is going down. She added that FY19 saw a decrease in the observed injury burden. She explained that actionable areas remain carbon monoxide (CO) in apartments and condominiums, fuel risks in private dwellings, and fuel risks in schools. Additionally, she noted that significant difference in the report this year, is the tracking of pipeline occurrences. Furthermore, she explained that in FY19, fuel risks in retirement and long-term care homes and fuel-related fire risks in food service locations are no longer areas of concern for “enhanced monitoring.”

As it relates to the Operating Engineers (OE) program specifically, she noted that predictive risk of injury or fatality is well below thresholds. She explained that 40.2% of operating plants are compliant with major safety concerns found in 0.1% of periodic inspections. She advised that 2.8% of devices are considered high risk, while 81.2% of devices are considered low risk.

There were no questions or comments from Council.

a. Incidents/ issues

It was noted that this item was previously discussed under item 9 (Safety and Compliance Report).
b. Update on working group on incident reporting
   i. Incident reporting guideline

   R. Wiersma spoke to this item and advised that in the past a working group was constituted to address the incident reporting guideline. He explained that currently this working group is on hold while TSSA identifies ways to improve its efficacy based on lessons learned from other programs. R. Neate added that TSSA is currently looking at ways of improving reporting, using what has been learned from the Elevating Devices program area in order to develop a guideline. He explained that we must fundamentally change the reporting culture to one that is more cooperative. He noted that TSSA wants to be able to gather valuable and usable data in order to identify and ascertain notable trends in reported incidents.

   There was significant discussion on this issue with several Council members advising that a guideline on reporting is an essential precursor to move the industry past the culture of fear as it relates to incident reporting. Additionally, a number of Council members stressed the importance of defining what is meant by ‘incident’, noting that a clear definition would facilitate a reporting culture conducive to improved incident data within the industry. R. Neate acknowledged the concerns of Council and added that TSSA is also looking at harmonizing these definitions, once developed, across the provinces. He added that TSSA will continue to work with groups like NPSAC in order to achieve this goal. Several Council members raised that fear of reprisal, often faced by the Chief of a plant, is a significant impediment to reporting and by extension to safety more generally. They added that a neutral investigative party is a fundamental factor in mitigating reprisal concerns. Additional, Council raised the importance of checklist and questioned whether these were still used by TSSA. B. Gee confirmed that checklists are being used by inspectors and added that these checklists are being improved and updated as required.

   Additionally, Council raised concerns about complacency, shared accountability, and a lack of knowledge/respect for the role of the Chief Officer in maintaining safety. It was noted by several Council members that education for owners and support for Chiefs are important tools in mitigating the culture of fear inherent in incident reporting.

10. Business Model

   D. Brazier spoke to this item, referring to the presentation shared with Council prior to the meeting. He advised that TSSA’s 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. He explained 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. He 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. He proposed the following options for consideration within the framework: 1) flat fee regardless of category; 2) flat fee based on category; or 3) flat fee based on risk and category. He advised Council that this change is intended to be revenue neutral. Moreover, he advised 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. D. Brazier explained that once we have consensus on the option, further detail will be provided, with the final rollout to depend on the complexity of the option chosen. Council was presented with some examples specific to the Operating Engineers sector for discussion.

   In response to a question from Council whether TSSA is considering multi-year certificate renewal for Operating Engineers, D. Brazier advised that it is something that TSSA can look into. Additionally, in response to a question related to whether ‘risk’ in option #3 is related to a person or a plant, D. Brazier advised that ‘risk’ is more related to a facility. Several Council members advised that multi-year certificates would be helpful for the industry in addition to digitization of invoicing. D. Brazier explained that electronic invoicing is something that TSSA is trying to implement across all programs, noting that accessibility and efficiency are key principles underpinning the business model change. He acknowledged the comments and encouraged Council to provide their feedback through the online consultation platform. He advised Council that a link to the online consultation platform would be shared with them shortly after the meeting and would remain open until December 31st, 2019.
11. Ministry of Government & Consumer Services Update

E. Morales spoke to this item and provided an overview of the report distributed to the Council prior to the meeting. He advised that the Honourable Lisa Thompson was appointed Minister of Government and Consumer Services. He spoke to various burden reduction initiatives undertaken by MGCS, noting that in July the Minister held a burden reduction roundtable with TSSA and various stakeholders. Among other items, he provided an update on the agricultural exemption consultation, a Ministerial Exemption for ‘first-fill’ activities, the approval of amendments to the Fuel Industry Certificates regulation, and alternate rules being applied to the Operating Engineers program.

