

# Canadian Farm Builders Association

## CFBA Tony Dean Review Submission – Preamble Letter

March 9, 2015

The CFBA is pleased to provide comments and contribute to the Dean Review of OCoT and specifically the limited scope within the Dean Review terms of reference.

The membership of the CFBA is supportive of efforts within government and industry that encourage more participation in the Skilled Trades. The construction industry and the public interest will benefit from a larger pool of Skilled Trades.

We have attempted to answer the questions presented to us by your Review process. We answered your prescribed questions, but did so knowing that other issues should also be addressed. We hope you will appreciate and take into account the limits of our small Association's resources with our submission. We are committed to supporting our membership by communicating our opinions and concerns for this very important review of OCoT. Your recommendations are absolutely critical to our members in the construction industry. Your decisions can have a very positive impact on our members' ability to serve the public interest. We are concerned that the wrong recommendations will have a very real and dramatic negative impact on the lives of many contractors, their employees, the existing Skilled trades and the industry as a whole. We will expect nothing less than your very best efforts in your deliberations. Based on your reputation to be an independent observer and unbiased in your efforts to produce a document to reflect the changes needed at OCoT to serve the public interest, we believe we are in good hands.

The contents of this submission are the cumulative comments from our membership, as summarised by the Board of Directors. We hope that you will appreciate that the contents represent the opinions and concerns of the actual contractors, who in our Association are mostly smaller firms, most of whom are contractors, who work with many of the Skilled Trades. It is our membership that will benefit or be harmed by the recommendations of this Review. This is where the actual work in construction is done. We are not representing large corporations, organized labour or any other interests, but the small business

person, their employees and their families. We work in smaller towns, mostly in a non-union environment, with Skilled Trades, who are critical to every construction project. Skilled trades in our industry are highly qualified, and are often employed by several contractors due to the population base and the geographical distances involved. Any change in the way Skilled Trades are regulated will have immediate repercussions for our industry. Especially in the rural areas. We are therefore very sensitive to how OCoT will impose itself in the workplace.

It should be noted that based on the information provided by Build Force Canada, that 70% of non-residential construction firms in Canada have five employees or less. In the residential sector the percentage is a staggering 90%. These are the people that the Dean Review should not forget when reviewing OCoT's intrusion into the workplace. OCoT will not be an academic or remote agency in our industry if it is given overreaching or duplicating powers. This Review should be aware of this fact. OCoT must remain true to its mandate....which in our opinion is limited to promoting Skilled trades, ensuring the trades are highly qualified, and enforcing the Compulsory trades. Further, it should be noted that larger corporate construction firms are typically general contractors and do not have large numbers of workers. They will employ these small contractors to do their work. The large general contractors have different self interests to serve, which may not reflect the needs of the people who are doing the actual construction jobs. Organized labour, in our opinion, has only one motivation, which is to increase their share of the labour market for the benefit of their members. We understand that this is their objective, but it does not respect the mandate of OCoT, which is to serve the "public interest". We do not dispute their right to represent their members, but we hope that the Review will weigh their input within this parameter. We suspect they will use the "Trojan Horse" called "safety"; to disguise their need to cure their internal issues using OCoT to solve their problems. This is not in the public interest. This review should take it as a given that everyone comes to the table fully committed to safety within the construction industry. There is a presumption by many that OCoT is biased towards organized labour and the larger corporations in the construction industry. This is OCoT's Achilles heel and should not be reinforced by the Dean recommendations.

The construction industry continues to contribute to the Gross National Product by half a percent more than the National average as reported by BuildForce for the year 2013. Construction in Ontario represents approximately 34% of the Canadian construction industry. From 1996 to 2013 the construction industry added approximately 600,000 new job across all construction sectors in Canada. We wish to point out these facts to reinforce that the construction industry is alive and well. It is an economic force that contributes significantly to the economic health of both Ontario and Canada. At the present time there are Skilled trades, both compulsory and voluntary; there is an enforcement of the compulsory trades; and there are new people entering the Skilled Trades for construction. There is a long and successful infrastructure for the training of new tradespersons with the Ministry of College and Universities. OCoT should be actively involved in increasing the opportunities for new people to enter the Skilled trades, ensuring high standards are met for Certified graduates, especially for Compulsory trades, and to look after compliance. We believe enforcement of the Compulsory trades should be done by upgrading the existing infrastructure at the Ministry of Labour, which would train their present roster of inspectors. Since OCoT is only responsible to ensure Compulsory trade compliance in the workplace, this is a simple task for the present MoL staff to perform. This would save huge costs and would serve the public interest in terms of compliance enforcement and save the public literally millions of dollars. It appears to us that by creating a whole new bureaucracy to duplicate a service that can be easily done by an existing agency of government; OCoT is not serving the public interest. It is self-serving to create an OCoT enforcement staff when it could simply “piggy back” on the Ministry of Labour existing structure.

