

## COCA Contemplates Revitalized Policy Structure

From the desk of COCA President Ian Cunningham

Since joining COCA a little more than 5 months ago, I have had the opportunity to meet with many members of our COCA family, both formally and informally, at various special events in communities across the Province and at committee and board meetings. Every one of these occasions was an opportunity for me to seek feedback about COCA and to listen intently to what members had to say about their provincial construction federation.

COCA was formed in 1975 to be the strong and united voice of the ICI and heavy civil construction industry and to serve as the provincial government's single window into our sector. The core business of COCA is engaging experts from within our membership in processes designed to produce recommendations to improve public policy that affects construction and to present those recommendations compellingly to the provincial government. We lobby Queen's Park to eliminate the unnecessary burden of government on your business and to streamline the necessary.

Some of the messages that I heard time and time again in my meetings with members were:

- COCA's policy making and advocacy processes are too cumbersome and time consuming

- COCA's policy making committees are too big and sometimes lack leadership and focus
- The same issues are rehashed meeting after meeting
- Policy committees should have tighter mandates and be more results oriented

The conclusion I have drawn from all this valuable member input is that COCA has served its members very well for many years but we are not as good as we could be and should be in our core business.

I have shared these views with your COCA Executive Committee which, along with COCA staff and other stakeholders, has drafted a plan to reshape COCA's policy making machinery. The plan will be discussed and refined further at upcoming meetings of the Executive Committee, Chief Operating Committee and Board of Directors. If approved by the Board, it will be presented to the membership at the upcoming Annual General Meeting on February 26<sup>th</sup>.

Stay tuned for the new improved COCA that will serve you better.



## Realignment of Safe Workplace Associations

Regular readers of the COCA newsletter will be aware that we are well down the road that leads to the consolidation of Ontario's thirteen safe workplace associations (SWAs) into four. The CSAO will find itself merged into a larger entity that will also include electrical, electrical utilities, pipelines, natural gas, landscaping, aggregates and possibly transportation. Tom Beegan, the WSIB's Chief Prevention Officer addressed the concerns of the industry at a recent meeting of the Construction Industry WSIB Task Force, indicating that:

- The CSAO fee model will continue and that all safe workplace associations that are merged into the new entity with the CSAO will gradually move to that fee model for a core bundle of services
- The new board of directors for the new entity that includes the CSAO will be in place to select its chief staff person
- The board of directors of the new entity that includes the CSAO will be comprised of between 10 and 20 members; it will be based on the successful CSAO labour-management model; members will be selected based on a matrix of competencies

and representations that ensures a strong focus on governance responsibilities combined with important links to the field, i.e. the construction industry will be well represented on the board

- The CSAO's seven consultant positions in northern Ontario shall continue and the individuals filling those positions shall continue to provide services to the construction sector in the north and shall continue to be direct employees of the new entity that includes the CSAO
- The consolidation will allow the addition of approximately 60 front line staff within seven years

We expect the business case for this consolidation, which will be presented to the WSIB board of directors on February 19<sup>th</sup> to show savings derived from the reduction in the number of CEOs and boards of directors from 13 to 4; the rationalization of marketing costs; an increased focus on key issues; a rethinking of print shop requirements; and, generally higher levels of productivity. It is anticipated that the new entity that will be responsible for construction will be formed towards the end of this year.

## MOL Planning Ergonomic Blitz

In early 2009 the Ministry of Labour is planning a blitz on ergonomic hazards in workplaces across all sectors including construction. In the blitz, MoL inspectors will be accompanied by an ergonomist and will be undertaking interventions where serious work hazards exist, as well as promoting ergonomic awareness where safe work practices have been developed or are available. The blitz may target high risk sector companies where there is a history of ergonomic injuries.

