

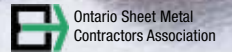
LEGISLATIVE UPDATE:

Phase One of Bill 142 – Expected Implementation July 1, 2018 **Page 3**

CHAPTER NEWS:

SMACNA Ontario Board of Directors Report **Page 7**

SPRING 2018



CROSSFLOW

THE OFFICIAL NEWSLETTER OF THE ONTARIO SHEET METAL CONTRACTORS ASSOCIATION



PROJECT PROFILE

7 Acres Greenhouse

Industry collaboration leads to successful installation

Industry cooperation and collaboration were key ingredients of the successful installation at one of Canada’s largest grow operations. Owned by Supreme Pharmaceuticals Inc., the 340,000 sq. foot 7 Acres greenhouse facility in

Tiverton, ON, is the largest of its kind to grow medicinal grade cannabis using advanced HVAC, CO2 enrichment and full-spectrum natural sunlight.

The installation began on the existing Bruce Energy Centre greenhouse in April

2017. Contractor Modern Niagara, OSM member and manufacturer LOR-DON Ltd., and the Sheet Metal Workers Union Local 473 (SMWIA LU473), combined their expertise and worked diligently with

...continued on page 2

7 Acres Greenhouse

Industry collaboration leads to successful installation

...continued from page 1

facility owners and engineers to determine the best and most cost-effective installation method for this project.

Given that the majority of the ductwork was to be installed underground, system selection would be determined based primarily on strength and durability.

In the early stages of the project, SMWIA LU473 Business Manager Mark Hall said that the facility owner was originally looking to using a reinforced fibreglass duct system as it felt that fibreglass would be stronger and last longer than a stainless steel system. However, following discussions with the contractors in addition to obtaining further product information, engineers determined that stainless steel would be a better way to go. With that decision, local manufacturer LOR-DON Ltd. was contracted.

“We originally planned to build the first grow room using a Type 304 stainless, but we had to go to a Type 316 because of the sulphur component,” said George Gallant, president of LOR-DON Ltd.

7 Acres has four production cycles which are run over the course of a year. After each harvest, the grow rooms must be sanitized using a sulphur dioxide mixture which kills any pests or disease that could affect future plant growth and quality.

“When you have sulphur in the air combined with high levels of moisture, it will condensate in the ductwork and eventually eat through Type 304 stainless,” Gallant explained. “A Type 316 proved to be much more resistant to the sulphur component.”

In addition to sulphur, contractors also had to consider the large volume of purified air required for the controlled environment in each of the grow rooms.

Cannabis plants require abundant air flow set at specific temperatures to stimulate proper growth. Additionally, humidity levels in each of the grow rooms must also be closely monitored.

“In terms of a normal mechanical system, this facility had UV air handlers with a charcoal filtration system installed,” Hall said. “It was a very interesting project to undertake for sure, in that I have never come across such complexity with regards to a mechanical room and air handling system.”

According to Modern Niagara Project Manager Glenn MacPhail, although the installation wasn’t anything out of the normal, in this case it was extremely important for the underground ductwork to be properly secured to avoid future failures.

“Because the installation is underground and feeds air to various grow tables, we had to make sure that the ductwork was properly supported and secured, and wouldn’t sink or float,” he said.

This was done by pouring puddle slabs at the bottom of each excavated trench, and then anchoring the 42-inch duct system into place. Once set onto the concrete slab, MacPhail said that pea gravel was poured over the system and allowed to settle. The installation was then back-filled and set with a final layer of concrete which would be the greenhouse floor.

Both Hall and MacPhail agreed that

perhaps the biggest challenge faced on the job site was the inconsistent weather. From unexpected white-out conditions from lake effect snow to the heavy rainfall experienced across southern Ontario at the end of February, weather caused the crews numerous head-aches.

“If you know anything about Bruce County, the weather up there isn’t always that cooperative,” Hall said. “There were quite a few ‘hit or miss’ days on that job-site. For example, in December, the crews were cut back because of the snow squalls, and then in February, a bunch of guys were sent home because of all the rain.”

According to MacPhail, “There was two-feet of water in the trenches which made it extremely difficult for the guys to work.