The CFBA believes that Safety is the priority for any construction firm, worker, and for the general public. OCoT should not interfere with any regime already in place with respect to workplace safety. The very comprehensive safety regulations, safety training, inspection and enforcement has a long history of development in its application at the workplace and is an integral part of every workplace and construction firm’s daily operations. “SAFETY IS OUR NUMBER ONE PRIORITY” is not just a nice slogan, it is part of every construction company’s everyday responsibilities. This elaborate and detailed system for promoting and enforcing safety should not be disturbed by the intrusion of another agency. Such

duplication would guarantee a serious problem of overlapping regulations, enforcement, and uniformity in application. It does not serve the public interest in any way for OCoT to get into safety inspections at the workplace. Please leave well enough alone. We have a system that works. Do not fix what is not broken. Contractors cannot serve two masters.

We understand that the Dean Review has a limited mandate. No one less than the Chair of OCoT, Mr. Ron Johnson, stated in the Daily Commercial News that, “this review is only for a small part of the College”. We at the CFBA are disappointed that the Dean Review is not able to make recommendations on other issues, especially Ratios and how they are developed. Ratios are a huge issue in the construction industry for the free flow of labour, the ability to accommodate apprentice training, and the potential of workplace efficiencies being unduly controlled by inappropriate ratios. We hope that the prestige and solid reputation of Mr. Dean is not being used by Government, or OCoT, to limit critical comment from industry stakeholders. The College should be given praise for recognizing it had to make changes to address growing pains. It is disappointing the talents of Mr. Dean and his staff were given a short leash to review OCoT. The review should have allowed for other construction industry concerns that go beyond the mandate given to Mr. Dean. Perhaps the Dean Review will feel compelled to highlight those concerns which are a common thread through the stakeholder submissions.

CFBA would also suggest that OCoT set the construction industry as a separate industry sector, to respond to the unique needs of construction. Construction depends entirely on the interdependence of all trades, compulsory or volunteer, for production efficiencies, safety at the workplace, and mobility of labour scheduling. Only in construction do these unique conditions exist. The interdependence of all trades to work as a team during construction is in large measure the difference between a successful project and a failed one. OCoT has a duty to ensure that all certified tradespersons are qualified when they graduate. The College of Trades however should not interfere with the business of managing a project or the processes of construction at the workplace through legislating scopes of practise.

Finally, we believe the core issues that should be addressed by the Dean Review are:

1. The process that decides if a trade should be compulsory
  - a. The threshold for accepting an application for changing its designation
  - b. The standard which determines if it is in the public interest
  - c. The need for research, evidence, to demonstrate it is in the public interest
  - d. The decision process cannot be limited to stakeholder submissions
  - e. The Board of Governors shall make the decision to approve all applications
  - f. The Board of Governors shall review all Trade Board decisions
  - g. There shall be an appeals process for stakeholders
  
2. The creation of Scopes of Practice:
  - a. Who creates the Sop's?
    - i. Stakeholder input
    - ii. OCoT evidence and research input
    - iii. Broad support from the industry must be demonstrated
  - b. All SoP's shall be approved.
    - i. By OCoT SoP's committees
    - ii. Trade Board reviews and recommendations
    - iii. Board of Governors for final approval
  - c. There should be a mandated review period for all SoP's.
    - i. To review the success of the SoP's after a defined period
    - ii. To adapt to new technologies and workplace changes
    - iii. To be consistent with new regulations and legislation
    - iv. To be a dynamic set of guidelines to meet industry needs.

We appreciate the opportunity to participate in the Dean OCoT Review. Our hope is that OCoT will become more able to serve the public interest because of the Review recommendations. As suggested in our submission, OCoT is replacing or

duplicating services already at play in the construction industry. The great concern is that OCoT, perhaps unintentionally, will be a very destructive force as it attempts to position itself in the construction industry for it's own benefit at the expense of the public interest. If there is any way that the CFBA can assist the Review, please do not hesitate to contact us. With a healthy dose of cautious optimism, we are hopeful that the Dean review will have a positive impact on OCoT and therefore for our industry, our consumers, and the public interest.

Best wishes for success in your efforts.

This submission was approved by the CFBA Board of Directors.

Thank you.