



# Acoustical Association Ontario

Volume 11 Issue 1 January 2016

*Provincial in scope ...*

*Provincial in outlook*

## *President's Annual Message*

The busy holiday period has passed and I do hope everyone enjoyed a warm Christmas and New Year's Day with family and friends. I would like to take this opportunity to wish each and every member a prosperous and Happy New Year.

The coming year will provide new challenges as well as opportunities for all of our members at AAO. With the New Year our focus will turn to the new provincial agreements with the Carpenters and Painters Unions that expire April 30, 2016. So again welcome to 2016 and may it find everyone well and prosperous.

Yours truly,

*Robert Troup*

President, AAO

## *Executive Director's Report*

### **WSIB Update**

The Ontario government's Bill 109 (The Employment and Labour Statute Law Amendment Act) received Royal Assent on December 10, 2015.

Bill 109 is comprised of three schedules, which amend three different labour and employment statutes: the *Fire Protection and Prevention Act, 1997*, the *Public Sector Labour Relations Transition Act, 1997* and the *Workplace Safety and Insurance Act*.

Of particular importance are changes to the Workplace Safety and Insurance Act. The changes include:

- Allowing Workplace Safety and Insurance Board (WSIB) survivor benefits to be calculated based on the average earnings, at the time of diagnosis, of the deceased worker's occupation rather than the current legislated minimum, which will potentially increase the amount of support survivors receive;
- **Prohibiting employers from trying to prevent workers from reporting workplace injury or illness to the WSIB by making it an offence to do so;**
- **Increasing maximum corporate penalties from \$100,000 to \$500,000 on conviction of an offence** under the *Workplace Safety and Insurance Act*, such as knowingly providing a false or misleading statement to the Board or willfully failing to inform the Board of a material change in circumstance in connection with an obligation of the employer under the Act within 10 days of the change; and,
- Require the WSIB Board of Directors to appoint a Fair Practices Commissioner to act as an ombudsman for injured workers, employers and WSIB service providers.

Increasing maximum corporate penalties will have some teeth now and employers who prefer to put their head in the sand will face stiffer penalties. The following convictions were under the prior maximum corporate penalty of \$100,000. What would they have been under the new maximum corporate penalty of \$500,000?

## *Executive Director's Report (continued)*

### **Failing to Notify WSIB of Accident**

On June 23, 2015, a construction employer pleaded guilty to two counts of failing to notify the Workplace Safety and Insurance Board within three days after learning of an accident to one of their employees. The construction employer was ordered by the Ontario Court of Justice to pay a fine of \$11,000, plus a 25% Victim Fine Surcharge, payable within 120 days.

### **Providing Inaccurate Wage Information to WSIB**

On June 2nd, 2015, an employer pleaded guilty to two counts of providing the Workplace Safety and Insurance Board with inaccurate statements of total wages earned by its workers. The company agreed to pay a fine of \$10,000 plus a Victim Fine Surcharge of 25% payable within one year.

### **Failing to Provide Statement to WSIB**

On April 22nd, 2015, an employer pleaded guilty to one count of failing to give the Workplace Safety and Insurance Board a statement setting out the total wages earned by all workers or premiums owed during the first and second quarters of 2013. A fine of \$5,000 was imposed and was paid immediately to the court.

## **Reminder - New Accessibility for Ontarians with Disabilities Act (AODA) Requirements Come Into Effect on January 1, 2016**

All members are to take note of employer responsibilities under the AODA in order to comply with the new requirements that come into effect January 1, 2016. The following links are provided to assist you:

If you have 1 - 49 employees:

**Train your staff** on Ontario's accessibility laws

**Make your feedback processes accessible** when asked

If you have 50+ employees:

**Make your employment practices accessible**

**Make your public information accessible**, when asked

For a complete list of your requirements and deadlines visit [ontario.ca/accessibility](http://ontario.ca/accessibility).

