



Infrastructure Health & Safety Association

IHSA

Effective January 2010, the Infrastructure Health and Safety Association (IHSA) is established with the amalgamation of the Construction Safety Association of Ontario (CSAO), the Electrical & Utilities Safety Association (E&USA) and the Transportation Health & Safety Association of Ontario (THSAO).

In 2008 a review was conducted by the Occupational Health and Safety Council of Ontario, made up of representatives from the Workplace Safety and Insurance Board (WSIB), the Ministry of Labour, and the Provinces twelve Industry Health and Safety Associations, to explore how Ontario's Health and Safety Associations could be reorganized to more effectively pursue the objectives of the "Road to Zero", the WSIB's injury reduction plan.

This review concluded that Ontario's Health and Safety System has achieved major successes over the years, but faced many challenges that could not be met, on a going forward basis, under its current organizational structures. The report recommended an integrated system with increased front-line services for

Ontario's various industries, incorporating more efficient back-office support functions. The consensus was that by merging back-office functions duplication would be reduced by and capitalizing on economies of scale, thereby freeing scarce resources so that more field consultants could be hired.

In the months ahead an amalgamated single Health & Safety Association, currently named the Infrastructure Health & Safety Association will be incorporated to serve the following related industries:

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- Construction
- Electrical
- Utilities
- Aggregates
- Natural Gas
- Ready-mix Concrete
- Transportation.



Stilts Permitted On Residential Projects

The Provincial government has amended the Occupational Health & Safety Act to allow the use of stilts on **residential** projects, effective January 1, 2010. As a result of this amendment, stilts will now be permitted under the following conditions:

- only in residential construction and only for drywall finishing, and insulation and vapour barrier installation,
- up to a maximum stilts height of 76 cm (about 30 inches),
- on level and rigid work surfaces where all openings and open sides are adequately covered or guarded, and debris and/or obstructions have been removed, guarded, placed or secured so they do not pose tripping/slipping hazards to stilts users,
- in areas where guardrails are extended to accommodate the height of the stilts being used to provide adequate fall protection to stilts users,
- provided that workers have completed an approved training program and carry documentation of this, and
- provided that the stilts are in good condition and inspected each day before use.

An eight-hour certification training program on the safe use of stilts is being developed by the industry in consultation with the MOL to enable employers, supervisors and workers to comply with the new stilts requirements.

The Mathews Dinsdale Minute



This month, we continue with our fictional saga about “Joe’s Drywall” and its problem employee, David (all names fictional). Remember, David has a history of lates and not getting along with co-workers, but no record of discipline. On his last day, David was told there was no more work for him, and was given a record of employment marked “Layoff-Lack of Work”.

David was let go after, on a single day, he was late for work, told off his working foreman and got into an abusive argument with a co-worker. Joe had finally had enough of David. Last episode, the first lesson was dealing with the problem. The second lesson is:

Progressive Discipline:

Progressive discipline and the “culminating incident” are concepts that have been developed in arbitration case law and provide a road map for employers dealing with a problem employee. The concept is relatively simple: an employee who engages in misconduct should be disciplined, even if it is relatively minor misconduct. If there are repeated incidents of misconduct, even if they are different offences, the behaviour should be met with progressively more severe discipline. This allows an employer to create a history of increasing disciplines showing that the employee is “not learning”. Once an employee has progressed through the steps (including warning and suspension or suspensions) he should be aware (and the discipline notices should advise him) that his employment is at risk. At this stage, a final (or culminating incident) can lead to discharge, even if it is a minor offence.

While this sounds complicated, the steps, once implemented, simplify things substantially. To use our example, David would have disciplines for misconduct (including arguing with employees, insubordination and attendance problems). With a proper record, he may well have been fired before our final day and incidents with Herb and Walter.

In any event, with a record of progressive discipline Joe would have been able to look at a firm, established history (remember our discussion of the value of this in our last issue) and could point to the reason that Joe’s Drywall would no longer be able to employ David. Further, if questioned by the union Joe would be able to point to this record, making his justification of the termination that much easier (again, remember the last issue of the Mathews Dinsdale Minute).

Remember, if an employee engages in major misconduct, progressive discipline is not necessarily required. However, if you are dealing with the classic problem employee, it is important that progressive steps be used, so that you have covered and established the history and the employee knows his employment is at risk. If you have done this, you position yourself to say “David, you are fired” and be able to back it up.



New Member — A Warm Welcome

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*Provincial in scope ...
Provincial in outlook*