



Executive Director's Report



Canada

FEDERAL GOVERNMENT WILL NOT IMPOSE TAX ON EMPLOYER PAID HEALTH AND DENTAL BENEFITS

During the month of January, there were discussions that the Federal Government was considering adding Health & Dental benefits to the list of taxable items for individuals. This would have resulted in a large tax burden to all group benefits plan participants and would have been a significant tax imposition to employees if implemented by the Federal Government. In addition, some employers may have had to decide to scale back on their programs if the tax was implemented. A number of associations have come together to address this issue, including COCA.

In the House of Commons on February 1st, Prime Minister Trudeau declared that his government will NOT be imposing a tax on employer paid health and dental benefits. This decision by the government was the result of pressure put on the government by a large lobby group that included the CCA, COCA and the network of construction associations across the country.

UPDATE

FIRST FINE ISSUED FOR WORKPLACE VIOLENCE AND HARASSMENT - \$87,000

In October 2014, a Ministry of Labour (MOL) inspector attended at Oshawa City Hall where an employee of Federal Force Protection Agency had suffered a workplace injury. The inspector issued 10 orders – seven related to workplace violence and harassment. The inspector followed up with three phone calls to the employer as the orders became past due.

Then in March 2015, the inspector returned to the workplace to verify compliance and determined that the employer had not complied with the seven orders relating to workplace violence and harassment employer obligations.

The employer was prosecuted and on February 6, 2017 was found guilty and fined \$10,000 for each count of non-compliance plus a 25% victim surcharge totaling \$87,500. This is the first case that we are aware of dealing with prosecution on the workplace violence and harassment provisions of the OHSA.

The lesson from this case is that the MOL is taking the enforcement of workplace violence and harassment provisions seriously and is enforcing them strictly.

NEW WORKING AT HEIGHTS TRAINING DEADLINE APPROACHING

Working at heights training is the law in Ontario. IHSA recently launched a new advertising campaign aimed at reminding workers and construction companies about the upcoming deadline for working at heights training - April 1, 2017. All workers who work at heights in construction must be trained by this date using an approved training program.



Executive Director's Report (continued)

MOL RELEASES 2016 Fatality Information

The Ministry of Labour (MOL) has posted a new listing of workplace fatalities on its website, along with a series of safety-related resources so that it may assist in reducing some of these tragic events.

According to the ministry, the postings are intended to raise public and personal awareness of workplace hazards, fatal incidents, and occupational health and safety resources that can help Ontarians be more vigilant about workplace safety and prevent workplace injuries and fatalities. These are fatalities that occurred in regulated workplaces but any personal or identifying information has been removed. Please note that determinations with respect to the fatality have not been made.

Visit the new MOL fatality page at <https://www.labour.gov.on.ca/english/hs/fatalities.php>

MOL RELEASE REVISED NOISE GUIDELINE

On July 1, 2016, Regulation 381 – Noise, came into force for construction projects. Previous to this, construction was exempt. The new regulation requires employers to protect workers from overexposure to noise in the workplace. In December 2016, the Ministry of Labour issued a revised noise guideline to assist workplaces in complying with the new requirements. Please visit the following link to obtain the guideline: <https://www.labour.gov.on.ca/english/hs/pubs/noise/>

UPCOMING MARCH 2017 EVENTS

IHSA Drywall Labour-Management Committee Meeting

March 9, 2017

(Paul Gunning attending)

AWCI Annual Convention and INTEX EXPO March 26 – 30, 2017 Las Vegas

UPCOMING Mathews Dinsdale Seminars/Webinars

Copy the following URL to your browser to register for new sessions or review archived session videos:

<http://www.mathewsdinsdale.com> (see right side)

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

Paul Gunning
Executive Director

The Mathews Dinsdale Minute



Back to a topic of wide and ongoing debate in the Province of Ontario for the last number of years: the Ontario College of Trades and how it should or should not function.

You may find it hard to believe, but the first idea/version/edition of the Ontario College of Trades was launched in 2013. Many concerns have come to light in that time, largely revolving around issues such as compulsory (and the fees that go with it) and non-compulsory trades and scope of practice issues and enforcement, especially in light of the long and complicated history relating to work jurisdiction in Ontario and identifying relevant or irrelevant trades. The confusion that set in led to the Tony Dean report being commissioned 2 years ago, and the report that resulted, and the wide ranging amendments to OCOT arising from Bill 70.

On February 21st, 2017, an article in the Daily Commercial New carried the headline “OCOT Has Turned the Corner, Says Chair.” In that article, the chair of OCOT was quoted as saying the following:

- “Once people understand what the college does, we are going to look after their scopes...”
- that in the future OCOT will clearly define the scopes of practice of each trade and document overlaps that will “take away a lot of those arguments and discussions out there”
- that trades should not be making side deals between themselves about scopes of practice and that “It is not safe for the public if people are making agreements especially if the agreements include people doing compulsory trades work... once we get the proper scopes, once we recognize that there are overlaps, if they want to do overlaps, do them in here (OCOT).”

The problem with this approach is that it starts to look like a continuation of the old dispute. Should jurisdictional issues arise under the Scopes of Practice and be subject to Ministry Inspections and/or orders or should they be referred to the Labour Relations Board and its long history of jurisdictional dispute resolution? The one thing that all of Ontario should know well is that questions of jurisdiction are complicated and involve a long history of work performance, work and task characterization, and many work jurisdiction agreements that have, in many cases, served the industry very well. Further, the context of the work can be important and, with ever new technology for performing the work, the fight to get to do that work is a continuing one.

Reconciling all these pieces is something that OCOT and the construction industry in Ontario seem bound to continue to wrestle with.