## **Reminder – New Joint Health and Safety Committee (JHSC) Certification Training To Come Into Effect March 1, 2016**

A Joint Health and Safety Committee (JHSC) is a committee of at least two persons, who represent the workers and the employer at a workplace. Their primary role is to identify workplace health and safety problems and bring them to the attention of the employer. Section 9 of the OHS Act requires a JHSC at:

- Any workplace that regularly employs 20 or more workers (Note: This includes an AAO members head office if they regularly employ 20 or more workers);
- Construction projects expected to last three months or longer with 20 or more workers (this includes AAO members where they are acting as constructor, such as a retrofit project);
- Any workplace (other than a construction project) to which a designated substance regulation applies;
- Any workplace where an order has been issued under OHS Act section 33, dealing with toxic substances; and
- Any workplace where the Minister of Labour orders one to be established.

Workplaces with more than five but less than 20 workers are not usually required to have a JHSC. Instead, workers must select a person from among themselves to be a health and safety representative.

*Executive Director's Report (continued)*

Subsection 9(12) of the OHS Act requires most workplaces with 20 or more workers to have at least one worker and one management person serve as **certified members** of a workplace Joint Health and Safety Committee (JHSC). This is applicable to construction project lasting three months or longer, however, only where there are 50 or more workers.

The Chief Prevention Officer (CPO) recently established new JHSC Certification Training Program and Provider Standards as well as new training and other requirements. This is similar to the new requirements for Working At Heights training where the program and provider must be approved by the MOL. The Standards and the training and other requirements (posted on the ministry website) will be effective **March 1, 2016**, which means that after that date: any JHSC members wishing to become certified must meet the new training and other requirements in order to be certified; and, training providers must be approved by the MOL to provide JHSC Certification programs that meet the new Standards.

In order to deliver JHSC Certification Training as of March 1, 2016, all training providers (including existing approved providers and potential providers) will need to apply to the MOL for CPO approval under the new JHSC Certification Training Standards starting October 1, 2015. Training providers approved under the new Standards may begin to deliver the new JHSC Certification training as of March 1, 2016. Training providers approved under the 1996 Standard can continue to provide JHSC training under the 1996 Standard until February 29, 2016. As of March 1, 2016, JHSC members who have completed only Part 1 under the 1996 Standard will have to complete Part 2 under the new Standards in order to be certified, and will be required to take Refresher training every 3 years to maintain their certification.

A list of all CPO-approved JHSC certification training providers will be posted to the Ministry of Labour (MOL) website in winter 2016 as they are approved.

**UPCOMING JANUARY EVENTS****EBA/Carpenters Bargaining Meeting**

January 11 – 14, 2016 (Robert Troup, Doug Smith, Domenico Filoso, Joe Liberman and Paul Gunning attending)

**UPCOMING OEA JANUARY WSIB WEBINARS**

Copy the following URL to your browser to register:

<http://www.employeradviser.ca/en/construction-employer/> (see right side "Upcoming Events")

**WSIB Proposed Preliminary Rate Framework** - January 7, 2016 - 10:00 a.m. – 11:00 p.m.

**Employer's Guide to Form 7** - January 14, 2016 - 10:00 a.m. – 11:00 p.m.

**Workplace Safety and Insurance Board (WSIB) Appeals** - January 21, 2016 - 10:00 a.m. – 11:00 p.m.

**MATHEWS DINSDALE ARCHIVED SESSION VIDEOS**

Copy the following URL to your browser to review archived session videos:

<http://www.mathewsdinsdale.com> and click on "Upcoming Seminars" at top.

**OHS in Canada: The Year in Review**

**AODA: Understanding Your 2016 Obligations**

**WSIB Rate Framework**

**Drill'in for Drugs...Drug and Alcohol Testing in Mining and Construction**

If you have any questions, please call me at 519-671-5930. ***To you and your family - All the best in 2016!***

Paul Gunning  
Executive Director