“The crews were working through a lot of mud and slosh to make sure all the work they had completed wouldn’t pull up,” he said.

Although not faced with the weather challenges, LOR-DON Ltd. also had to overcome various obstacles in their own fabrication process. These obstacles were seen as a learning opportunity for the company.

“Because there was so much line and circumference welding required on this installation, we had to come up with some new processes and techniques which we plan to carry over to future fabrications,” Gallant said. “We were forced to evolve our welding techniques and our automation to facilitate this job, and now it’s helping us with other jobs.”

Through the expertise and collaboration of industry partners, the resulting installation at 7 Acres cannabis greenhouse will soon see production increase from 100 kg per month to 1000 kg per week.

“From our perspective, the collaboration comes from what the union can do to help the contractor maintain the work, as well as ensure that the customer remains happy,” Hall said. “This installation was the largest I have come across as a business manager, and although we faced challenges, I’m confident the owners will be satisfied when the project is complete.”

In This Issue...

3 **Legislative Update:** Federal Prompt Payment Legislation under expert review

4 Employment Standards Act (Bill 148) has implications for construction industry

5 **Health & Safety:** Compliance with occupational health & safety regulations may not be good enough, says Ontario Court of Appeal

5 **OSM News Update:** Labour recruitment campaign proving to be successful

7 **SMACNA News Reel:** SMACNA announces 2018 Supervisory and chapter educational programming

Prompt Payment – Bill 142

Phase One Implementation Expected July 1, 2018

Bill 142 – the Construction Lien Amendment Act was passed with a unanimous vote on December 5, 2017 and received royal assent on December 12, prior to the house adjourning for the holiday season. Happy days are now here.

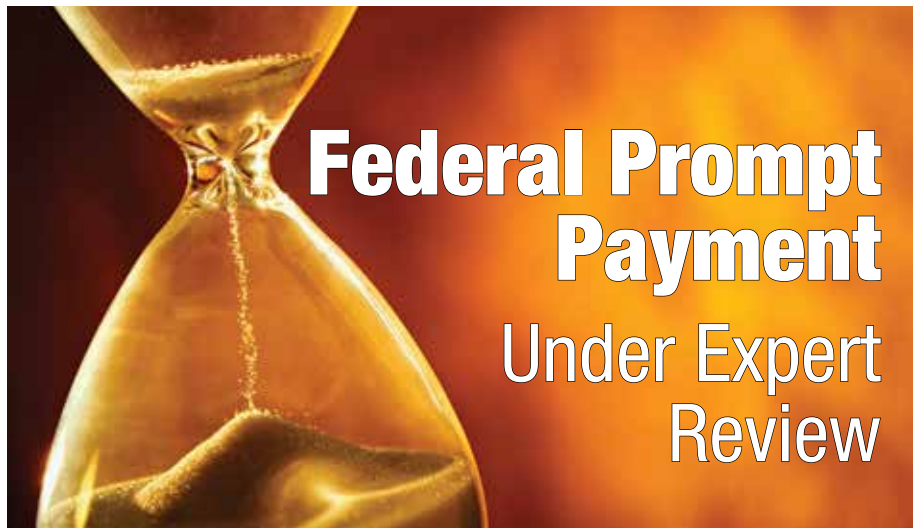
The legislation has yet to be proclaimed, but the Government’s intention is to implement it in two phases:

- Phase One will enact the provisions of the Act and is anticipated for release July 1, 2018;
- Phase Two will implement the payment and adjudication process. This is expected by October 1, 2019.

Consultation drafts of the regulations are posted on Ontario’s Regulatory Registry and are available online at Con-

struction Lien Act: Proposed Regulations. The regulations will be posted for a period of 30 days, during which time stakeholders will have an opportunity to provide feedback. Comments may be sent to consultations.mag.policy@ontario.ca. The Ministry will review all comments during the posting period and make revisions to the proposed regulations, as necessary, on an ongoing basis. Should the decision be made to proceed with the regulations following the 30-day posting period, the proposed regulations will be finalized, submitted for approval and filed.

If you would like to discuss the regulations in further details, please contact constructionlien-actreview@ontario.ca.



