Acoustical Association Ontario

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Provincial in scope ...

Provincial in outlook

Executive Director's Report

UPDATE-CHRONIC MENTAL STRESS

In our last newsletter, we discussed significant legislation that is coming January 1 2018, compensation of work-related chronic mental stress and that the WSIB was accepting public input.

COCA (AAO) has submitted their comments that were due on July 7th.There were a total of 92 submissions. Obviously, there are significant differences of opinion between employers and labour. The main issue raised by employers was the complex issue of proper adjudication when there are additional stressors outside the work environment. Employers felt that compensating workers whose stress is caused only in part by the workplace and in part by other external stressors represented an inappropriate extension of the WSIB's mandate. The connection to the workplace must be the predominant contributor, not just a substantial contributor as presented in the WSIB policy. AAO will continue to monitor and provide feedback.

NEW FEDERAL LABOUR CODE

The Federal government announced recently that, as part of the federal government's comprehensive ban on asbestos, it is enhancing the Canada Labour Code for workers by lowering exposure to airborne chrysotile asbestos to as close to zero as possible, a key element of the government's comprehensive ban on asbestos.

The changes to occupational health and safety regulations on asbestos come into force immediately. According to government officials, they will significantly lower the risk of workers coming into contact with asbestos in the workplace, while ensuring consistency with most provincial and territorial regulations for airborne asbestos fibre.

The new regulatory provisions include an asbestos exposure management program, which requires employers to provide education and training for employees involved in asbestos-related work such as the handling, removal, repair or disturbance of asbestos-containing materials.

In addition to the amendments to occupational health and safety regulations, the broader strategy to ban asbestos and asbestos-containing products by 2018 includes new regulations under the Canadian Environmental Protection Act, updates to national building codes to prohibit the use of asbestos in new construction and renovation projects across Canada, and support for listing chrysotile asbestos to the Rotterdam Convention as a hazardous material.

The new regulatory provisions will apply to construction activities on all federal projects.

AAO has contacted the Federal Labour Program to obtain the regulation and will forward to all.

Executive Director's Report (continued)

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)

WSIB Rate Framework - September 14, 2017

An Update on Ontario's Proposed Changes to Employment and Labour Laws - September 20, 2017

Wrongful Dismissal Update - October 17, 2017

CAD-7 Experience Rating for Employers - November 8, 2017

OHS in Canada: The Year in Review 2017 - November 16, 2017

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

Paul Gunning
Executive Director

The Mathews Dinsdale Minute

In late June, the Ministry of Labour ("MOL") and the Ontario College of Trades (the "College") posted proposed regulations designed to implement some of the changes required by the December 2016 amendments to the *Ontario College of Trades and Apprenticeship Act ("OCTAA")*. As with everything else in and around the OCTAA, these regulations appear to be raising new questions even as they try to answer pre-existing ones.

The MOL regulations set out the process for that is to be used by classification panels to classify or re-classify trades and to determine which tasks that are listed within a trade's Scope of Practice ("SOP") should be restricted to just that trade.

It is the SOP area about which we are writing. Review of the OCTAA was triggered, in large part, after increased enforcement of the SOPs led to inspectors making jurisdictional dispute like decisions based solely on those SOPs. Unfortunately, trade jurisdictional claims are not water tight compartments. There is lots of overlap and the claims, and work site practices, don't line up with the letter of the SOPs. This led to conflict and, quite frankly, jockeying for position in the ongoing battle over "who gets what work." All of this was taking place outside the jurisdictional dispute provisions of the *Labour Relations Act,* which are uniquely designed to resolve jurisdictional issues.

While the MOL regulations talk about how a review panel will make its decisions, the College's regulations talk about how issues will arrive before a review panel. What is crucial here, in dealing with SOPs, is that he College's regulations state that only a Trade Board can request that a specific practice in its SOP be "de-designated", thereby removing it from College enforcement.

If the idea of being able to seek de-designation is to clean up some of this confusion and overlap and to provide flexibility as workplace practices evolve in the future, then an obvious issue arises if only a Trade Board can seek to "de-designate" a particular practice. This proposed process relies on a Trade Board to request that its claim under the SOPs to particular work be removed. If the idea is to identify and resolve conflicts by removing works tasks, making it dependent solely on the Trade Board making the request wouldn't appear to be that way to achieve the goal.