

November 2020

What's Inside

Clarification of Health and Safety Requirements

WSIB Operational Review

COCA Provides Advice to the Government's Skilled Trades Panel

Youth Apprenticeship Task Force Hard at Work

No Solution Yet for Unnecessarily High Maximum Insurable Earnings Ceiling for 2020

Ontario Dispute Adjudication for Construction Contracts Update

WSIB Small Business Health and Safety Leadership Awards

Latest Stats on the WSIB's Health and Safety Excellence Program

WSIB COVID 19 Claims

CLARIFICATION OF HEALTH AND SAFETY REQUIREMENTS

There may have been some mixed messages about the requirements for active pre-entry workplace screening and mandatory COVID 19 Safety Plans.

Here is the latest clarification from officials in the Ministry of Labour Training and Skills Development on COVID 19 workplace safety plans:

- All businesses in the grey zone (lockdown) must have COVID 19 workplace safety plans
- Restaurants, bars, food & drink establishments, sports & recreation facilities, meeting & event spaces, malls, personal care services, casinos, bingo halls & gaming establishments, cinemas and performing arts facilities must have COVID 19 workplace safety plans IF they are located in a Yellow, Orange or Red Zone

Here's the lowdown on mandatory active pre-entry workplace screening. "Active" does not have to be in-person, face-to-face screening but it must be active. Workers can submit the required information remotely online or on an app but it must be reviewed and evaluated by someone before the worker can access the job site.

WSIB OPERATIONAL REVIEW

The report of a review of the WSIB's operations commissioned by the Ministry of Labour Training and Skills Development and conducted by Sean Spears and Linda Regner Dykeman was recently made public. The report makes 25 recommendations, many which COCA supports. However, the one that may get the greatest push back from employers is the recommendation for a regulation prescribing a funding corridor of 115% to 125% for the period 2020 to 2025 when it should be reviewed. Appreciating that the WSIB has in the past operated with significantly lower funding levels and believing that these surplus monies are better deployed by employers rather than sitting in the WSIB's investment account, COCA had recommended a much lower funding corridor to the reviewers. We are waiting to hear from the Ministry about its go forward plans for the report's recommendations.

COCA PROVIDES ADVICE TO THE GOVERNMENT'S SKILLED TRADES PANEL

COCA's Skilled Trades Committee submitted its advice to the government's Skilled Trades Panel on the first phase of the Panel's work. Among the COCA Committee's recommendations was one calling for creation of a single stewardship organization outside the ranks of the government to oversee the province's skilled trades and apprenticeship system.

YOUTH APPRENTICESHIP TASK FORCE HARD AT WORK

Under the capable leadership of Margaret Taylor, the Youth Apprenticeship Task Force is hard at work developing its submissions to the Ministry of Labour Training and Skills Development's Apprenticeship Youth Advisors. The group has had two meetings already and will be videoconferencing with the Youth Advisors on Friday, December 4, 2020.

NO SOLUTION YET FOR UNNECESSARILY HIGH MAXIMUM INSURABLE EARNINGS CEILING FOR 2020

As reported in earlier editions of COCA newsletters, the WSIB's maximum insurable earnings ceiling for 2021 is unnecessarily high. It is an amount that's determined by a formula in the Workplace Safety and Insurance Act so it's not an easy fix. We continue to press the Ministry of Labour Training and Skills Development to find a solution that will lower the ceiling to a more appropriate level. Otherwise construction employers will be paying for surplus insurance that's not needed.

ONTARIO DISPUTE ADJUDICATION FOR CONSTRUCTION CONTRACTS UPDATE

According to information provided to COCA by ODACC, as of November 24, 2020, 48 adjudications have been commenced, there have been 14 certified determinations and there are 6 active files. There are currently 66 adjudicators on ODACC's roster with another training course on December 7th & 8th with 20 registered participants.

ODACC's first Annual Report for the year ended July 31, 2020 can be found at

<https://odacc.ca/wp-content/uploads/2020/10/ODACC-2020-Annual-Report-.pdf>

WSIB SMALL BUSINESS HEALTH AND SAFETY LEADERSHIP AWARDS

The WSIB held its virtual Small Business Health and Safety Leadership Awards ceremony on November 24, 2020. At the request of the WSIB, COCA implemented a program to encourage its member associations to proactively encourage and help where needed their member companies to nominate themselves. Award recipients are:

- Gold level – Brick & Co. Restoration Ltd, Kitchener \$5,000 (a GVCA member company)
- Silver level – Albany Retirement Village, Petrolia, \$3,000
- Bronze level – Ron H. Williams Drainage Inc., Listowel, \$2,000

LATEST STATS ON THE WSIB'S HEALTH AND SAFETY EXCELLENCE PROGRAM

As of Nov 24, 101% of the target for 2020 enrollment target was achieved with 2017 businesses enrolled. 568 businesses in the construction sector enrolled, 58 at foundations level, 242 at intermediate, and 238 at advanced. 186 are small (50 FTE or less), 57 are medium (51 – 100 FTE) and 324 are large (100+ FTE). There are currently 34 approved providers, 25 of which serve the construction sector. 78 construction employers completed the culture survey as of Oct with an average score of 3.10 which is at the optimize level. Scoring legend - scores of 3.0-4.0 are in the optimize level, 2.0-2.9 are in the Improve level and scores of less than 2.0 are in the need help category.

WSIB COVID 19 CLAIMS

It appears that the elevated precautions embraced by the construction industry to combat the spread of the novel coronavirus on jobsites has been highly effective. As of November 27, 2020 the WSIB in total had approved 6,953 claims, denied 1,507 claims with 889 claims still pending a decision. In construction, Class G4 had 9 claims approved, 9 claims not approved with less than 5 claims pending a decision. There have been 18 claims approved in Class G 3, less than 5 claims denied and less than 5 claims waiting for a decision. There are the only claims from our industry. When you consider there are approximately 516,000 people working in the industry, this is truly outstanding performance.