The Federal Government continues to develop a federal prompt payment bill as opposed to tabling the Senate’s Bill S-224.

A committee of national stakeholders has been formed to consult with government officials on the bill. Members of the committee include the National Trade Contractors Coalition of Canada (NTCCC) – of which OSM is an active member; Canadian Construction association (CCA); and government agencies such as Public Services and procurement Canada (PSPC) and Defense Construction Canada. Additionally, there has been interest from the Canadian Bar Asso-

ciation, Royal Architectural Institute of Canada and Engineers Canada in also being included in the working group.

Sandra Skivsky (NTCCC member from Interior Systems) and Geza Banfai (NTCCC and PPO Legal Council) have been selected to represent NTCCC. Bruce Reynolds and Sharon Vogel from Singleton Urquhart Reynolds Vogel LLP have been retained by the Federal Government to work with the committee and held guide the drafting process for the new bill.

It is anticipated that the new bill will be introduced to the House by late spring.

2018 Regional Meeting Dates Announced

The OSM Board of Directors will host regional meetings in Waterloo and Ottawa in 2018.

The Waterloo meeting will be held during the Ontario Sheet Metal Apprenticeship competition taking place October 10 to 13, while the Ottawa meeting is slated to November 17.

Stay tuned, specific times and locations will be confirmed at a later date.

The Board of Directors looks forward to meeting with local area members.

RECOGNITION

Wally McIntosh Scholarship Applications Now Accepted

The Ontario Sheet Metal Contractors Association is currently accepting applications for the 2018 Wally McIntosh Scholarship Award. Applications are available at the [OSM web site](#).

Each year OSM offers two, \$2000 scholarships to children of OSM member firm employees who are graduating from high school and entering college or university studies. The scholarship fund also offers \$1000 to a deserving student enrolled at Lambton College, located in Wally McIntosh’s home town.

For more information, contact the association office at (905) 886-9627 or e-mail dramirez@osmca.org.



Message from the Executive Director

Our industry has gained a great victory since the release of the Winter edition of *Crossflow*. On December 12, 2017, Bill-142 finally received Royal Assent. Although it has yet to be proclaimed, the industry anticipates that the Lien Act revisions will come into effect on July 1, 2018, and the adjudication process will come into play on October 1, 2019. These timeframes are understandable given the requirements to build and train a pool of qualified adjudicators.

I attended the Prompt Payment Ontario (PPO) annual general meeting on February 1, and the consensus amongst the members was that there is still a lot of work ahead. PPO members deemed it prudent for the association to remain intact in order to actively participate in the regulation review and consultation process, as well as facilitate the education of our membership with regards to lien and prompt payment reforms.

Unfortunately, as the industry moved forward with Bill-142, we took a huge step back with Bill-148. The new Employment Standards Act has proved to be a big whammy to our industry. Even though, our concerns regarding scheduling, personal emergency leave (PEL), and the structure of vacation/holiday pay were addressed with government officials through our partnership with CECCO, these were not reflected in the Bill when it was read in the legislature.

Following our meeting with government officials, it was anticipated by both management and labour that the construction industry would be afforded exemptions and/or see regulations in place to better reflect the transient nature of the construction industry. Sadly, that didn't happen. As a result, our employer bargaining agents must now scramble to find a resolve with union counterparts.

My first priority of 2018 was to speak with union representative Tim Fenton regarding this matter and express the urgent need to collaborate with the provincial labour and management bargaining agents towards convincing the government to postpone the changes until the collective agreements expire. Withstanding a postponement, we suggested the implementation of a 0.8 per cent PEL allowance provision into the collective agreement through a Letter of Understanding. This second option, however, comes with the added concern that the increased costs involved will be difficult for our members to recuperate when bound to fixed price contracts.

I was part of a CECCO contingent that met with the Building Trades and Ministry of Labour on January 22, to discuss these concerns. Marc Rodrigue, senior policy advisor to Minister Flynn, stated that it could be possible for stakeholders to request the government to defer the changes until the expiration of the collective agreements, but such a request would face challenges. Done and said, what we heard was PEL was not going away and it will be a matter of 'pay me now or pay me later'.

