

## POLITICAL POINTS:

Modernizing Ontario's  
Apprenticeship System

Page 3

## ASSOCIATION UPDATE:

Wally McIntosh Scholarship Award  
Applications Now Available

Page 6



# CROSSFLOW

WINTER 2018

THE OFFICIAL NEWSLETTER OF THE ONTARIO SHEET METAL CONTRACTORS ASSOCIATION

## SPECIAL REPORT

# The Labour Shortage: “How Did We Get Here?”

By DARRYL STEWART, Executive Director,  
Ontario Sheet Metal Contractors Association

**T**o quote the lyrics of a popular Talking Heads song – “*you may ask yourself, well, how did I get here?*” Well, how did our industry get into the mess that is the skilled labour shortage?

This issue has been years in the making and it hasn't been a secret. Everyone knew that there would be a mass exodus from the labour market as the baby boomers reached the age of retirement. That is 70 years in the making, providing more than enough time to anticipate and plan for the inevitable. This issue can no longer be called a current affair, but more appropriately, should be an addition to the curriculum for a high school history class.

To put this into perspective, I am a boomer born at the tail end of the generation (1946 to 1964). When I graduated from a Toronto public school, we had over 900 students attending. Within two years, that same school had dropped in population to less than 450 students.

School boards were closing schools in mass numbers as the boomer generation graduated out of the system. And, as the boomers left, so did the focus on the trades as a viable career option. We've known this for decades, but what have we done about it? A lot of babbling with no action, I'm afraid. The industry, and moreover society, is now scrambling to deal with the result.

Piggy-backing on the boomer factor was the decade-long recession – or more appropriately worded for the Ontario construction industry – “depression of the 90s.” There was little construction on a grand scale being completed during this time, and the work was sporadic. The result was early retirements, union members up-starting their own non-union companies to provide income for their families, and some choosing the leave the industry altogether. There was also a major decline in the intake of new apprentices. Guess which genera-

tion that group belongs to? You guessed it – Gen X – the one that directly follows behind the boomers (1965 to 1980).

When the new millennium came along, we had an increase in construction that would remain somewhat steady for the next 18 years – compared to those prior to 2000. We realized a lot had changed in the decade as we broke into the 2000s. We had lost even more market share to the non-union sector because all the ex-union members had now established their own non-union companies.

Many of the seasoned and experienced supervisors, managers and engineers were now gone, and those that entered the industry during the 90s had not been exposed to working on large scale projects. These individuals had a steep learning curve through the early 2000s as they found themselves involved in large scale projects for the first time. That all trans-

...continued on page 2

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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 1

## The Labour Shortage: "How did We Get Here?"

lated to a void in experienced supervisors and managers, which I know continues to be an issue for many employers today.

In this same period came the introduction of technology such as CNC machines, Building Information Modelling (BIM) and 3D scanning which re-shaped what a sheet metal worker does and how he/she does it. I challenge anyone to readily find an experienced and capable benchman. Why? Well, those of us that did work on the bench back in the day, know that only the fundamentals of pattern development were learned in day and night schools. The real pattern development techniques were passed down by that crusty old guy that worked on the bench next to yours. Have you had a foreman complain that a journeyperson told him it's not their job to site measure some duct and that such a task is a higher pay grade? My bet is that attitude is masking someone that has always had a shipment of duct delivered with a CAD installation drawing, the slab pre-inserted for hangers, and all the bits and bobs neatly delivered to the work area in a material basket.

Truth be known, the foreman is getting attitude from an individual that doesn't have a clue how to coordinate, site measure and detail ductwork because that person has rarely, if ever, had to perform these functions. Moreover, he/she has probably never been taught how to.

Perhaps your foreman shares some blame for those results. Done and said, things have been figured out for sheet metal workers since their first day in the

trade. I don't say this to demean the sheet metal worker of today, but to highlight how things have changed.

Technological changes that have truly bettered the trade also require that we rethink how we train and educate tradespeople. We are not returning to the days of having 12 benches in the shop with benchmen neatly aligned in a row. Those benchmen have long been replaced by someone sitting in front of a computer while the rest of the shop is comprised of machine operators and assembly people.

