



Executive Director's Report

Update - Ontario To Review Construction Lien Act (including Prompt Payment)

The review announced this past February is expected to be completed by December of this year. As we have reported, Prompt Payment Ontario (PPO), of which AAO is a member, is actively involved in this review. PPO is expected to have a full membership meeting in May and it is anticipated that members will be fully briefed on the organizations activities. For a quick summary of the issues surrounding prompt payment we encourage you to visit PPO's website www.ontariopromptpayment.com. The Daily Commercial News (DCN) has written several articles on this issue over the past couple of months which we have emailed to members. We will continue to keep you updated as this advances.

Update – Tony Dean Review of the Ontario College of Trades (OCOT)

Tony Dean was appointed by the Province in October, 2014 to undertake a year-long review of issues related to the scopes of practice, or type of work performed in a trade, and the process for determining whether certification should be compulsory or voluntary. A consultation guide was posted on his website (www.deanreview.com) in January to obtain answers to specific review questions although it made clear that Dean will not consider the existence of the College, redefining what a trade is, amending the scopes of practice for specific trades, reclassifying specific trades or reopening discussions on journey person to apprentice ratios.

Now well underway, written submission to the questions posed by Dean in his consultation guide closed on March 13, 2015. The Council of Ontario Construction Associations (COCA) established an Ontario College of Trades (OCOT) review committee, which AAO participated on, and provided a written submission to Dean. A total of 107 submissions were made from various groups, including College Trade Boards, individuals, single-trades as well as trade sector employers and unions, training providers and independent businesses. Dean has noted that an equal number of submissions were received from the Greater Toronto Area as was received from the other regions of the province, with the majority coming from the Construction sector. Of the 107 submissions a total of 85 granted Dean permission to post on their briefs on his website (www.deanreview.com/consultation).

Dean, who is currently reviewing these submissions, noted that there is a common perspective or theme in that there is interest in seeing the College grow and succeed, however, there are a variety of ideas on what this means and how it should be achieved.

Regional "in-person consultations" with Dean will begin April 9th in Kingston and will continue in many other regions of the province this spring and conclude on May 14th. COCA's President Ian Cunningham, Chair of the Board Gary van Bolderen and myself will be meeting with Dean on May 11th.

Dean advised that, over the summer, he will start to think about drafting some sections of the report, and test how the industry reacts to his findings and possible recommendations.

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Executive Director's Report (continued)

MINISTRY OF LABOUR (MOL) UPDATE

New Noise Protection Requirement Proposed for this Summer

Hazardous exposures to noise above a time-weighted exposure level of 85 decibels for an eight-hour work day is commonly encountered on construction projects. It is a leading cause of occupational disease in the industry. According to the WSIB, the annual costs for noise induced hearing loss claims for construction averaged in excess of \$7 million dollars per year, over the last five years.

Ontario's Construction industry has been exempt from having specific regulatory requirements addressing worker exposure to noise. To better protect construction workers, the Provincial Labour Management Health & Safety Committee (PLMHSC) has recommended, to the Minister of Labour, the addition of new noise protection requirements for the industry.

The Ministry of Labour (MOL) has given its support to the Committee recommendations and proposes to add new requirements that would provide the same level of noise protection to construction workers as is currently provided to workers in other sectors under the Occupational Health & Safety Act (OHSA). The proposed regulatory amendment, if approved, would include the following:

- Establishing an exposure limit for noise based on an 8-hour time-weighted average exposure (i.e. 85 dBA, Leq 8)
- Requiring employers to take all measures reasonably necessary in the circumstances to protect workers from exposure to hazardous sound levels, which would be time-weighted exposures that exceed the recommended sound exposure limit of 85 dBA, Leq 8
- Clarifying an employer's obligations to protect workers from hazardous noise exposures without requiring workers to use personal protective equipment unless certain specified circumstances apply (e.g., engineering controls are not feasible because of the duration or frequency of exposure or because of the nature of the process, operation or work). In practice, it is expected that a large number of noise sources in construction would qualify for the wearing of personal protective equipment by workers under this exception.