Other matters addressed to Mr. Rodrigue were the impracticality of the 48-hour scheduling notification as well as the vacation/holiday pay provisions. Through our investigations, we have determined that there are many interpretations from the legal community with regards to how Bill-148 and its regulations are being understood.

For example, with the question of whether the 0.8 per cent PEL pay applies to the hourly rate or the pay package, Rodrigue had stated that the intent is that the 0.8 per cent applies to the hourly rate in the same manner as the 10 per cent vaca-

... continued on page 6



New Employment Standards Act (Bill 148)

Carries Implications for Construction Industry

Ontario Bill 148 received Royal Assent on November 27, 2017 and came into effect on January 1, 2018.

In Section 50 (Personal Emergency Leave), employers are now obligated to pay for two days per year of personal leave to all employees with one week of employment. As many construction employees are transient and work for multiple employers in a year, the industry argued that this would allow employees to be eligible for paid personal leave from each employer where they have worked in excess of one week.

Under the new regulations, the construction industry has the option to pay 0.8 per cent of the hourly rate (not package wages) in lieu of paying the two days wages. The personal emergency leave is now paid in a similar manner as vacation and holiday pay. Employees are entitled to 10 unpaid personal emergency leave days.

Additionally, under the new regulations, the construction industry has the following exemptions pertaining to vacation and holiday pay:

- Less than five years of service – 7.7 per cent of wages;
- Five years or more – 9.7 per cent of wages.

For more information regarding the new Bill 148, please visit the Ontario Ministry web site at www.ontario.ca.

WANTED

Ontario College of Trades Seeks Sheet Metal Trade Board Representatives

The Ontario College of Trades continues to seek for applicants to fill two employer vacancies on the Sheet Metal Trade Board.

If you are interested, please apply to <http://cot-appointments.ca/apply/>.

HEALTH & SAFETY

By LISA BOLTON, Sherrard Kuzz LLP Employment & Labour Lawyers

Compliance With Occupational Health & Safety Regulations May Not Be Good Enough

— Ontario Court of Appeal

In a recent decision¹, the Ontario Court of Appeal held that it is possible to comply with all relevant regulations under the *Occupation Health & Safety Act (OHSA)* and, at the same time, violate the general duty under the OHSA to take “every precaution reasonable in the circumstances for the protection of a worker.”

In other words, despite there being a regulation that specifically addresses a particular workplace risk (such as fall protection), there may be cases in which more is required from an employer than compliance with the regulation. Exactly how much more will be determined on a case-by-case basis depending on the nature of the workplace and work being done.

The decision is important because it creates uncertainty around workplace health and safety standards, and raises the bar for employers seeking to become or remain compliant with the OHSA.

Martin Vryenhoek died when he fell from a temporary welding platform while working at the factory of his employer – Quinton Steel. The employer was charged under s.25(2)(a) of the OHSA with failing to inform, instruct and supervise a worker to protect the health and safety of the worker, and under section 25(2)(h) of the OHSA with failing to take “every precaution reasonable in the circumstances for the protection of a worker” (in this case, the installation of guardrails).

Both charges were dismissed following trial and the Crown did not appeal

the first charge. However, it did appeal the second charge, ultimately to the Court of Appeal for Ontario.

In essence, the employer argued it had met its legal obligation to protect its workers by having complied with the fall hazard regulations under the OHSA. Under the OHSA there are detailed regulations that specifically address the hazard of falling, including when guardrails are required. In the circumstances of Vryenhoek’s work, the regulations did not require guardrails. The employer maintained that by exhaustively determining the circumstances in which guardrails must be installed, the regulations “occupied the field” (fully addressed the regulatory standard to be met).

The Crown did not dispute that the regulations did not require the installation of guardrails, nor that the employer had complied with the regulations. The Crown argued section 25(2)(h) of the OHSA imposes a statutory duty to protect workers higher than and in addition to the regulations, and that, in some cases, the duty may include taking precautions beyond what is required in the regulations. In the case of Vryenhoek, the Crown argued that duty included the installation of a guardrail.