What we must figure out is how to convey and teach the new age sheet metal worker those old school attributes and experiences that define your key foreman as your go-to guy. It's kind of like teaching that teenage cashier how to make change for a \$20 bill in the event the tap and pay goes on the fritz.

Another contributing factor to the manpower shortage is the hiring hall system. It simply hasn't kept ahead of our industry needs. If it did, we wouldn't have a manpower shortage. Although some hiring halls are more progressive than others, in my opinion, the local union tends to focus on managing their current unemployed numbers rather than planning for the long-term, future needs of the industry.

In all fairness, managing the number of unemployed is a balancing act. Business managers are in an elected position and must exercise the will of their membership. The last thing a business manager wants is a large group of disgruntled, unemployed members. I can't argue against the fact that having too many under-employed will yield the results that transpired during the 90s. However, since 2000, we have had relatively steady work,

... continued on page 3

## In This Issue...

3

### POLITICAL POINTS:

Modernizing Ontario's  
Apprenticeship System

4

### COMING SOON:

OSM to Launch New Website  
and Database.

5

### IN THE NEWS:

Cannabis is Legal... NOW  
WHAT?

5

### HEALTH & SAFETY:

New MSD Prevention  
Guideline for Ontario

6

### APPRENTICESHIP:

Ontario Competition Puts  
Spotlight on Trade

7

### CHAPTER UPDATE:

SMACNA Education Programs  
Arrive in Ontario



POLITICAL POINTS



# Modernizing Ontario's Apprenticeship System

Ontario's Provincial Government is taking steps to modernize and transform the province's skilled trades and apprenticeship system. As part of the new *Making Ontario Open for Business Act* (Bill 47), the government has proposed sweeping changes to Ontario's apprenticeship system, including lowering the journeyman-to-apprentice ratio to one-to-one and dissolving the Ontario College of Trades (OCoT).

There are currently 133 voluntary and 23 compulsory trades in Ontario. Anyone practicing a compulsory trade must have a Certificate of Qualification or be registered as an apprentice or journeyman candidate. They must also be a member in good standing of the Ontario College of Trades, unless they are exempt under the legislation.

Trade classification and re-classification in Ontario is currently overly burdensome and can affect decisions to hire new staff, as well as impede companies' ability to compete in the global marketplace.

As part of its commitment to reduce unnecessary regulatory burdens and to modernize apprenticeship in Ontario, the Provincial Government announced that it will wind down the Ontario College of Trades (OCoT) next year. The OCoT was established in 2009 as a means to administer skilled trade apprentices, enforce licensing requirements and protect the public from poor workmanship.

Additionally, once Bill 47 receives

Royal Assent, the journeyman-to-apprentice ratio will be set at 1:1. The current ratios are said to make it difficult for employers to fulfill high levels of demand for skilled tradespeople, because they struggle to recruit sufficient journeymen to hire additional apprentices. This has resulted in young tradespeople struggling to work the hours necessary to complete their training, as well as limiting the number of certified tradespeople produced each year.

By lowering the ratio to 1:1 across all trades, it will be easier for apprentices to become certified, and allow businesses to fill skills shortages and complete projects in a timely fashion. This will be especially important for smaller urban and rural communities where the pool of journeymen is already much smaller.

According to a government press release, "the government will look at ways to promote the skilled trades in Ontario and to improve access to the apprenticeship system for both apprentices and employers. Additionally, the government will make it easier to navigate and move through the system so that Ontario gets the skilled trades workforce it needs to build a thriving economy and create quality jobs."

Although no specific details have been released, the Provincial Government has indicated that it intends to develop a replacement model for the regulation of the skills trades and apprenticeship system in Ontario by early 2019.

... continued from page 2

## The Labour Shortage: "How did We Get Here?"

and have experienced a narrower amplitude between the peaks and valleys of manpower needs – especially in larger regions like Ottawa and Toronto. Nonetheless, at a minimum, the unions should have been preparing for the retirement of their members a long time ago.

As a trade, we must do our part as well. I have stated many times before that it is imperative for employers to maintain a full complement of apprentices. This goes hand-in-hand for our Local Joint Apprenticeship Committees to be diligent in conducting frequent apprentice intakes, ensuring the apprentices comply with their training obligations within the prescribed duration of the apprenticeship, and weeding out the duds along the way.

