



Acoustical Association Ontario

Volume 10 Issue 2 February 2015

Provincial in scope ...

Provincial in outlook

Executive Director's Report

I would like to take this opportunity to wish everyone a successful and safe 2015. It is going to be a busy year in that we will be dealing with the next round of negotiations, new safety & training regulations, the review of WSIB's funding and rate structure and moving prompt payment forward.

Since starting, I have been working closely with some of AAO's Executive Board members who have assisted me in my new role as Executive Director. I have met with the Local Areas in Windsor and London and will soon be meeting members in both Ottawa and Hamilton. Below is a summary update of the current issues affecting members which will become a regular feature of the newsletter. I trust it to be informative.



MINISTRY OF LABOUR (MOL) UPDATE

Safety is usually measured in terms of fatalities and critical injuries. The construction industry, historically, represents approximately 30% of all work related fatalities in Ontario. In 2014, twenty fatalities were reported up from the 17 reported in 2013. Critical injuries were unchanged in 2014 with 134 reported injuries.

There are four (4) main causes of fatalities and critical injuries - falls, struck-by, caught-in/between and electrocutions. With the exception of electrocutions these same causes were identified in 2014. Studying fatalities and injuries and their causes allows us to learn from such tragedies. Safety in Ontario construction, however, has improved significantly over the last 20 to 30 years and the Province remains a top performer worldwide, but, we must continue to improve. As Mike Chappell, Provincial Coordinator Construction at the MOL noted "in looking back to 2014 it would be hard to think of dramatic improvements in Occupational Health & Safety in the construction sector". He urged everyone "to take a leadership role in moving forward, providing mentorship guidance and understanding in a way that will balance the message of safety and production in a way that works for each worker in the province of Ontario".

Upcoming WHMIS Regulation Changes

As part of an international initiative to implement a system of classifying and providing information about hazardous workplace chemicals, known as the "Globally Harmonized System of Classification and Labelling of Chemicals" (GHS), the Ministry of Labour (MOL) is proposing provisional and regulatory amendments to the Workplace Hazardous Materials Information System (WHMIS) and Regulations of the Occupational Health and Safety Act (OHSA). The MOL has suggested that the new requirements will come into effect on June 1, 2015 although it will provide for a lengthy transition period.

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Executive Director's Report (continued)

Ministry of Labour Proposes to Strengthen Health and Safety Protections for Construction Workers

The MOL is proposing to strengthen health and safety protection for Ontario's construction workers, under the OHS Act, by implementing three (3) regulations to address exposure to the following hazards:

- Noise
- Biological and chemical agents
- Carbon monoxide released from internal combustion engines.

The Ministry advised that the new requirements, if approved, would come into force 6 months after the amending regulation is legislated. In our next newsletter we will get into these in more detail.

Strengthening Health and Safety Culture

The MOL is launching a public consultation on prevention programs to support strong workplace health and safety culture and performance. The purpose of these consultations is to ensure that prevention programs:

- Support workplaces in reaching compliance.
- Encourage workplaces to develop strong health and safety culture and performance.
- Generate measurable outcomes.

It has assembled a Prevention Program Review Group to examine the voluntary prevention programs administered by WSIB as well as other similar programs. The government will incorporate the MOL's advice in its design and administration of future prevention programs.

The ministry is reaching out to all stakeholders to solicit their views on whether existing programs are satisfactory, need to be modified and/or redeveloped. AAO, as a member of the COCA's WSIB/OH&S Committee, will be participating in this process.

Safety Tips

As an annual legislated requirement, this would be a good time to review your company's Health and Safety and Workplace Violence and Harassment policies as well as the programs to implement those policies. Remember to date and have the President sign all reviewed policies. Destroy your old copies and post the new ones at your jobsites. All Supervisors should be provided with a copy of the latest Occupational Health and Safety Act and Regulations for Construction Projects - the Green Book (**July 2014 issue**). Older versions or e-law copies are unacceptable by MOL inspectors.

Workplace Safety and Insurance Board (WSIB) Update

This will be an interesting year as the WSIB focuses on its Funding Review consultation. A discussion paper on proposals for the new classification and experience rating models will be released soon and AAO will be fully engaged in this discussion through its participation at COCA.

In its recently released 2014 third quarter financial statement, the WSIB reported that its unfunded liability dropped to \$9.019 billion from \$10.638 billion over the same period last year.