In response to a question from Council regarding how stakeholders will be notified of the changes arising from the implementation of Bill 66 (“alternate rules” for OE), E. Morales advised that there will be communication in advance of, and during implementation. P. Simeon confirmed that there is a broader project plan in place, noting that TSSA will also have a communication plan for stakeholders.

12. Council Issues
   a. OE Regulation Consultation Report

H. Kisembe spoke to this item referencing the presentation shared with Council prior to the meeting. He provided an overview of the findings from the Operating Engineers consultation report. He explained that the majority of the respondents support the Path 1 approach, noting that compressor operators and steam turbine operators tend not to favour this approach. Additionally, he explained that the majority of the respondents were supportive of the identified Path 1 risk factors. As it relates to Path 2, H. Kisembe advised that the majority of the respondents are not in favour, with only 25% of respondents in support of this regulatory model. He explained that when that data is disaggregated by stakeholder type, business owners tend to be most in favour of the Path 2 approach. Overall, he advised, in relation to an analysis of the comments, that key themes such as job loss, model complexity, and deregulation were apparent in both the Path 1 and Path 2 comments. Additionally, H. Kisembe provided Council with an overview of the next steps, adding that stakeholder communication is on-going and noting that implementation is scheduled for July 2020.

Several Council members raised concerns about the safety implications of the Path 2 approach, including the lack of oversight, the risk of complacency, fear of reprisals, and the relative infancy of Process Safety Management (PSM) within the industry as factors that may impede positive safety outcomes. In response to a question from Council regarding why TSSA is moving forward with Path 2 implementation when the data shows that the majority of the industry is not supportive, P. Simeon explained that Path 2 tries to balance the interest of both operating engineers and the owners of the plant. He added that Path 2 provides some flexibility in compliance with the regulations without mitigating safety. Moreover, he noted that transparency, burden reduction, and shared accountability underpin this initiative. H. Kisembe added that the key is developing a policy that engenders balance, specifically one that reduces the burden on industry without undermining safety outcomes.

b. Certificate of Inspection

J. Sorman spoke to this item and provided an update on the number of COIs that have been issued to date. He advised that TSSA has introduced several process enhancements, such as additional requirements for technical information for equipment. He advised that in the past, TSSA was not talking to the right parties in order to validate the data, adding that much of the increase in issued COIs can be attributed to the increased ability to identify the correct party to validate the information. He advised that TSSA is working closely with insurance industry partners to close the gaps and currently have monthly meetings to identify and address pertinent issues. Additionally, as it relates to the delegation or responsibility, J. Sorman advised that TSSA now has the capability of electronic invoicing, adding that accounts can have multiple contacts for both e-invoicing and notifications.

The Chair raised some concerns over the COI process, including the expiration of COIs, delivery of certificates, and accuracy of the information on the certificates. He noted that he is appreciative of the fact that there is a learning curve and suggested that TSSA share a summary of the mechanisms that are currently in place, specifically a roadmap of the process. J. Sorman acknowledged the concerns that were raised and advised that an RRG has been struck to address some of these issues, noting that updates would be provided as available.

**Action:** J. Sorman to provide a summary of the process enhancement as it relates to the requirement to obtain a COI to be presented at the next meeting.
c. Continuing Education for Operating Engineers

J. Sorman spoke to this item and advised that TSSA wants to seek the input of the OE Council on the necessity for a continuing education requirement for the program. He advised that he is raising this with all Councils in consideration of recommendation 6 of the Auditor General report which calls for the implementation of a continuing education requirement as a condition of recertification, where needed and as required.