In any compulsory trade, we must plan well beyond the time it takes to develop an apprentice from a newbie to a journeyman. It takes a few more years for a new journeyman to hone and perfect the trade. As a joiner with decades of expertise, my dear old dad used to tell me, 'you may be twice as fast as me, but I can do it in half the moves and without any of the mistakes.' How true.

So where are we going from here? That's a doozy of a question. The government has recently introduced Bill 47 which includes measures to close the Ontario College of Trades (OCoT) and revising the journeyman to apprentice ratios to 1:1.

I equate the closing of the OCoT to throwing the baby out with the bath water. I always supported the concept of the college, but only for the accountability and professionalism of the membership. There is no question that changes to the college were needed.

Having 153 trades is ridiculous and the majority of them are better described as occupations rather

... continued on page 4

## COMING SOON! OSM's New Website and Database

**T**he Ontario Sheet Metal Contractors Association (OSM) will launch its newly updated website and corresponding database in late November.

The association has been diligently working towards streamlining the web site, and creating ways to make it easier for members to navigate and obtain information.

Keep an eye out for the new [www.osmca.org](http://www.osmca.org).

## Wally McIntosh Scholarship Award Applications Now Available

**T**he Ontario Sheet Metal Contractors Association is currently accepting applications for the 2019 Wally McIntosh Scholarship Award. Applications are available at the OSM web site at [www.osmca.org](http://www.osmca.org).

Each year OSM offers two, \$2000 scholarships to children of OSM member firm employees who are graduating from high school, and entering into college or university studies.

For 2019 the Board of Directors decided to discontinue the \$1000 scholarship to a deserving student at Lambton College. Instead, OSM will award the \$1000 scholarship to the graduated apprentice of the Ontario Sheet Metal Workers Training Centre who obtains the highest average mark in all three phases of day school, as well as the highest pass mark achieved on the Certificate of Qualification exam. Only apprentices that have attended all phases of day school at the training centre will be eligible.

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

... continued from page 3

## The Labour Shortage: "How did We Get Here?"

than trades. There were too many parties using the OCoT to advance their agenda of expanding jurisdictional scope of practice. This found counter-play from those fearing the college would make more trades compulsory. Then there were those critical of the OCoT for executing enforcement for the compulsory trades. Can you imagine the audacity of the college for enforcing the law and upholding the dignity of the apprenticeship and trade qualification system? I'm not speaking of the instances of cat fighting between unions. I'm speaking of stopping companies conducting business without employing certified workers and registered apprentices.

I think George Gritzotis would have cleaned up much of the mess if he had been given the time to do so. I also think the OCoT would have benefited from less interference from the Ministry bureaucracy. Too many cooks, so to speak.

In terms of the apprentice ratios, it's freaking out the unions as they are foremost concerned with a glut of apprentices displacing journeypersons. This, in turn, triggers them to fearmonger that people will die because of a lack of oversight or apprentice training will suffer without the apprentice having the benefit of learning from the diversity of multiple journeypersons.

If you are an employer that doesn't place safety as paramount in your day-to-day operations, then you will inevitably pay heavily through the reverse onus of the OHS and the resulting levied penalties.

Fearmongering aside, I'm not so convinced the 1:1 ratio is the golden egg touted as the means towards resolving the journeyperson shortage. Firstly, over the last year and a half, the local unions have been effectively recruiting from the non-union. In doing so they have validated what we already knew. Many of the non-union don't register apprentices, and so changing the ratio isn't going to change that situation without firstly resolving the underlying factors for why these businesses avoid registering apprentices. Secondly, water levels. A company will hire no more apprentices than

can be integrated efficiently and safely into the workplace. Many of our employers don't employ a full complement of apprentices under the current ratios. Thirdly, I question if the government will effectively facilitate and fund this perceived influx of people entering the trades in droves. Certainly not through the community colleges alone.

