



# Technical Standards and Safety Authority

Minutes of the Ski Lift Advisory Council

Meeting on November 3<sup>rd</sup>, 2020

Minutes of the Ski Lift Advisory Council meeting of the Technical Standards and Safety Authority (TSSA) held by teleconference at 9:00 a.m. on the 3<sup>rd</sup> day of November 2020.

**Present:** John Ball, Canadian Ski Instructors Alliance (CSIA); Ward Bond, Bond Ski Lift Installation; Tom Cavers, Beaver Valley Ski Club; Brian Edwards, Edwards Colwill Insurance Brokers; Jay Jackson, TSSA's Consumers Advisory Council; Kevin Nichol (Chair), OSRA; Bradley Redwood, Canadian Ski Patrol System; Robert Sheridan, Blue Mountain Resort; Mark Rutherford, Brimacombe; Murray Frankcom, Leitmer Poma .

Dan Brazier, Chief Financial Officer (item 14); Alexandra Campbell, VP, Communication & Stakeholder Relations; Viola Dessanti, Director Strategic Analytics (item 10); Angelina Brew, Advisory Council Coordinator; Rob Kremer, Engineering Manager, Elevating and Amusement Devices Safety Program; Kristian Kennedy, Manager, Government Relations; Denis Lapierre, Inspector, Elevating and Amusement Devices Safety Program; Dean McLellan, (Interim) Director, Elevating and Amusement Devices Safety Program; Bonnie Rose, President & CEO (Chair); Phil Simeon, Director, Regulatory Policy (item 7, 12).

**Guests:** Richard Hustwick, Mitchell Thibault, MGCS, Policy Development Intern, Technical Safety Unit.

**Regrets:** Brandon Vriens, Leitner Canada; Craig MacDonald, Caledon Ski Club; Dave Mathewson, Mount Pakenham Ski Area; Sarah Simons, Kenney Engineering Inc.

## 1. Constitution of Meeting

The Chair called the meeting to order at 9:00 a.m. and thanked everyone for joining the teleconference.

### a. Safety Moment

For the safety moment, A. Campbell spoke to carbon monoxide safety, asking how many council members have over the last year checked their CO alarms, tested the batteries and have them outside sleeping areas of the house. She encouraged the council members to use the TSSA CO safety material at their association meetings. A. Campbell spoke about her experience attending an inspection of a CO incident with a TSSA inspector. She stressed the importance of educating family members, especially the young and very elderly.

## 2. Approval of the November 3<sup>rd</sup>, 2020 Agenda

Council adopted the agenda of November 3, 2020 as presented.

## 3. Approval of March 24<sup>th</sup>, 2020 Minutes

Council approved the minutes of March 24, 2020 minutes as presented.

## 4. Review of Action Items from Last Meeting

D. McLellan reviewed the action items. He noted that OASIS was ongoing. For Lift Restart, R. Kremer noted that it is raised in item 17. The draft document has been reviewed and questions remained as to definitions. D. McLellan added that the other action items are addressed on the agenda or administratively in the council membership spreadsheet.



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There were no questions or comments from Council.

### 5. Chair's Update

K. Nichol spoke to this item, he explained that he circulated his update. The focus of his update was on operating in various levels of the public health pandemic response. If case counts trend higher, the industry is lobbying hard to have the industry classified by government in the same way as golf courses and arenas. The industry has put a sufficient number of precautions in effect and hopes the province will appreciate the benefits of outdoor activity. The challenge is the inconsistency in different local public health authorities' guidance, which results in ski resorts not being mentioned the same way as golf courses and ice rinks. They are cautious of their messaging to be sensitive of the public health challenges. There is a ski communications campaign to encourage both outdoor activity at ski resorts as well as social distancing.

There were no other questions or comments from Council.

### 6. TSSA President & CEO's Report

#### a. Strategic Priorities

B. Rose spoke to this item and treated her report, circulated to Council prior to the meeting, as read. She opened the floor to questions. She highlighted the strategic focus of council agendas, such as the outcome-based regulatory model, which is covered extensively at this meeting.

There were no questions or comments from Council.

### 7. Outcomes-Based Regulator

- a. **Standardized Inspection Reports**
- b. **Ski Lift Compliance Standards**
- c. **Working Group**

P. Simeon spoke to this item and provided Council with an update on the progress being made on TSSA's transformation to becoming an outcome-based regulator. He advised that there are three compliance support programs underway, and the ski lifts is one of them. He is aware that the timeline falls in January, during ski season, but the timeline will be adjusted so the sector has time to review the draft compliance support program. He then gave a broad overview of the safety ecosystem and the continuum in regulatory delivery, from education to enforcement.