There was some discussion about the merits and challenges of a continuing education requirement. In general, Council was supportive of a continuing education requirement that is tied to recertification; however, there is no immediate need to implement a continuous education requirement. Several Council members commented that this could help mitigate complacency while increasing ownership and accountability over safety. The Chair cautioned that training of any sort, must be relevant to all classes of Operating Engineers and Operators, and not excessively onerous thus creating a burden on industry and a loss of the certificate holder base. J. Sorman advised that, based on Council feedback, continuing education would become a standing discussion item for Operating Engineers the Training and Certification Advisory Board (TCAB), and this board would be accountable to identify next steps, i.e. training opportunities for certificate holders, etc., if and as is required. He noted that TSSA is not tied to one specific model, adding that we are engaging stakeholders to ensure we are not creating an environment where there is excessive burden to industry while having no impact on safety outcomes.

13. Questions and Other Business

There was a question from Council as to whether the OE consultation report could be shared with other industry stakeholders. K. Kennedy explained that he would enquire if the material can be shared and advise Council accordingly. Additionally, in response to a question regarding whether the role of Director and Chief Officer would remain separated, R. Neate advised that the current state is not permanent adding that the future of the role would depend on the decision of his successor.

a. Meeting with Refrigeration industry association

K. Kennedy spoke to this item and provided Council with an update on meeting between TSSA and the Global Cold Chain Alliance. He explained that the meeting consisted of providing the attendees with an overview of the regulatory change process followed by a question-and-answer session. He advised that the attendees were keen on the proposed regulatory changes and offered to pilot the proposed changes prior to full implementation. He explained that T. Ayres, TSSA’s VP, General Counsel, advised attendees that the legislation must be promulgated in order to move forward with implementation. He added that TSSA would be open to piloting this approach with other members of the industry as well.

There was some concern from Council that by holding meetings with certain sectors within the industry that TSSA runs the risk of not hearing the whole story from all sectors within the industry. K. Kennedy advised that, the TSSA CEO has an open-door policy, and meets regularly with stakeholders outside the advisory council format.

14. Council Administration

a. Changes to Council Administration

K. Kennedy spoke to this item and advised 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 to better leverage the Council for matters that require consultation. He requested that should Council members have material to share prior to a meeting, that it be sent to the Coordinator one-week prior to the meeting for distribution. 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 without clear deliverables. 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.
b. Advisory Council Survey

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. The survey found a slight increase in the overall impression of the relationship between TSSA and the councils, but he cautioned that these results are based on a relatively narrow dataset.

In response to a question from Council as to whether the results can be disaggregated to show the responses specific to the various industries, K. Kennedy advise that he would investigate if this is a possibility and report back to Council accordingly. Additionally, there was a comment from Council that perhaps email may not be the best way to administer the survey. K. Kennedy acknowledged the comment and concern, noting that this would be a consideration when the next advisory council survey is administered.

**Action:** K. Kennedy to investigate whether survey results can be disaggregated to show industry specific responses.

15. Adjournment

The meeting adjourned at approximately 2:15 p.m. Council held an in-camera session with A. Campbell, followed by a Council-only in-camera session without TSSA staff or guests.
Appendix

Letter to Power Engineers
(Double click paper clip)

Dear Chief Engineers,

As you are aware, there is an alarming shortage of Power Engineers. You may be having trouble finding good 2P and 3P Class Engineers for your plant. You can help us help you.

The OSST & Technical Standards and Safety Authority (TSSA) and the approved Colleges across the province are working together to help deal with this shortage. Many of you have already been talking to us providing students the initial three months of 3P Class starting soon. We have noticed a much increased in the number of students applying for the 2P Class. It would be helpful if you could encourage your members to go to the Colleges to provide the most opportunities for students.

If you have not yet begun participating by noting students in your plans, please consider it. The students tell us they prefer to be notified of these classes by their employer, as it helps them to plan their future. You can encourage them to attend classes or to complete the online portion of the training.

What’s in it for you? As a partner, you play an important role in developing the engineers of the future. There are too many available and positions that require this program. Please visit http://www.osst.ca/education/for_colleges.html for more information. TSSA is committed to the development of a skilled workforce, and the Colleges provide highly motivated students.

We appreciate your cooperation by ensuring the urgent message with your HR and Management teams. The message is to have a similar message passed to TSSA, which currently are the challenging period would we not be able to receive our aging engineers. Please visit http://www.osst.ca/education/for_colleges.html for more information.

Thank you,

[Signatures]

[In cooperation with: Caledon College, Cambrian College, Centennial College, Conestoga College, Fanshawe College, Georgian College, Lambton College, Mohawk College, Nipissing College, Oshawa College, and York College]