The employer argued the Crown’s interpretation and application of the statutory duty under section 25(2)(h) would lead to intolerable uncertainty for employers. If the specific and detailed lan-

... continued on page 6

IN THE NEWS

Labour Recruitment Campaign

Proving Successful

The collaborative recruitment campaign for qualified journeymen and apprentices continues. This recruitment is critical to fulfil the immediate needs of employers. Some locals have recently reported recruitment success from non-union and CLAC, which is encouraging.

The campaign kicked off on October 16, 2017 and is planned to run until April 15, 2018. The campaign includes radio advertising during Toronto Maple Leafs and Raptors games, as well as a digital pre-roll ad on the Sportsnet website that links to SHEET-METALJOBS.CA.

According to Sportsnet, as of January 24, 2018, the digital pre-roll ad delivered 45,955 impressions with a click rate of 1629 linking to the official campaign web site. This equates to a click rate of 3.54 per cent, which is well above the industry standard of 0.04 per cent.

The OSM Board of Directors

... continued on page 6

OSM Reviews Association By-Laws

The OSM Board of Directors has completed a review of the association’s constitution and by-laws.

The proposed by-law revisions align with the board’s vision for a continuation of good governance structure and membership representation throughout the province.

The proposed revisions will be unveiled to the membership at the upcoming Annual General Meeting on April 9 in Costa Rica.

... continued from page 4

Message from the Executive Director

tion/holiday pay, which is a significant difference from the allowance being paid on the hourly package. Unlike the vacation/holiday pay, under the legislation, the PEL does not reflect shift premiums, overtime, etc. As such, this allowance must appear as a standalone allowance located “under the line” in our wage schedules.

Rodrigue also clarified that the minimum wage doesn't include vacation/holiday pay. We quickly pointed out that construction employers negotiate a total wage increase for journeypersons and that it is the union that determines how this is to be attributed within the wage package. Additionally, the College of Trades structures the apprenticeship wages on a percentage of the journeyperson wage. Contributions to pensions, benefits, union dues, stabilization and other such funds are also determined by the union. Therefore, it is the union – and not the employers – that must be cognisant of how the wage package is attributed with respect to the minimum wage.

I am hopeful that upon release of the Spring edition of *Crossflow*, we will have the matter of PEL done and settled.

- Darryl Stewart,
OSM Executive Director

Labour Recruitment Campaign

... continued from page 5

and Ontario Sheet Metal Workers Conference will continue to monitor the success of this recruitment campaign.

Long-term recruitment into the industry is also being reviewed with labour partners, as well as school boards, colleges and universities. Forming these partnerships is crucial to drawing awareness to the industry as a viable career option.

Compliance With Occupational Health & Safety Regulations May Not be Good Enough

... continued from page 5

guage of a regulation could be, in effect, over-ridden by the general and imprecise language of the OHSA, how would employers know the standard to be met? Compliance would become a moving target and the regulations of limited use. This could not possibly be a desired result, particularly when safety is at issue.

The court rejected the employer's argument, for the reasons outlined below, and the matter was remitted back to the trial court to be tried again. Essentially, the court's reasons are four-fold:

(1) **The OHSA is public welfare legislation designed to protect workers and, as such, must be interpreted generously; not narrowly or technically.**

(2) **Compliance with health and safety regulation does not exhaust an employer's statutory duties under the OHSA. It is possible to comply with the regulations**

under the OHSA while at the same time violate the broader statutory duty to take all reasonable precautions to protect the health and safety of a worker. The statutory duty in section 25(2)(h) is more sweeping than any regulation. This is because the regulations cannot reasonably anticipate and provide for all of the needs and circumstances of the many and varied workplaces in Ontario. Were it not the case, once regulations were made governing a hazard in the workplace, the general duty in section 25(2)(h) would have no role to play. As such, regulations do no “occupy the field.”

(3) **It is not necessary for the Crown to prove the violation of any regulation.** The Crown is not required to establish a failure to comply with any of the regulations in order to prove that section 25(2)(h) has been violated. Instead, the Crown is required only to prove that the installation of guardrails was a reasonable precaution in the circumstances, and the employer failed to take such a precaution.

