

November 2016

## In the November Update

- COCA Makes Another Submission on CLA Reform
- Compulsory Trades Oppose OCTAA Amendments
- WSIB Board Approves Rate Framework and Non-Exempt Construction EO
- Schedule 16 Stirs Up Opposition
- By Election Results

### ***COCA MAKES ANOTHER SUBMISSION ON CLA REFORM***

Further to a request made by Attorney General Yasir Naqvi at a meeting with COCA representatives on October 24th, COCA's Construction Lien Act Task Force took a fine tooth comb to the Reynolds/Vogel Report to look for gaps and unintended consequences and made a third submission on November 21st. That submission will be considered by COCA's board of directors at its upcoming meeting.

It is our understanding that Minister Naqvi will consider feedback from stakeholders and create a legislative framework which he will present to cabinet early in 2017 to seek approval to go ahead and draft a Bill for introduction into the Legislature in the spring session.

### ***COMPULSORY TRADES OPPOSE OCTAA AMENDMENTS***

Schedule 17 of Bill 70 amends the Ontario College of Trades and Apprenticeship Act. Readers of this report will be aware that the compulsory trades were not happy with the recommendations made by Tony Dean in his report "Supporting a Strong and Sustainable Ontario College of Trades". They were particularly opposed to Dean's recommendations relating to enforcement. As a consequence, the responsibility for administrative oversight of the Ontario College of Trades and Apprenticeship Act was transferred from MTCU (now MAESD) to the MoL and then the MoL engaged former Minister of Labour Chris Bentley to conduct a further study of the contentious issues. It appears that Bentley came to the same conclusions as Dean as the Bill 70 amendments to the OCTAA are generally in line with Dean's thinking. Needless to say, the compulsory trades are seriously riled.

### ***WSIB BOARD APPROVES RATE FRAMEWORK AND NON-EXEMPT CONSTRUCTION EO***

The following is copied from a letter we received from WSIB Chair, Elizabeth Witmer and President & CEO Tom Teahen,

"On November 14, the WSIB's Board of Directors approved the Rate Framework. In addition, it also approved, in principle, maintaining a separate premium rate for non-exempt executive officers and partners in construction, subject to further research and stakeholder engagement, as well as determining a recommended implementation approach, including an associated risk analysis." COCA lobbied hard and we will keep the pressure on to preserve fair treatment of non-exempt construction EOs with a premium rate that properly reflects the risk they represent to the system.

## ***SCHEDULE 16 STIRS UP OPPOSITION***

*Bill 70, Building Ontario Up for Everyone Act (Budget Measures), 2016* is the Government Bill coming out of the Finance Minister Charles Sousa's Fall Economic Statement. Among the headline elements of the Fall Economic Statement were:

- The one-time refund of land transfer tax of up to \$4,000 for first time home buyers
- Increasing the land transfer tax on the portion of a home price over \$2-million from 2% to 2.5% and increasing the land transfer tax on the portion of the purchase price of non-home properties over \$400,000 from 1.5 per cent to 2 per cent.
- Balancing the budget in 2017-18

The Bill amends 26 statutes in total including the Occupational Health and Safety Act in Schedule 16 of the Bill.

Surprisingly, Schedule 16 has caused quite a stir with the opposition NDP. Schedule 16 provides the Chief Prevention Officer in the Ministry of Labour with the authority to accredit health and safety management systems, and give recognition to employers who use accredited health and safety management systems. The Chief Prevention Officer is also given the authority to establish standards and criteria that must be met by health and safety management systems or employers in order to receive accreditation or recognition.

The discussion among the WSIB (in the pre Bill 160 days), the Minister of Labour's Prevention Office (in the post Bill 160 days) and employers about accreditation has been going on for at least 15 years. It was a simple oversight that the authority to offer accreditation on a voluntary basis for workplaces that met the very highest gold standard of health and safety management excellence was not included in Bill 160. COCA has applied to make a presentation at the public hearings on the Bill to make the case for safer workplaces in Ontario through Accreditation.

## ***BY ELECTION RESULTS***

As reported earlier, the Liberals hung onto the Ottawa-Vanier riding with a strong showing. Results were Liberals 48%, PCs 30% NDP 15%, Greens 3%. It wasn't the close contest that some over enthusiastic Tories were expecting.

In Tim Hudak's former riding of Niagara West—Glanbrook, as expected the PCs held the riding winning 54% of the vote, Liberals 15%, the NDP 24% and the Greens 3%