



## *Executive Director's Report*

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

##### **NEW Workplace Inspection Blitz Schedule**

The province has announced its latest list of targeted workplace inspection blitzes, with more than 20 scheduled over the next year.

From May 2, 2016 to March 31, 2017, both Ministry of Labour employment standards officers and health and safety inspectors will visit workplaces such as food services, retail stores, **construction sites** and mines to investigate potential violations of Ontario's employment standards and occupational health and safety laws. **In particular, sectors with vulnerable workers and a history of violations will be targeted.**

To help ensure workers are also receiving what they are owed, employment standards officers will check for violations that could affect the pay, overtime and work hours of temporary foreign workers, young workers and employees of repeat violators.

Provincial inspection for adherence to temporary foreign workers regulations will take place May 2 to June 30; for falls-prevention violations in the construction, industrial and mining sectors from May 16 to July 15; in the mobile cranes and materials hoisting sector of the construction market from Aug. 1 to Sept. 30; and of electrical hazards in the construction sector from Nov. 1 to Dec. 31.

Regionally, in the Central East region, there will be inspection of toilets and wash-up facilities in the construction sector from Jan. 1 to Feb. 28, 2017; of the finishing trades sector in the Central West region July 1 to 31, 2016; of wood frame structures in the Eastern region April 1 to Sept. 30, 2016; and of machines, vehicles, tools and equipment in the Northern region construction sector June 1 to July 31.

Since 2008, Ministry of Labour occupational health and safety inspectors have conducted more than 620,000 field visits and 79 provincial inspection blitzes. Inspectors have issued more than one million compliance orders for safety issues across all sectors in Ontario since June 2008.

##### **NEW MOL Health and Safety Checklist**

Business owners know that a commitment to health and safety makes good business sense. To help small businesses, the ministry has created the Health and Safety Checklist. This new resource helps serve as a starting point for understanding rights and responsibilities under the Occupational Health and Safety Act. It helps employers increase their knowledge about their main responsibilities under the Occupational Health and Safety Act (OHSA), and **to evaluate how well they are complying with their duties to ensure their workplaces are healthy and safe with.** You can get the checklist by visiting:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWE&TIT=1960&NO=1960E>

Remember, when you look at the total number of employees you have, you have to consider field and office. **AAO strongly recommends you go through this checklist to see if there are areas not being addressed.** If you answer no to any of the questions, you have an area lacking that must be addressed. **Most importantly, if you can't backup a "yes" with documentation, the answer must be a "no".** Remember, the effort you go through to complete the checklist forms part of your "due diligence - its not wasted.

If you have any problems obtaining the checklist or require assistance with the checklist, please call myself.



## Executive Director's Report (continued)

### NEW MOL Ergonomics Survey

The MOL Ergonomics Integrated Planning Advisory Committee has developed a survey to measure workplace knowledge and needs about ergonomics and Musculoskeletal Disorders (MSD) prevention. The Committee will use the survey results to support and inform the planning of activities for the Ergonomics Action Plan and the Occupational Health and Safety system. Here is a link to the survey: <http://fluidsurveys.com/surveys/dpmuprevention/ontario-s-h-s-system-ergonomics/>. The survey will close on **June 30, 2016**. Please forward this email with the link to the survey to the appropriate people in your companies. Regulations will be coming based on the feedback.

Should you or any of your organization have any questions, please contact Brian McInnes at [brian.mcinnnes@ontario.ca](mailto:brian.mcinnnes@ontario.ca) or Monica Chu at [monica.chu@ontario.ca](mailto:monica.chu@ontario.ca).

### PROMPT PAYMENT UPDATE

The Reynold's Report of the review of the Construction Lien Act (CLA), including prompt payment, is expected to be delivered to the provincial government on April 30, 2016 and in early May be made available to the public for review. In March, we asked all members at COCA's request to get involved in signing a petition for support of prompt payment and mail to a company called Impact, hired by Prompt Payment Ontario (PPO), to further advance the prompt payment cause and keep it at the top of the issues in our legislature.

Impact is arranging to have petitions supporting prompt payment legislation read aloud in the legislature by an MPP every day that the legislature is in session. Several have been received by Impact from many associations, including AAO – thank you to those who sent in – it certainly helps. The campaign continues so keep sending them in during the month of May as the legislature will break in June for summer.

On May 5, 2016, the PPO board will be meeting. The purpose of this meeting will be to provide an update on PPO, showcase their social media campaign, discuss the upcoming lobby day at Queen's Park and the status of the CLA Review's Report and recommendations.

Presently, PPO is busy with organizing meetings for PPO's lobby day at Queen's Park on May 11<sup>th</sup>. The objective is to get 30 to 35 meetings with MPP's with groups of PPO representatives. AAO is looking for a contractor member to join myself for the day. Please consider being a part of this day, the more voices the stronger we are. This will be very important for PPO's messaging, whether we have seen the CLA Review Report, or are asking for its release.