(4) **The trial justice did not consider the relevant facts.** Section 25(2)(h) establishes a standard – it is not a rule

– the requirements of which are to be tailored to the particular circumstances. To determine whether guardrails were reasonable in the circumstances, the trial justice ought to have considered all of the relevant circumstances including the nature of the workplace, the work being done, and the equipment used, etc. The trial justice did not do this. Instead, he concluded section 25(2)(h) had not been violated because the employer had not violated any provision of the regulations. This was an error of fact and law:

“It may not be possible for all risk to be eliminated from a workplace... but it does not follow that employers need do only as little as is specifically prescribed in the regulations. There may be cases in which more is required – in which additional safety precautions tailored to fit the distinctive nature of a workplace are



reasonably required by s. 25(2)(h) in order to protect workers. The trial justice's erroneous conception of the relationship between s.25(2)(h) and the regulations resulted in his failure to adjudicate the s.25(2)(h) charges as laid.”

The short story is that life for employers will likely become more difficult as a result of this decision² which creates uncertainty around workplace health and safety standards, and raises the bar for employers seeking to become or remain compliant with the OHSA. The decision is also likely to increase the rate of successful prosecutions under the OHSA, not necessarily to the betterment of the workplace parties.

On the one hand, while there is some rationale to the argument a statutory duty

... continued on page 8

CHAPTER UPDATE

SMACNA Board of Directors Report

By DANNY DILLON,
President of Dillo Mechanical and a
Past President of OSM



As your SMACNA Board representative, I am pleased to provide you with the following update from SMACNA.

SMACNA undertook a strategic planning initiative in 2017 to strengthen the organization moving forward. Some key recommendations resulting for the session include the following:

- Develop an effective and measurable communications infrastructure;
- Assist members in attracting and retaining critical human resources;
- Establish a coordinated and proactive approach to labour; and,
- Improve relevance and effectiveness of SMACNA chapters.

As a SMACNA chapter member, you will begin to see positive changes from SMACNA in order to provide improved membership services and resources.

SMACNA's Technical Services department is working on numerous publications which will be published in 2018. These include the HVAC Duct Construction Standards – Fourth Edition; HVAC Total System Air Leakage Test Manual – First Edition; Fire and Smoke Damper Manual – Sixth Edition; Kitchen Grease Duct Construction Tables; and the Seismic Bracing Manual.

The Technical Services department is also working on other projects to develop and revise current standards and manuals. The department is currently developing an Infection Control Risk Assessment Guidelines Manual, as well as Rectangular Industrial Duct Construc-

tion Standard – Food Grade Ductwork Guidelines, covering the food processing industry.

Development of short videos is currently underway to showcase various methods of applying SMACNA Technical Standards to enhance member knowledge and education of Building Code Officials. A duct fitting / “Duct-U-Lator” app is also under construction.

Additionally, the TAB Task Force has provided revisions to the existing SMACNA Testing, Adjusting and Balancing Manual, and the Rectangular Industrial Duct Construction Task Force recently revised the SMACNA (ANSI) Rectangular Industrial Duct Construction Standard.

The Market Sectors, Education, Membership and Safety group have also been extremely busy over the past year and plan on publishing the following documents in 2018:

- Guidelines for information technology;
- Principles for job costing;
- Construction Contracts – alternative delivery methods (White Paper);
- Personnel policy and procedures;
- Management succession, transforming your organization for the future; and,
- Shop lay-out.

New projects on the plate of the Market Sectors group include field and shop burden; preconstruction planning; strategies and tools for effective procurement; recruit to retire; and maximizing bonding capacity.

I would encourage you to visit the SMACNA website for the latest listing of educational opportunities coming to a city near you. SMACNA is currently

... continued on page 8

Growing SMACNA's Industry Relationships

It is becoming apparent that SMACNA Ontario is being consulted more frequently by the architectural, engineering and building department sectors. These groups are recognizing that SMACNA Ontario offers a wealth of expertise and resources not only through the SMACNA national body, but from within the Ontario chapter membership itself.



