



# Acoustical Association Ontario

Volume 11 Issue 3 March 2016

*Provincial in scope ...*

*Provincial in outlook*

## *AAO Receives COCA's President's Award*



On March 1, 2016, at the Council of Ontario Construction Associations (COCA) Annual General Meeting, on behalf of AAO, Paul Gunning accepted COCA's President's Award for 2015.

Ian Cunningham, President of COCA stated, "Paul Gunning was a newcomer to COCA a little more than a year ago but he stepped up right out of the gate. He brings his vast construction industry experience especially in the area of health and safety as a member of COCA's WSIB-OH&S Committee. He was also an active member of our College of Trades Task Force and our Construction Lien Act Review Task Force. In addition, Paul represents COCA as a member of the Construction Legislative Review Committee. I am grateful for Paul's active participation and am pleased to present him with the President's Award. "

*Robert Troup*

President, AAO

## *Executive Director's Report*

### **PROMPT PAYMENT UPDATE**

At COCA's Construction Day Reception at Queen's Park on February 29th, Minister of Labour Kevin Flynn stated he was speaking on behalf of Premier Wynne and said the government is in favour of Prompt Payment legislation. This is also supported by the other two parties.

With the March 31st Construction Lien Act (CLA) Review Report fast approaching Prompt Payment Ontario (PPO) has engaged two firms to assist in government relations lobbying and raising the public image of this issue to keep pressure on the government to implement prompt payment. AAO will be reviewing the report once issued.

### **TONY DEAN REVIEW UPDATE**

You may recall that on November 20th, 2015, the Ontario government released a Report on Ontario's College of Trades authored by Tony Dean, Supporting a Strong and Sustainable Ontario College of Trades, contains a number of recommendations aimed at improving the College's policies and practices to better support Ontario's skilled tradespeople and their employers. The government issued a new release stating Ontario will bring forward proposed legislative changes in the spring legislative session and will work closely with the College of Trades to implement Mr. Dean's recommendations. To date, there has not been an update from the government. AAO recently contacted the MPP liaison in the minister's office to obtain an update. We await their response.

### **MINISTRY OF LABOUR (MOL) 2016 UPDATE**

Two months into 2016, results are better than 2015 with zero fatalities. I'm sure all of you will agree we hope that 2016 continues to result in no fatalities.

<b>2016</b>	
January 1 <sup>st</sup> to February 29th	
Fatalities	0
Injuries	14

In January there were 10 critical injuries, 7 of which involved falls. In February there were 4 critical injuries, 2 of which involved falls. Falls continue to dominate. Reminder – new Joint Health and Safety Committee training took effect March 1st.

***Executive Director's Report (continued)*****UPCOMING Office of the Employer Advisor WSIB FREE WEBINARS**

Copy the following URL to your browser to register:

<http://www.employeradviser.ca/en/construction-employer/> (see right side "Upcoming Events")

**WSIB Proposed Preliminary Rate Framework**

March 17, 2016 - 10:00 a.m. – 11:00 a.m.

**SIEF & Other Cost Reduction Tools**

March 31, 2016 - 10:00 a.m. – 11:00 a.m.

**WSIB Audits**

April 7, 2016 - 10:00 a.m. – 11:00 a.m.

**UPCOMING Mathews Dinsdale Seminars/Webinars**

Copy the following URL to your browser to register for new sessions or review archived session videos:

<http://www.mathewsdinsdale.com> (see right side)

**HR Boot Camp - Seminar**

March 8, 2016

8.30 am - 4.30 pm

**Assessing and Managing the Risk of****Wrongful Dismissal – Free Webinar**

March 24, 2016

Noon – 1:30 pm

**Workplace Surveillance - Seminar**

April 7, 2016

8:30 am – Noon

**Workplace Sexual Harassment: Managing****the Impact of Bill 132 – Free Webinar**

April 14, 2016

8:00 am – 9:30 am

**IMPORTANT DATES**

March 29, 2016

**AAO Board of Directors Meeting**

11 am - 2 pm

Mathews Dinsdale

RBC Centre, Suite 3600

155 Wellington Street West

Toronto

April 15 – 19, 2016

**AWCI Annual Convention & INTEX Expo**

Mercedes-Benz Superdome

Hyatt Regency

New Orleans, Louisiana

If you have any questions, please call me at 519-671-5930.

Paul Gunning

Executive Director

*The Mathews Dinsdale Minute*

With March of every third year comes the raiding season. Where the trade unions fight over representational rights and lots of Applications are filed with the Labour Relations Board. This open season lasts from the start of March to the end of April (it used to commence at the start of February, but has recently been shortened). We thought we would take a moment to talk to you about deadlines for responding.

Did you know that if an Application for Certification is filed with the Labour Relations Board (the “Board”) you have two (2) business days from the date you receive a copy of the Application to retain counsel, figure out your response and file that response with the Board. There are a lot of important decisions to be made during that two day period and those decisions will impact how you are able to defend against an Application. Making an error in responding, or failing to respond at all, will almost surely prevent you from advancing positions before the Board in response to any Application. It is a hard deadline and, if you miss it, it is not easily undone.

Similarly, if a Union refers a grievance to the Board for arbitration, you should receive a copy of the referral package and then, shortly after that, a document from the Board called a “Confirmation of Filing”. You have five (5) days from receipt of that Confirmation of Filing document to file a form called a “Notice of Intent to Defend”. Failure to file that Notice can result in your being found in default and an award being issued against you, including, potentially, for damages for the alleged breach of the Collective Agreement. Like with Applications for Certification, these are hard deadlines and if missed, it is not easy to rectify that error.

With all of these proceedings, they are usually started simply by delivering paperwork to you. This is not the same as “serving” the paperwork. Delivery can be done by faxing it to any fax number for the business, dropping a plain brown envelope at a desk, or by slipping something into any mailbox for the Company. It is very important that all deliveries are reviewed, and that they are brought to the attention of the person who can deal with them. Missing these deadlines, even if we never saw the Application, comes with a steep price.