



Acoustical Association Ontario

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Provincial in scope ...

Provincial in outlook

AAO's 2010 Executive Board

At the Annual General Meeting (AGM), held in Ottawa on June 14th, the following Directors, Area Representatives and Senior Advisors were acclaimed:

Directors

Dan Donovan, Kanata
Nat Figliano, Concord
Domenico Filoso, Ottawa
Carmine Giamberardino, Nepean
Dave Gibson, Gloucester
Bob Grassing, Waterloo
Robert Macdonald, London
Douglas Smith, Hamilton
Robert Troup, Windsor

Area Representatives

Forese Bertoia Jr., Kingston
Rick Kok, Oshawa

Senior Advisors

Jack Donovan, Ottawa
Don Sutherland, Ottawa

In addition, the Directors elected the following Officers for the ensuing year:

President	Carmine Giamberardino, Nepean
Vice President	Douglas Smith, Hamilton
Treasurer	Nat Figliano, Concord

WSIB Advisory Committee Operating



The recently formed "Construction Advisory Committee" (CAC) of the Workplace Safety Insurance Board (WSIB) is now operating in full swing. In March of this year, WSIB Chair, Steve Mahoney, established a taskforce to help re-shape and develop a fiscally sound foundation for the WSIB. In part, the task force recommended that advisory committees be formed to assist in finding workable solutions for WSIB issues related to, for example, Experience Rating, Accreditation and a new workable model for Premium Rates.

The CAC is now tackling these issues and is currently focusing on labour market re-entry, return to work processes and, of course, experience rating. Mahoney noted that input from the Advisory Committee on plans to look at getting primary service providers back in-house with the WSIB will be welcomed. He explained that primary service providers conduct the analysis of a workers skills, needs and training requirements. "We really feel strongly that the WSIB needs to have a hands-on approach to in the workplace to try and determine what needs to be done," said Mahoney. He outlined that it takes two years before someone is referred to a labour market re-entry program. It was his contention that after two years the chances of getting a work back into the work force were "slim to none."

The Mathews Dinsdale Minute



As specialty contractors, you are in an awkward position, with your company's work taking place on property that you do not control. Access to that property, and therefore the work, depends on the general contractor or owner (hereafter the "customer") allowing your people on the site. Historically, when customers ban someone from the site, there is nothing you can do. You can't force them to grant access to someone they don't want on site. Therefore, if you legitimately have no further work in your organization at any other site the "banned" employee is laid off.

But what happens if the customer consults with you before they issue a site ban? What if they ask you if you have any information about the employee in question? In a recent case, the Labour Relations Board looked directly at this question. In the case at hand, the customer had concerns about two employees on site and asked the employer's representative if they had any information to provide. The representative of the employer responded by providing certain information which, when combined with the information already in the possession of the customer, led to site bans.

The Union took the position that the employer had secured or arranged the site bans by providing the information and, therefore, that the removal from site was reviewable on a "just cause" basis. The Labour Relations Board, fortunately, disagreed. However, the Board also concluded that in providing information to the customer, the Employer had an obligation to ensure that it honestly believed that "the information is true" and to "provide only the information that is relevant to the legitimate issues raised" by the customer. The Board stated that as long as the "Employer's conclusions are objectively reasonable" with respect to the concerns about the individual employees it will have satisfied the requirements in passing that information on when asked by its customer.

What does this mean for you? If you are discussing individual employees with your customer in any way (with reference to incidents or performance) make sure you are basing your portion of the discussion on what you reasonably believe to be facts that are relevant to the discussion. The Board, in this recent decision, indicated a willingness to look behind the existence of a site ban in examining the layoff to ensure that it wasn't orchestrated by, or unfairly and improperly contributed to by the Employer. This is significant, because the individual employee can't be sent back to the third party's site, but could be out of work accruing damages. In these types of discussions, it will be essential for you to be sure you have a leg to stand on.