## Federal Budget far from “political vanilla”

The now passed federal budget has been described as what federal Department of Finance officials call a “Christmas tree” – a plan with plenty of baubles and goodies for everyone. Indeed, it is difficult to find anyone that did not benefit in some way from the government’s latest spending spree. Granted, not all people got what they hoped for, but most will get something from the Harper government. So broad was Ottawa’s “good will” to Canadians that pundits have hailed the budget as having bridged the political divide as being neither a conservative or liberal document, but rather a plan to address the realities of the times. Reading what is on paper, this would be difficult to dispute, but what must not be ignored is the philosophy behind these commitments. This budget will demand vigilance – especially for the construction sector, given the expectations channeled to our industry over recent weeks.

We must keep in mind that this is a very different budget from previous years and that it is a political document crafted under unprecedented circumstances. The current economic crisis speaks for itself. However, this situation coupled with a questionable consultation process (no standing committee on Finance consultations and government MPs holding their own closed door, invitation only sessions) presented in a condensed time frame breaking from the convention of an early spring tabling of the budget confirm that this budget was first and foremost about ensuring the survival of a mi-

nority government. This was further confirmed by the government’s quick acceptance of the Liberal Party’s conditions of “probation” in return for support and the Liberal’s desire to avoid triggering an election by supporting the budget as opposed to sealing a vote of no confidence.

While the feel good commitments of the budget have been rolled out, we all must brace ourselves for a very political process moving forward. How will all of the money for infrastructure begin to flow? How will it be allocated? What will the government do to follow through on its commitment to cut the red tape blamed by so many for keeping \$13 billion in previously committed infrastructure dollars on John Baird’s desk? We cannot lose sight of the fact that a lot of fundamental details necessary for executing this budget have yet to be hammered out and it will be the lack of such details that will allow for a great degree of political latitude to influence infrastructure spending. It will be very important for COCA and its members as an industry to track what gets spent, where and how much. With all the commitments made in this budget we must ensure our industry gets what it was promised so that we can fulfill the now very public expectations that construction through infrastructure, as a full partner with government, will play a key role in successfully delivering Ontario out of this recession.

## Executive Officer Exemption Regulation moves ahead

Labour Minister Peter Fonseca has decided to move ahead with drafting the regulation detailing the executive officer and partner exemption for mandatory WSIB coverage.

Having conducted quickie consultations with construction and non-construction interest groups during the second and third weeks of the New Year looking for criteria that would constitute the narrow exemption, the Labour Ministry will now produce a narrowly defined regulation and turn over the task of developing specific policies to the WSIB.

To no avail COCA had advocated for a more a robust process of

consultation that would have produced a regulation addressing the interests of both the government and the construction industry. However, COCA is looking forward to working with the WSIB to develop the best possible policies to serve the interests of its members; policies that will ensure bona fide executive officers and partners not regularly engaged in active construction labour activity or exposed to construction risk have the opportunity to apply for exemption from mandatory WSIB insurance coverage.

We will keep you informed as new information becomes available.

## Family Day

The Ontario government passed legislation in late 2007 creating an additional public holiday (9 in total now in Ontario) under the Employment Standards Act (ESA) called Family Day. This new holiday will occur on the third Monday of February each year and for 2009 it is Monday, February 16th.

Most Ontario employees will be eligible to take off Family Day with pay BUT there are employees in certain occupations and industries who are EXEMPT from the public holiday provisions of the ESA. These employees include seasonal workers in the tourism sector working less than 16 weeks, taxicab drivers, certain professional such as doctors, lawyers, architects, professional engineers, fire fighters, etc **and Construction workers who receive 7.7% or more of their ages for vacation pay or holiday pay.**

These exempt employees are not entitled to take Family Day off, and if their employer required them to work on Family Day, they would not be entitled to public holiday pay.

For more information on industries and jobs with special rules and/or special exemptions please see [www.labour.gov.on.ca/english/es/guide/guide\\_21.html](http://www.labour.gov.on.ca/english/es/guide/guide_21.html)

Typically, unionized construction employers are bound to collective agreements which feature Vacation & Statutory Holiday pay clauses that require 10% of wages to be paid weekly in lieu of. Therefore unionized employees are exempt from the ESA requirements BUT all unionized construction employers must look at the wording of your respective trade collective agreement to determine if premium wage rates apply IF the employer decides to work on Family Day. From the Ottawa Construction Association Newsletter.

