



Technical Standards and Safety Authority

Minutes of the Elevating Devices Advisory Council

Meeting on April 17, 2019

Present: Kelly Leitch, KONE Inc. (Chair); Trevor Doel for Peter Beerli, Thyssenkrupp Elevator Ltd.; Stan Jones, BOMA; Rob Isabelle, KJA Consultants Inc.; Lisa Konnry, Schindler Elevator Corporation; Haroon Nuri, Toronto Transit Commission; Michael Sentenai, Del Property Management/ACMO; Rick Sokoloff, Quality Allied Elevator Inc; Phil Warne, Canadian Elevator Contractors Associations (CECA); Hugh Richards for Patrick Yeung, Otis; Ahmad Hussein, Consumers Advisory Council; Cliff Ayling, PCL Constructors Canada Inc.; Derek Petri, York Region District School Board.

Bonnie Rose, President & CEO; Roger Neate, Director, Elevating and Amusement Devices; Dan Brazier, Interim Chief Financial Officer; Joanne Rider, Interim Vice President, Communications and Stakeholders; Tom Ayers, Vice President, General Counsel and Legal; Sandra Cooke, TSSA Ombudsman; Robert Wiersma, Manager, Public Safety Risk Management; Dean McLellan, Incident Management Specialist (skype); Nameer Rahman, Policy Advisor, Stakeholder Relations; Kristian Kennedy, Government Relations Manager; Danielle Fernandes, Interim Council Coordinator.

Guests: Richard Hustwick, Senior Policy Advisor, Ministry of Government and Consumer Services; Diane Bosnjak, Senior Policy Advisor, Ministry of Government and Consumer Services; John Egan, Field Advisory Committee (skype); Pam Stoneham, Associate Dean, Durham College; Lara Isiolaotan, Policy Research Advisor (TSSA)

Regrets: Sean McCormick, International Union of Elevator Constructors (IUEC)

1. Constitution of Meeting

The Chair called the meeting to order at 9:02 a.m.

For the Safety Moment, Council was shown a short video from the U.S. Department of Transportation on the dangers of refilling non-refillable DOT39 propane cylinders, such as the 1lb cylinders used for camping.

2. Approval of the April 17, 2019 Agenda

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

3. Approval of October 17, 2018 minutes

Council approved the minutes of October 17, 2018 as presented

4. Review of Action items from last meeting

R. Neate spoke to the pending action items. As it relates to the action item for electronic logs, R. Neate advised that this item was to be deferred until Fall 2019 because it is tied into the future 20/20 IT system upgrades. Council would be updated on progress as information is made available. He encouraged those who wish to proceed with electronic logs to do so. In terms of the working group for Maintenance Control Program (MCP) changes, R. Neate confirmed that the initial meeting was held, and the results of that meeting distributed to council. Council requested this be an on-going working group.

Action: Dean to set up a meeting with the working group prior to the next EDAC meeting.

5. Chair's Update

K. Leitch spoke to the Chair's report to the CEO. He confirmed that this has been send to the CEO and will be shared for review at the next EDAC meeting.



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6. TSSA President & CEO's Report

B. Rose treated the President and CEO's Report to Advisory Councils, distributed prior to the meeting, as read. She provided a brief update on the Auditor General (AG) and advised that as soon as the AG action plan is finalized and approved by government, it will be shared with the Advisory Councils.

7. Action Plan in response to the Auditor General's (AG) Report

T. Ayers spoke to this item and provided a brief overview of the AG recommendations, confirming that the major themes identified in the recommendations are consistent with TSSA's Strategic Plan. He confirmed that ED program area was the direct subject of only one recommendation (specifically recommendation 15), however he advised that the recommendations overall could have some applicability to the ED sector. Recommendation 15 relates to the high rate of non-compliance in the ED sector. T. Ayers noted that there seems to be a disconnect between TSSA's reporting of non-compliance and the actual safety levels of elevators in Ontario. He confirmed that the outcome-based regulator model seeks to fill this gap by focusing on high-risk areas of non-compliance, while increasing inspector consistency and providing compliance support.

In response to a question from council regarding cross-subsidization, T. Ayers noted that TSSA is currently in the process of reviewing its business model and fee structure, the outcome of which will help reduce/eliminate cross-subsidization. Moreover, responding to a question about the shortage of mechanics, noted in the AG report, T. Ayers confirmed that initiatives are underway to address this issue.

8. TSSA's Transformation to an Outcome-based Regulator – Update

S. Cooke spoke to this item, referring to the PowerPoint presentation shared with Council prior to the meeting. She elaborated on TSSA's move towards becoming a collaborative, outcomes-oriented regulator. Specifically, it was noted that this change represents a cultural shift on TSSA's part that looks to work with regulated communities to increase compliance through education and compliance support. As it relates to the ED program, she emphasised the importance of checklists in achieving inspector consistency and transparency. She advised that an external advisory group has been created to review this initiative and provide feedback.

In response to a question from Council regarding whether TSSA should be updated when there are changes to the maintenance contractor, S. Cooke responded that TSSA certainly wants this data, however we require a better IT system to manage it first. R. Neate added that this type of data is foundational and would be something we will be capturing in the future.

In response to question from Council related to the proposed rating system and specifically what would define a 'good player,' T. Ayers advised that we are still in the preliminary stages and that we would require data to both identify the problem as well as the source of the problem. First steps for example would be to match compliance rates to contractors, however data collection and analysis would underpin these initiatives. Further, in response to a question about whether TSSA is considering two types of deficiency reports, one for low risk orders and one for high risk orders, T. Ayers concluded that TSSA is open to exploring various methodologies and is looking to other industries and jurisdictions to determine best practices.

