



Acoustical Association Ontario

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Provincial in scope ...

Provincial in outlook

President's Annual Message

The busy holiday season is now behind us and I do hope everyone enjoyed a great and warm Christmas with family and friends. I would like to take this opportunity to wish each and every member a prosperous and Happy New Year. I would also like to extend a sincere thank-you to the Board of Directors and all the members of AAO for the honour of representing you, as your President, for the coming year.

As we pause and reflect on the events of the past year - the successes as well as the failures - we must put them in perspective; that is, within the possible opportunities and challenges we should expect in the coming year. We spend January walking through our lives, room by room, drawing up a list of work that needs to be done - cracks to patch. Perhaps this year, in order to balance this list, we ought to walk through the same rooms of our lives, not looking for the flaws, but for the potentials. Albert Einstein once said, "Out of clutter, find simplicity. From discord, find harmony. In the middle of difficulty lies opportunity." It is within the reality of challenges and opportunities that we must persevere. As we proceed from room to room let us simplify the clutter, let us bring harmony to our complicated lives and let us face challenges, not as problems to solve, but as opportunities to take advantage of.

The coming year will provide us with many challenges and of course many opportunities. Although we continue to face ever increasing cost-price squeezes, greater non-union activity, a Provincial economy that has been a laggard and all levels of government paralyzed by one reason or another, we should seek and find the inevitably opportunities to improve and grow our businesses and our markets. The challenges - cracks to patch - seem to get wider and more numerous; but at the same time there are numerous opportunities that lie in the rooms ahead.

So again welcome to 2014 and may it find everyone well and prosperous.

Sincerely,

Robert Troup

President, AAO

The Mathews Dinsdale Minute



It is the start of a new year and this month we are going to talk to you about Bill 146, legislation tabled by the Liberal Government on December 4, 2013 called the Stronger Workforces for a Stronger Economy Act. This legislation, if it passes, would have the effect of amending a number of different workplace related statutes. Knowing and understanding this legislation is something important for all employers. It may also make you question why this legislation is being tabled.

For starters, Bill 146 proposes a peculiar amendment to the Labour Relations Act, 1995 (the "LRA") that applies to the construction industry. Currently, the LRA provides for an "open period" in the last three months of a collective agreement, during which employees can apply to get rid of their union or another union can apply to "displace" the existing union. This open period is the same length for every unionized workforce in Ontario and has been so as long as it has existed. It is also heavily protected by the LRA and there is no step any party (union or employer) can take to shorten or close it. Bill 146 proposes to shorten this open period from three months to two in the construction industry only.

Bill 146 also proposes to amend the Employment Standards Act, 2000 (the "ESA") in a number of areas. Those amendments include increasing the time limit for employee complaints relating to wage claims from six months from the day the amount became owing. Currently inspectors are limited to a maximum order of \$10 000 per employee for unpaid wages, but Bill 146 proposes eliminating this cap. In dealing with Temporary Help Agencies, Bill 146 would make the Agency and the Customer jointly liable if the Agency fails to pay any regular wages or overtime to an agency employee, thereby making the customer potentially liable for circumstances of which it may have no knowledge. Lastly, Bill 146 proposes to institute a "self audit" system which could require employers to perform self audits of their compliance status and report the outcome of those audits to the Ministry of Labour.

Bill 146 also proposes significant changes to the Workplace Safety and Insurance Act (the "WSIA"). The focus of these changes is to move WSIA costs related to Agency employees from the Agency to the customer that hired the agency. This would include the attributing injury and accident costs and the resultant impacts on premiums. It would also impose reporting obligations for Agency employees on the customer. Thus, a customer of a Temporary Help Agency would become, in large part, the employer under the WSIA for agency employees when they work for them.

The above are some of the key highlights, but there are other changes, including to the Occupational Health and Safety Act and to the application of the Employment Protection for Foreign Nationals Act. Needless to say this is not a minor revision to the law and employers would be wise to make sure they are informed of the progress of these proposed amendments.

Finally, these amendments to a number of different areas of the law beg a question to which we do not know the answer. What is the reason for these changes now and who was consulted before they were proposed? Were you?



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