SMACNA NEWS REEL

Supervisory & Chapter Education Programs Announced

Many companies are busy with workload and are hesitant to take the time for their employees to attend training programs. Training enhances the capabilities of your workforce and can pay huge dividends. SMACNA Ontario encourages members to make the time to invest in and grow your business.

Local associations are currently providing their selections of preferred programs through their respective OSM directors. The list of 2018 programs are available through the [SMACNA website](#) or through your local association. Contact your local association if there is a program you would like presented in your area. The 2018 program schedule will be issued to the membership once it has been finalized.

SMACNA Ontario to Conduct Member Survey

SMACNA Ontario will be surveying OSM members regarding their SMACNA membership. The association would like to hear if members are aware of the services available to them from SMACNA National, if members have participated in chapter and/or national training programs, use technical support to enhance their business practices or to assist in dispute resolution, attend webinars, etc.

SMACNA Chapter Executive Meeting

OSM Executive Director, Darryl Stewart, recently attended the SMACNA Chapter Executive meetings in San Diego.

... continued on page 8

Ontario Sheet Metal Contractors Association

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Crossflow is the official marketing publication of the Ontario Sheet Metal Contractors Association. Circulated four times per year, the e-newsletter is designed to provide association news and program updates, government affairs information, educational opportunities, as well as updates on current industry trends.

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... continued from page 7

SMACNA Board of Directors Report

working on an advanced Project Managers Institute II program which is scheduled for September 2018. Additionally, the organization is working on a new Executive Leadership Program with topics including developing leadership awareness, leadership strategies for success, talent management, acquisition, retention and succession planning, developing executive presence / talent management, leading innovation and growth, and leading change and change simulation. The date of this session is yet to be confirmed.

The Chapter Education and Supervisory Training program will also be offering two new training programs this year.

These include the following:

- Build the Business: It's More than Revenue; and,
- The Bullet Foreman – A Time Management Program.

Finally, the 2018 SMACNA Convention will be held in San Diego, CA, from October 13 to 17, 2018. If you have any questions, issues or suggestions for SMACNA, please do not hesitate to contact your SMACNA Chapter representative so that we can continue to offer the best in service and value to you, our member contractors.

*Sincerely, Danny Dillon,
SMACNA Ontario Director*

SMACNA Chapter Executive Meeting

... continued from page 7

The SMACNA Ontario Chapter Executive includes senior staff of the local associations and brings together these partners in what is best described as a peer group session. The meetings provide a great means for which Chapter Executives can exchange information, share ideas, gain advise, discuss industry issues and engage with SMACNA national on the needs of the industry and how the

national organization can further be of benefit to the membership.

“Attending these meetings was very worthwhile,” Stewart said. “This is the second Chapter Executive meeting that I have attended, and I have gained some great ideas which will benefit OSM. I also grew my network of peers and know that I can reach out to them as a resource when required.”

Compliance With Occupational Health & Safety Regulations May Not be Good Enough

... continued from page 6

may be more sweeping than a regulatory rule, it seems unfair and unrealistic the Ontario government – through its regulations – is not expected to anticipate every hazard in Ontario workplaces, but individual employers are expected to anticipate every hazard, and also to know when compliance with the regulations will not be sufficient. Of course, the Crown would argue it is *precisely* the employer that is in the best position to be knowledgeable and familiar with its own workplace and to reasonably anticipate hazards.

Either way, if establishing compliance with the regulations may no longer be accepted as proof that reasonable precautions were taken by an employer, what is the purpose of the regulations, and where is an employer to obtain reliable guidance regarding the standards for workplace health and safety?

Finally, if the regulations will henceforth be of limited use, and compliance a moving target determined by a court only after an accident has occurred, what are the realistic chances an employer in that situation will be found to have taken reasonable precautions to protect its (now injured or worse) worker? The answer is – those chances have just become a lot slimmer.

If you have questions, or would like assistance addressing occupational health and safety matters in your workplace, contact a Sherrard Kuzz LLP lawyer, or reach us through info@sherrardkuzz.com.

(1) 2017 ONCA 1006 – Sherrard Kuzz LLP, Employment & Labour Lawyers.

(2) As of the time of writing, the employer had not sought leave to appeal to the Supreme Court of Canada.