C. Lehner spoke to the role of enhanced authorizations as "gate-keepers" of TSSA safety services, including engineering review, inspections, risk scoring and compliance support.

P. Simeon detailed compliance standards, stressing that they are not analogous with technical codes and standards; they are TSSA-specific documents that distill key code and regulatory requirements. He explained how compliance standards work, noting that there is a regulatory continuum from the standards to inspector checklists and lastly to inspection reports.

C. Lehner walked through the compliance support options, from a visual perspective, using the draft escalator compliance standard as an example. M. Rutherford said visuals are always beneficial. He asked if a demarcation system can be used to identify parts of the device. T. Cavers commented that one single diagram will be difficult because of differences between lifts, so a simplified version might be best. He agrees with using visuals. J. Ball added that the simpler the better. He compared it to a rental car. damage checklist.



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When the ski season ends, P. Simeon advised, a working group will meet. He wants to ensure balance on the working group to ensure diverse perspectives are represented. The council composition might work as a forum, or the Risk Reduction Group (RRG).

T. Cavers asked if the inspection checklist is concurrent with OSRA's pre-season checklist. D. McLellan said this is something TSSA is looking at.

On inspection reports, P. Simeon noted the inspection reports will change to accommodate compliance standards. P. Simeon walked through near- and future-state inspection reports.

T. Cavers asked if the risk score is for a specific installation and if the risk score is based on any criteria around reportable incidents. P. Simeon responded that the ideal state is an accumulation of data related to a device, whether incident data, risk data, etc.

There were no other questions and comments from Council.

### 8. Stakeholder Engagement

A Campbell advised that TSSA wants to keep councils focused on transformational initiatives that are underway. TSSA is reviewing the terms of reference to ensure they meet that intended outcome and that engagement is as effective as possible. She noted there was a formal board of directors-council chair meeting as part of this process. Probably in November, a draft revised terms of reference will be posted for council review. She advised that stakeholder engagement challenges include false expectations being raised through too many engagement channels, which leads to too many priorities and deadlines being missed. Also, there is no consistency in the channels of communication, from risk reduction groups to training and certification advisory boards. The terms of reference also have clarity issues around confidentiality or membership criteria. She appreciates that membership turnover and recruitment may be a challenge for the ski sector, given its size in the province. Changing jobs will mean membership reviews to reduce challenges around interpreting criteria of membership, i.e. is it the individual, the company or the sector association that gets priority?

The chair commented that he applauds the effort to create more communication with the board. Hearing about other sectors made him realize the issues facing each sector are not unique. He agrees that because the sector is small the recruitment of new members may be an issue.

There were no other questions or comments from Council.

### 9. Ombudsman's Annual Report\*\*\*

S. Cooke noted it is a consent item and that it has been an uneventful year from an ombudsman reporting perspective. The Chair asked if there was any activity in the ski sector. S. Cooke said she cannot recall any cases from the sector.

### 10. Safety & Compliance Report\*\*\*

D. McLellan spoke to this item. D. McLellan stated that 5.5% of orders issued were high risk orders; 1.3% of ski lifts are high risk. The chair asked what a high-risk order might look like. D. McLellan responded that they are working on all our orders and identifying which are high risk.

J. Jackson asked if incident reporting is required for near misses. D. McLellan responded that near misses are when a critical component fails that could have caused an injury. Near misses prevent potential injury.

J. Jackson asked what the penalty is for not reporting near misses. D. McLellan responded that there are



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two fines in the regulation, one is a minimum fine of \$100,000 for a person and the other is a minimum fine of \$1 million per corporate account.

### 11. Incidents/Issues Report

D. McLellan spoke to this item and advised that he encourages incident reporting and reminded council of the importance of reporting.

There were no questions or comments from Council.

### 12. CAD Strategy Report\*\*\*

P. Simeon spoke to this item, noting it is an information item. He showed council the slide with the CAD amendment timeline.

The chair asked what makes elevating devices different in terms of the six-month timeframe for review, compared to 60 days for other codes. P. Simeon replied that 60 days are for sectors' CADs that are ready and able to adopt in short time frames. J. Ball asked about the timeframe in relation to ski lifts. R. Kremer commented that if all the sectors are identified, there are no reasons why one particular section of the CAD cannot be effective on a separate in-force date.

### 13. Ministry of Government & Consumer Services (MGCS) Report\*\*\*

R. Hustwick and M. Thibault spoke about elevator availability and the Ministry's work with TSSA on the issue.

J. Jackson asked about parts supplies for elevators that breakdown. R. Hustwick noted the project is looking at giving TSSA the authority to require elevator contractors report when elevators are out of service. There was considerable discussion about elevator availability issues.