On the federal side, a bill that would make prompt payment the law for federal government construction projects everywhere in Canada, *Bill S224 Canada Prompt Payment Act*, was introduced in the Senate of Canada on April 13 and reached the second reading stage of the legislative process in the Red Chamber on April 19th. If it successfully passes through the Senate's legislative process, it will be sent over to the House of Commons for consideration there.

Senator Don Plett introduced the bill. This is good news for any contractors working on federal projects. Senator Plett's efforts have been praised by the industry. John Galt, Chairman of the National Trade Contractors Coalition of Canada, stated: "Senator Plett has been a champion on this issue for our industry on Parliament Hill over the last several years. He is from our industry and he gets it!"

The Leader of the Official Opposition and the PC Party in Ontario, Patrick Brown also endorsed Bill S-224 last week, stating, "If you do the work, you should get paid. It is for this simple reason, I unequivocally support Senator Plett's prompt payment bill. For years, I have advocated for prompt payment at both the federal and provincial level, and I am happy to see another piece of legislation introduced at the Parliament of Canada. Stated Senator Plett. "I look forward to the swift passage of this bill and I am hoping the Canada Prompt Payment Act will give the provinces the momentum they need to move forward on this at the provincial level".

### TONY DEAN REVIEW UPDATE

In our March Newsletter, we informed you that on November 20th, 2015, the Ontario government released its report on Ontario's College of Trades authored by Tony Dean. The report contained 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 news release stating Ontario would bring forward proposed legislative changes in the spring legislative session and would work closely with the College of Trades to implement Mr. Dean's recommendations.

AAO contacted the MPP Liaison in the minister's office to obtain an update. **We have received their response.** They acknowledge the news release issued on November 20, 2015, indicating that Ontario would bring forward proposed legislative changes in the spring legislative session and work closely with the College of Trades to implement Mr. Dean's recommendations.

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However, they also state the Ministry of Training, Colleges and Universities did not have an update about proposed legislative changes. They conclude that as per the news release, more information will be provided publicly as the Ministry moves forward with proposed legislative amendments. **TO DATE THERE HAS BEEN NO FURTHER ACTION.**

Despite having said they would introduce something in the "spring session" of the legislature, this appears to be a very faint blip on the government's radar screen. The only good thing from this response is that it appears any further new trade classifications will remain on pause. It appears highly unlikely that there will be any action now during the spring session. We will continue to monitor the implementation of Mr. Dean's recommendations and keep you posted on any further developments.

### **WSIB UPDATE**

#### **Executive Officers – A Reminder From the OEA**

Michael Zacks of the Office of the Employer Office (OEA) has advised COCA members that the OEA is seeing a number of inquiries from construction employers who have been assessed retroactively for unpaid executive officer premiums.

OEA reminds everyone that since 2013, the Workers' Compensation Act requires all executive officers or partners to pay premiums on their insurable earnings. This is regardless of whether the executive / partner is working in construction, stays in the office, or is enjoying her retirement in a warmer climate. If an executive / partner is issued a T4 or a T5 or paid in some other manner, the company must pay premiums on their earnings.

If the WSIB audits the company and realizes that premiums have not been paid, the company will be retroactively assessed for the current year plus two prior years. This could be a lot of money. **OEA recently had a company call them in this unhappy circumstance as they had a \$90,000 bill from the WSIB for non-payment of executive officer premiums.**

But there is a simple and quick solution according to Michael. If your company has executive officers who are not doing construction work, then one of them can opt out of paying premiums all together, and any other executives who don't do construction work can take advantage of paying in Rate Group 755 which charges a premium rate of twenty-one cents. To do this log on to the WSIB's website and look for the employer forms page or simply Google WSIB employer forms. Look for Form 1209A – the Request for Rate Group 755, or Form 1208A - Partner or Executive Officer in Construction Exemption from Coverage. And one final word of caution; if you think you have found a loophole around paying premiums it probably will not stand WSIB audit scrutiny. You can check your status with your legal adviser to ensure you are in compliance with the Act, or call the OEA at 1-(800)-387-0774.

#### **UPCOMING MAY 2016 EVENTS**

**Prompt Payment Ontario (PPO) Board Meeting - AM**, May 5, 2016 (Paul Gunning attending)

**IHSA Drywall Labour-Management Committee Meeting - PM**, May 5, 2016 (Paul Gunning attending)

**Prompt Payment Ontario (PPO) Lobby Day at Queens Park**, May 11, 2016 (Paul Gunning attending)

**COCA Board Meeting**, May 30, 2016 (Paul Gunning attending)

#### **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)

**Workplace Surveillance Seminar**, May 12, 2016 8:30 am – 4:30 pm

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

Paul Gunning  
Executive Director