AAO, as a provincial association, will need to identify noise sources under this exception so that all members can benefit. As an initial step, this has been brought up at our last IHSA Acoustical & Drywall Trade Labour-Management Health & Safety Committee meeting. Our next meeting is in May.

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Executive Director's Report (continued)

Update - Ministry of Labour New Working At Heights Standards

Effective on April 1, 2015, new training standards came into force for all construction workers who will be "working at heights" (WAH). The new requirements impose a duty on employers to ensure that their workers have completed an approved working at heights training program if they are required, in the course of their work, to use any of the following methods of fall protection:

- travel restraint systems,
- fall restricting systems,
- fall arrest systems,
- safety nets, or work belts or safety belts,

This new WAH training will be valid for a three year period. Workers who have completed, prior to April 1st, a fall arrest training program that meets the requirements of Section 26(2) of the Regulations for Construction Projects of the Occupational Health & Safety Act, will be given two years to complete the new Working at Heights Training (April 1, 2017). As a priority, workers who will be working at heights and who have not received any training will be required to complete the new WAH training program.

The ministry has been accepting applications from training providers since January. The MOL's website lists Chief Prevention Office (CPO) - WAH approved training providers. The Ministry has approved seven training providers and there are over 200 instructors available to deliver the approved program. Please refer to the websites of approved training providers for details on these trainers and training dates, times, and locations. Over 600 training sessions are scheduled across Ontario. WAH is also being offered in a number of languages. More providers are in the final stages of the assessment process and will be posted to the Ministry's website as soon as they are approved.

With respect to enforcement of this new standard, the MOL indicated inspectors will use their judgment and exercise their enforcement discretion when they observe workers working at heights in an unsafe manner, or during a critical injury and fatality investigation. Inspectors also have the ability to issue time-based compliance plan orders where proof of training under the fall protection training requirements of Section 26.2 of O. Reg. 213/91 is provided but working at heights training has not been completed. As the demand for WAH training will be substantial over the coming weeks and months, the MOL is asking employers, who prefer certain CPO approved training organizations, to consider all CPO approved providers to ensure that workers receive their WAH training in a timely manner.

Upcoming April Events

COCA COO/Board Meeting
April 7, 2015
(Paul Gunning attending)

Take Advantage Of These FREE ONLINE April OEA WSIB Webinars

Copy the following URL to your browser to register as enrolment is limited:

<http://employeradviser.ca/en/Construction-Employer/News-Resources/Events/index.php>



Executive Director's Report (continued)

SIEF And Other Cost Reduction Tools Webinar

April 9, 2015 - 10:00 a.m. – 11:00 a.m. ET

Work Reintegration Webinar

April 16, 2015 - 10:00 a.m. – 11:00 a.m. ET

WSIB Classifications Webinar: A Trip Down The Rabbit Hole

April 21, 2015 - 10:00 a.m. – 11:00 p.m. ET

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

Thank You

Paul Gunning

Paul Gunning
Executive Director



The Mathews Dinsdale Minute



As probably all of you are aware, Tony Dean was appointed by the Ontario government to conduct a review of the College of Trades. As part of the review, interested parties were asked to make written submissions in response to a number of specific questions directed at areas of concern and controversy. Two areas that generated the most discussion were the scope of compulsory trades and the enforcement of the College's mandate.

All written submissions were to be received by the Dean Review no later than March 13, 2015. Not surprisingly, the review has garnered tremendous interest and generated a large number of written submissions. By the time you are reading this, the written submissions should be available on the internet at www.deanreview.com. Those who had provided written submissions were to be invited to make oral presentations to the Review Panel and it was expected initially that this process would be concluded by the end of April. It appears that due to the overwhelming number of submissions, the original scheduled date for the conclusion of the oral presentations has been extended to at least the end of May. Tony Dean's hope was that the process, including the final Report, would be done by October. It remains to be seen if that goal will be attained.

We shall keep you updated as the process evolves.

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