9. Safety and Compliance Report

R. Wiersma spoke to this item and referenced the report circulated prior to the meeting. He provided an overview of 'hot spots' in the ED sector, specifically hospitals and retirement homes. He advised that the DALY weighted values have been updated and certain incidents have been weighted differently due to more



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information regarding severity (i.e. concussions), adding that this could have contributed to the increase in occurrences in FY19 for elevators and escalators. Furthermore, he noted that for elevators and escalators the top five orders issues were classified as low and medium risk.

A) Incidents/issues reports

R. Neate spoke about a recent incident, currently under investigation, involving a man with an assistive mobility scooter falling down an elevator shaft. In response to a question from Council regarding the amount of pressure elevator doors can withstand, R. Neate advised that elevator doors can withstand considerable force, and as it relates to this case, we currently do not know the circumstances as the investigation is ongoing.

B) Flood Report Form

D. McLellan spoke to this item and provided Council with an overview of the form. He confirmed that the form has been circulated to contractors and TSSA is currently awaiting feedback. He advised that the form has been created in order to separate flood reports from other types of incidents, concluding that completion of this form should result in the ability to return devices back to service faster. He advised that calling to report the flood and obtaining permission from an inspector to return the device to service remains an option, adding that there is always an inspector on call. He noted that the completion and submission of the attestation form eliminates the need to obtain inspector permission by calling, thereby returning the device to service sooner.

In response to a question regarding how soon the form should be submitted, D. McLellan advised that as soon as the device is returned to service the form should be submitted. Alternatively, permission could be granted by an inspector with the attestation form being completed after the fact. Further, a suggestion was made by Council to include 'car electrical' as a category on the form as well as noting on the form that the attestation must be signed off by a contractor.

Action: Dean to include 'car electrical' as a category on the flood form.

Action: Dean to include a note on the flood form that advises that the attestation must be signed off by a contractor.

10. Fee Review

D. Brazier spoke to this item and he advised the proposed fee increase, initially scheduled to take effect July 1, 2019, would include a 3% increase in the first year and then 2% in the subsequent years for the Elevating Devices program. He added that the fee increase is currently with the Ministry for review, however it seems that TSSA will not be able to meet the proposed July 1, 2019 timeline given the 60-day notification requirement. He noted that TSSA is working on revising the fee structure more generally as part of a future fee review. There would be consultation with stakeholders with timeframes and options for implementation being shared accordingly.

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

D. Bosnjak introduced herself to Council. R. Hustwick provided the MGCS updated speaking to the issue of elevator availability. He confirmed that Hon. Minister Bill Walker has been briefed on the issue and MGCS is currently awaiting policy direction from the Minister regarding elevator availability. He advised that Ministry of Training, Colleges and Universities (MTCU) announced that it was winding down the Ontario College of Trades (OCOT), adding that MTCU would be taking back the majority of the activities that were within the scope of OCOT. He advised that more updates would be available in late summer/fall. N. Rahman stressed that since OCOT and TSSA have dual jurisdiction over EDMs we need to ensure a smooth transition, confirming that TSSA has already reached out and is looking into the matter.



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As it relates to elevator availability it was also noted that changes to the Ontario Fire Code, coming into effect July 1, 2019, would require notification to fire services in the event that a fire fighters elevator is out of service for more than 24hrs. There were questions from Council regarding red hat/yellow hat elevators and the distinction between these in the new Fire Code legislation. R. Hustwick noted there were no distinctions made in the code between these two types of elevators.

Action: R. Hustwick to follow up on the distinction between red hat and yellow hat fire elevators, and the Ontario Fire Marshall must be engaged.

12. Field Advisory Committee (FAC) Update

J. Egan provided an overview of the Field Advisory Committee meeting on March 21, 2019. He advised that the meeting was well attended, adding that several issues were discussed, among them, the Code Adoption Document amendments, Directors Orders, the adoption of the 2019 codes, pre-inspection checklists, and the July 1st adoption of the new Fire Code. He confirmed that the next meeting for the committee was scheduled for September 24th, 2019.

Action: D. Fernandes to circulate the minutes from the March 21st, 2019 FAC meeting.

13. Shortage of Mechanics

P. Stoneham, Associate Dean at Durham College spoke to this issue and provided an overview of the courses offered for Elevating Device Mechanics (EDMs) at Durham College. She confirmed that the diploma program is separate from the apprenticeship and work is underway to have two-thirds of the diploma program be recognized as contributing to the in-school portion of the apprenticeship. She advocated for more training and apprenticeship programs across the board. Moreover, she stressed the benefits of classifying the EDM trade as a restricted trade, noting this would allow tradesman to have more mobility thereby increasing the number of skilled tradesmen across the country. P. Stoneham's MCP Report will be appended to the Advisory Council Portal.

14. Questions and Other Business

In response to a question from Council regarding guidance on elevating device work in federal buildings as it relates to TSSA issued variances, R. Neate detailed the non-regulated business requirements of TSSA, and stressed that variances cannot be granted on federal sites since TSSA does not have jurisdiction. He plans to publish an advisory on the matter.

Action: R. Neate advisory on federal ED work and variances.

15. Council Administration

K. Leitch introduced and welcomed new members to Council and confirmed the renewal of M. Sentenai and R. Sokoloff.

Action: D. Fernandes Update membership matrix

Action: K. Leitch to confirm renewal of L. Konnry

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.