



Acoustical Association Ontario

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Provincial in scope ...

Provincial in outlook

2014 WSIB Construction Rates



For the second consecutive year, the Workplace Safety & Insurance Board (WSIB) has basically frozen Premium Rates. One rate group, Local Government Services, will see an increase in premium rates as a result of expanded coverage for firefighters under proposed legislation. Notwithstanding, no construction rate group will see an increase in 2015. The Inside Finishing Rate (#719) will remain at **\$7.51** per \$100.00 of payroll. The maximum Insurable Earnings Assessment Ceiling will, as required by legislation, increase in 2015 by 1.31% from the current \$84,100.00 to **\$85,200.00**. Following, for everyone's reference, is a summary of all the Construction rates.

Rate Group	2014 Rate (\$)	2015 Rate (\$)	Percent Change
704 Electrical & Incidental Services	3.69	3.69	0.00%
707 Mechanical & Sheet Metal Work	4.16	4.16	0.00%
711 Roadbuilding & Excavating	5.29	5.29	0.00%
719 Inside Finishing	7.51	7.51	0.00%
723 General Contractors	4.55	4.55	0.00%
728 Roofing	14.80	14.80	0.00%
732 Heavy Civil Construction	7.03	7.03	0.00%
737 Millwrighting & Welding	6.90	6.90	0.00%
741 Masonry	12.70	12.70	0.00%
748 Formwork, Structural Steel & Demolition	18.31	18.31	0.00%
751 Siding & Outside Finishing	10.25	10.25	0.00%
755 Non-Exempt Partners & Executive Officers	-	0.21	-
764 Home Building	9.10	9.10	0.00%
Earnings Assessment Ceiling	84,100.00	85,200.00	1.31 %

The Mathews Dinsdale Minute



In a series of recent cases involving the Labourers union in Toronto and a Sewer and Watermain Contractor, the Board has dismissed a number of grievances for failing to contain sufficient information about the nature of the complaint. In the cases, the Union filed very general grievances with limited details about the job site upon which the complaint arises and the nature of the alleged violations. The Union then, shortly before the hearing, or in some cases, on the day of the hearing, provided more detail about their complaints. It was clear that they had been in possession of these details at the time the original grievances were filed.

In response, the Employer asked the Board to dismiss the grievances outright. The Union urged the Board to take the approach that if the Employer required more time to investigate the allegations which had been clarified at or shortly before the hearing, the Board should grant an adjournment. The Union asserted that, even if not at the outset, by the time the hearings had taken place the Employer had sufficient information and that there was no reason to dismiss the grievances. The Board was not impressed. In one case it wrote: "...it is evident that Local 183 determined to surprise Trisan with the material facts within its knowledge, and did so by waiting until shortly before the commencement of the hearing to disclose those material facts to Trisan. As we indicated to counsel for Local 183 during the course of argument, we do not consider that to be an appropriate way for litigation to be pursued before the Board." The grievances were dismissed, and union has sought judicial review.

These are certainly positive developments. The Board is telling the Union that it must provide the information upon which its grievance is based up front and failing to do so may not be rectified by doing so later on.

However, drywall contractors should note that case law under the expedited arbitration protocol in the ICI agreement has indicated that that arbitration panel will take a much more lenient approach to these types of issues. This is allegedly based on experiences in the industry with employees being unwilling to speak up about violations of the Collective Agreement.

It is a fundamental presumption that an employer has the right to know the case that is being brought against it. The Board, in its recent decisions, has confirmed that a grieving union should take this right seriously, and not hold relevant information until shortly before a hearing. If you receive grievances, take the time to look closely at them and consider whether you can truly understand what the union is complaining about. If it is not clear they may be on the wrong side of this case law.

 **mathews
dinsdale** *Workplace Law Spoken Here*



32 Vancho Crescent
Etobicoke, Ontario
M9A 4Z2

Phone: 416-605-6417
Fax: 416-246-1993
Email: info@aao-online.ca

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