



# Ontario Construction Users Council

## MINUTES OF COUNCIL MEETING – June 16, 2017

Location: 5110 Creebank Road, Mississauga, ON

### **Member:**

Eric Hopkins	Metrolinx
Michael Nieznalshi	Toronto Transit Commission
Danny Chui	Exhibition Place, City of Toronto
Robin Granger	Ontario Power Generation
Ian Worte	Ontario Construction Secretariat
Wayne Peterson	CECCO-Construction Employers Coordinating Council
David Gardner	Pinchin Ltd
Ian Cunningham	COCA – Council of Ontario Construction Associations

### **Guest:**

John Vand Dolen	Ministry of Labour
Eric Yapp	Crawford Compliance
Paulina Barnes	The State Group
Michael Zacks	Office of the Employer Adviser

### **1. Welcome and Introduction**

OCUC Chair Eric H started the meeting at 8:50 AM and welcomed everyone to the council meeting.

### **2. Approval of Agenda**

Agenda was emailed to all members over a week ago and no new item was introduced. **Motion to approve the June 16, 2017 Council agenda; Moved by Ian C and Seconded by Robin G. Motion carried.**

### **3. Approval of Council Minutes**

Minutes were sent to all members by emails over a week ago and no comment was received. **Motion to approve the April 7, 2017 Council minutes; Moved by Ian C and Seconded by Ian W. Motion carried.**

**Note: Minutes are generally posted on the OCUC website [www.theocuc.com](http://www.theocuc.com) after they were approved.**

### **4. Presentation I:**

#### **John Vander Dolen – Ministry of Labour Update –Director, Prevention Office**

John is currently Special Policy Advisor in the Prevention Office of the Ministry of Labour where he advises the Chief Prevention Officer and other Directors on the implementation of the Expert Panel recommendations as well as leading the implementation of special projects. Prior to that, John was the Director of the Occupational Health and Safety System Review Project Secretariat, which supported the 2010 review of Ontario's occupational health and safety system as well as serving as Director of Health and Safety Policy and Program Development Branch of the Ministry of Labour for ten years. He has been with the Ministry of Labour for over 30 years, and has held numerous other positions in the Operations Division of the ministry in

operational policy development and field enforcement. John's update included the following topics:

- Working at height;
- Health and safety in construction work place in Ontario;
- Accreditation;
- Proposing a voluntary OHS accreditation standard;
- Accreditation next step; and
- 2017 construction enforcement.

John was being asked to return in September for the MOL Consultation session.

## **5. Subcommittee Reports**

### **5.1 Education**

There was no update from U of T on the joint submission with OCUC to MOL/WSIB for funding on construction health and safety research. WSIB will not give out any feed back until the day of the announcement.

### **5.2 Health and Safety**

A. Michael N mentioned that working at heights training deadline April 1 – one day training on theory and hand on training – was postponed to October 1, 2017. 160 companies were approved as providers who can provide training services; MOL blitzes in June and July – supervisor awareness and accountability;

B. MOL Report to PLMHSC for May 2017 in June meeting:

Section 1: Month Fatalities was 1 in May, Critical Injuries was 18;

Section 2: MOL Current Event: There were 12 items on the list;

Section 3: MOL prosecution cases:

Court Case 1 – Steve Bell, Fined \$10,000 for failure to follow safety rules; Reason – failing as an employer to ensure a worker was adequately protected from falling. The worker should have been using a travel restraint system, fall-restricting system, fall arrest system or a safety net.

Section 4: Year-to-Date accumulated Fatalities are 7 and Critical Injuries are 88 as compared to 2016 were 4 and 40.

Critical Injuries by sector: Highway & Road Construction - 1; Single Family Housing - 4; Institutional Building Construction - 1; Commercial Building Constructions - 3; Apartment & Other Multiple Housing - 1; Subway - 1; Asphalt Paving - 2; Not elsewhere captured construction - 2; Construction premises - 1; and Sewer/Water main Construction - 1.

### **5.3 Labour Relations**

No report

### **5.4 Recruitment and Board Report**

There will be effort to this area when WSIB approves the research paper for UT and OCUC, for which Brenda is still waiting. The introduction letter which is now being revised will soon be used to send to potential members

**The above committee verbal reports were for information only the minutes of the meeting would normally be posted in the OCUC website.**

## **6 Presentations II**

### **6.1 Michael Sacks – MOL – Office of the Employer Advisor Update**

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Michael Zacks is the Acting Director of the Office of the Employer Adviser, and has been the OEA's General Counsel since 1993. Previously he was the Director of Legal Services at the Workers' Compensation Board, and the General Counsel and Director of Legal Services for the Ontario Ombudsman's Office. Michael is a former Chair of the Ontario Bar Association Workers' Compensation Section, and is a regular presenter at legal education conferences on workers' compensation, and to many groups such as OCUC on a variety of workers' compensation and related topics.

Michael's presentation today focused on two topics: A) Funding Framework; and B) Chronic Mental Stress.

A: He advised that there will be a New classification system, New single prospective experience rating system, and End of most multiple rate groups (RGs) and that this was approved by WSIB board of directors for Jan 1, 2019 implementation, and more likely Jan 1, 2020. The new classification structure is to simpler it to be based on the North American Industry Classification System (NAICS) codes to replace the current RG model with 9 Schedule 1 Classes; (175+ RGs, 800+ classification units and 34 NAICS based classes). Class assignment will be based on predominant business activity. These are: Residential, Masonry, and Roofing. There will be no surcharge nor rebate in the new system. The characteristics of the new system are: risk banding; lengthened experience rating window; SIEF will continues; fatal claim-recommending to use the rolling five year average cost of fatalities across Schedule 1, in place of the actual cost of a fatal claim long latency occupational; Long Latency Occupational Disease; RG 755 option eliminated – Executive Offices.

B: Chronic Mental Stress - Entitlement in Play - Bill 163 – presumptive PTSD leg for first responders and Bill 127 – allows entitlement for chronic mental stress claims. The purpose of Bill 163: Provides a presumption for 12 specified groups of workers that their PTSD condition arose out of and in the course of employment, or if worker not entitled to presumption, then s. 13 PTSD stream applies. But the PTSD is not compensable if it was caused by employer HR actions. S. 13 WSIA -- Mental Stress Provision: To have entitlement the mental stress must be: An acute reaction, To a sudden and unexpected, Traumatic event, and Arising out of and in the course of employment. It is distinction between TMS (Traumatic Mental Stress) and CMS (Chronical Mental Stress); This proposal is still on consultation on draft form of the MS policy. Before a mental stress claim adjudicated must be a DSM diagnosis which may include, but not limited to: acute stress disorder; posttraumatic stress disorder; adjustment disorder; and an anxiety or depressive disorder. The issues WSIB has to Consider: choosing significant contribution not predominant cause as test for work relatedness; relying on extensively on family doctors not psychologist / psychiatrist as diagnostician; and focusing on RTW soon after diagnosis made.

**7 New Business**  
**No new business to report**

**8 Adjournment – Moved by Ian W at 12:05 PM**

**NOTE: The above minutes were intended to reflect only the general discussions at the time in the meeting; however, they may not necessary had been recorded fully what were discussed. Please contact Danny Chui within 72 hours to report any discrepancy after receiving these minutes.**

**Minutes prepared by:**  
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