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Executive Director's Report (continued)

Some of you may not be aware that there is a “free” service out there. The OEA (Office of the Employer Advisor) provides employers with free expert and confidential advice, representation and education on all workers' compensation issues under the *Workplace Safety and Insurance Act*, as well as unjust reprisal issues under the *Occupational Health and Safety Act*.

Their experts can help you manage workplace safety and insurance costs to give you a competitive advantage. They provide expert advice to any size employer, and represent primarily employers who employ fewer than 100 employees. More information on the OEA is available at their website, <http://www.employeradviser.ca/en/Construction-Employer/index.php>

Upcoming Events

CEECO Bargaining Seminar – No Strike/Lockout Protocols - February 10, 2015
(Doug Smith, Joe De Caria and Paul Gunning attending)

AAO Board Meeting - February 19, 2015

COCA Board/COO Annual General Meeting - February 26, 2015
(Paul Gunning attending)

OCS State of the Industry & Outlook Conference 2015 - March 3, 2015
(Paul Gunning attending)

IHSA Acoustic & Drywall Labour-Management Committee Meeting - March 10, 2015
(Paul Gunning attending)

Take Advantage of These FREE Upcoming OEA WSIB Webinars

OEA Webinar: SIEF and Other cost Reduction Tools - January 29, 2015 - 10:00 a.m. – 11:00 a.m. ET

OEA Webinar: The Employer's Guide to Work Reintegration - February 5, 2015 - 10:00 a.m. – 11:00 a.m. ET

Claims Management Tips for 2015 - February 10, 2015 - 10:00 a.m. – 11:00 a.m. ET

Director's Forum: WSIB Update, an Employer's Perspective - February 19, 2015 - 10:00 a.m. – 11:00 a.m. ET

Form 7 Webinar - March 5, 2015 - 10:00 a.m. – 11:00 a.m. ET

Register Now, Enrolment is Limited

Thank You

Paul Gunning

Paul Gunning
Executive Director



The Mathews Dinsdale Minute



Recently, Tony Dean issued the Consultation Guide for the Dean Review of the Ontario College of Trades (the “College”). The Consultation Guide declares the independence of the Dean Review from both the College and the government. It makes it clear that the focus of the review is on the manner in which the College will make decisions on issues related to scopes of practice (which are descriptions of the work of a particular trade) and the related issue of the process and criteria for classifying or reclassifying a particular trade as subject to compulsory or voluntary membership in the College. These two areas raise interesting questions.

When the scopes of practice are described, many people active in the industry will immediately think of work jurisdiction claims in collective agreements and the jurisdictional disputes process at the Labour Relations Board. There appears to be some curious overlap here. This is one thing that the Dean Review is looking at. Specifically, the Review will be advising on what consideration, if any, the College should give to Labour Board jurisdictional dispute decisions. It should be noted that jurisdictional disputes arise between trade unions and in the context of their collective agreements. By comparison, at least in theory, the College’s scope of practice is supposed to be independent of whether a trade is unionized or not. However, in either context, reconciling conflicting views between the College and the Labour Board may be complicated. It will be interesting to see how the Dean Review proposes to deal with this issue.

Mandatory or compulsory registration is another significant issue. If a trade is deemed compulsory (by the College) then those engaged in the trade must pay fees to be certified, thereby funding the College. Voluntary trades may register, and thereby choose to pay the fees, but are not required to. It then becomes rather complicated when the College is deciding who will be subject to mandatory fees that it will collect. The Dean review will be looking at the process and criteria that will be applied for classifying or reclassifying trades as between compulsory and voluntary status.

Finally, and related to scopes of practice is the issue of overlap and enforcement. Under the legislation creating the College, only someone registered with the College may perform the work defined as part of a compulsory trade. However, there will be overlap in the work each trade does. Where this overlap involves a compulsory and a voluntary trade, the prohibition on performing the work without registration would appear to be unfair. This is yet another issue that the Dean Review will need to chart a course to deal with.

As this process rolls out through 2015, stakeholders are invited to make their views known. Written submissions are due by March 13, 2015, and the full materials are on the website: www.deanreview.com.



New Membership

We wish to extend a warm welcome to Construction Integral M.T. Inc. which recently joined AAO. The member can be reached by phone at 819-669-8484 or by mail at 510 Boulevard Maloney East, Unit 105, Gatineau, Quebec, J8P 1E7. Welcome David LaSalle and Mario Tremblay.



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