### 14. Business Model (Fee Structure) Update\*\*\*

A Campbell spoke to this item and provided Council with an overview of the business model changes, including targets and timelines for delivery. D. Brazier joined for questions. He walked through the next steps, with implementation planned for next fiscal year.

A member asked if revisions are by car. Is it \$300 per car or by submission? S. Ariyaretnam clarified that it is by car. The member does a lot of revisions and said it can be used punitively by inspectors. She has seen inspectors go back several times to see if a revision has been submitted, which is costly. She does not think it is fair. S. Ariyaretnam said TSSA will look at the data and if any changes are considered, TSSA will respond to the Council.

On the invigilation fee, one member asked if there is a remote exam fee of \$530 for each person or is the cost the requirement to have someone supervise the exam and host it. D. Brazier and S. Ariyaretnam said it is per sitting to cover the time for the invigilator.

There were no questions or comments from Council.



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### 15. Update on Mechanic Licensing

While J. Sorman was unable to attend, the chair met with him the day prior to the SLAC meeting and noted that mechanics are starting to recertify so an attempt was made to create new exam material. The exam bank is being reviewed by engineering to make sure it is relevant to code. As far as his material for continuing education is concerned, there is new information on conveyor safety and COVID-19. Some of the courses have been on Zoom and WebEx. Virtual approaches have worked out well, but it is a challenge when one is trying to confirm if students are paying attention. For people challenging exams, that process is starting Thursday because the Georgian College ski resort operating program no longer exists, before they were the ones filling that in the past. The instructor from that course has agreed to teach it, both in-person and on-line condensed to 4 hours. J. Sorman mentioned it will not be until January 2021 that exams can be challenged.

There were no comments or questions from council.

### 16. Aging Lift Assessment RRG

The chair explained that this issue has gone back and forth at Council. Right now, the RRG has made recommendations back to TSSA. R. Kremer commented that he thought there would be a follow-up meeting, so he advised regrouping to discuss recommendations back to TSSA. The chair acknowledged there needed to be another meeting.

**Action:** RRG to continue work on Aging Lift Assessment.

### 17. a) Incident Reporting & Start up – Updates

R. Kremer noted that TSSA did redraft the guideline TSSA would be following. The only part that is outstanding is the “hanger” wording. He advised alternate language. He also suggested updating the incident reporting form now that the guideline is complete. The two must reflect each other. He offered to circulate that with the new revision.

M. Rutherford preferred the revised language as it better fits what Council is looking for, concept-wise.

T. Cavers seconded M. Rutherford’s point as it can apply to someone hanging from a piece of equipment.

J. Ball supports the change as well. Cases are different from situation to situation.

R. Kremer said TSSA will still need a definition because it is a unique situation Council and TSSA are trying to identify. The Chair said the Council will work on language round a definition.

There were no additional questions or comments from Council.

**Action:** Council to work on the definition of “unseated passenger.”

### b) COVID-19 Impact on Licensing

The chair commented that he gave an update at the outset of the meeting.

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### 18. Council Administration

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**a) Membership Renewals John Ball, Ward Bond, Craig MacDonald, Dave Mathewson, & Mark Rutherford**

The Chair confirmed the renewal of J. Ball, C. MacDonald, D. Mathewson and M. Rutherford for an additional three-year term. The Chair will confirm with W. Bond on his membership renewal status separately.

**Action:** A. Brew to update the membership list to reflect the terms of J. Ball, C. MacDonald, D. Mathewson and M. Rutherford.

**Action:** the chair will follow-up with W. Bond on the status of his membership renewal.

**Action:** A. Brew to make corrections to J Ball's association in TSSA's Advisory Council records from Ski Patrol Association to Canadian Ski Instructors Alliance.

**b) Membership Matrix Re-affirmation:**

Motion to reaffirm the matrix carried.

**Action:** A. Brew to update the membership matrix as reaffirmed.

**c) Advisory Council Portal:**

The Chair commented that he had trouble with the old TSSA portal. Email is working fine because attachments are in Outlook calendars. He does not think a portal is needed given password and technical issues. There was agreement from Council members. The minutes should be stored so they can be accessed if requested.

**19. Questions or Other Business**

There were no questions or calls for other business.

**d) Adjournment**

The meeting adjourned at approximately 1 p.m. Council held an in-camera session with B. Rose, followed by a Council-only in-camera session without TSSA staff or guests.