The number of trade stakeholders that have built training centres speaks to the training inadequacy from the colleges over the past 20 years. The enforcement of compulsory trades was pitiful under the Ministry, and burdening the Ministry of Labour with enforcement proved no better. I have attended stakeholder consultations with the Ministry over the past two years and I'm not convinced these people get it, or ever will. They can't even figure out how to provide apprentices with the 16-digit code so that apprentices attending day school can apply for EI. Without knowing the government's intent and vision for the trades, I am concerned for the future of the industry.

In the meantime, as an association, we need our members to share any knowledge they have of work coming down the pike, as well as the anticipated manpower needs for these projects. This information needs to come forward as soon as it is known, and be shared with the respective local association, local union and OSM. Gaining this information has been even more difficult for the local associations and unions to obtain when a project is contracted without being tendered and/or involves an out-of-local contractor. Giving the local union a heads-up on work coming their way gives them a fighting chance to accommodate for manpower needs.

All parties involved must collaborate in planning for future manpower requirements. This includes delving into what can be done to capitalize on the resources available within the province, and supply manpower when and where it is needed. Done and said, we can focus on the past and complain how things have turned out. Or, preferably, we can learn from the past and use those lessons to make improvements for the future. That takes commitment to making changes that will benefit our members and their employees for the long haul. That cake will require cracking a few eggs, so let's get cracking.



## IN THE NEWS



# Cannabis is Legal... NOW WHAT?

**T**he Cannabis Act came into effect on October 17, 2018. Although each provincial jurisdiction has its own legislation governing use, at the end of the day, just because it's legal, doesn't mean recreational cannabis is permissible in the workplace.

"Take a deep breath," said Matthew Badrov, employment and labour lawyer with Sherrard Kuzz LLP. "Just because cannabis is legal doesn't mean it's permissible in the workplace. We recommend employers just treat it the same way that they would alcohol."

Although alcohol has been legal for decades, it doesn't mean an employee can consume it on his or her break or during lunch, and then return to the workplace impaired. The same is true for cannabis.

If an employer wishes to fully prohibit the consumption of cannabis at the workplace, while working or representing the employer (i.e. when wearing a company uniform, etc.), as a best practice, it is suggested that the employer clearly communicate that requirement to employees through a written workplace policy.

Where cannabis use is for medical purposes, the worker must be accommodated to the point of undue hardship to the employer. Generally, this means consumption and related impairment renders the worker unable to perform the essential duties of their position, or puts health and safety at risk.

According to Badrov, drug and alcohol testing in Canada is a very sensitive

subject area because of many "competing interests."

"The primary competing interest is, of course, health and safety in the workplace," he said. "Then there is the employee's privacy interest and the potential for discrimination on the basis of a substance use disorder. Whether or not you can legally drug or alcohol test is going to depend on a number of factors."

If an employee is demonstrating workplace behaviour that gives the employer reasonable cause to believe that he/she is under the influence, testing may be permitted. Additionally, if there is a significant incident or near miss in the workplace that causes (or could have caused) harm or damage to other people within the workplace or property, and the employer again has reasonable cause to believe that drugs and/or alcohol may have been a factor, they may also test.

"There has to be a reasonable basis to conclude that impairment may have been a factor in the incident," Badrov emphasized. "If there is no evidence, as part of the overall investigation to suggest that impairment played a role, you couldn't just pro-actively test."

Once again, the importance of setting out the specific circumstances in which testing will occur must be clearly illustrated within the company policy.

When working in a unionized environment, employers should pay particular attention to ensure any drug and alcohol test-

... continued on page 6

## Labour Relations Committee Update

**T**he ETBA and IBEW/CCO have reached a no strike, no lock-out agreement for the 2019 round of bargaining. IBEW voted on the agreement early in November.

If ratified, local bargaining will take place between November 2 and January 18, 2019, with the assistance of a mediator if agreed upon by the ECA and the Local Union.

Provincial bargaining will take place the week of February 11, 2019 and if unable to reach an agreement on monetary issues, both sides will present their position to a Final Offer Selector in February.

The Joint Proposal does include a Post Negotiated Wage Adjustment (PNWA) with a \$1 cap and a limit on comparator trades.

Additionally, the Electrical Power Systems Construction Association (EPSCA) has ratified an agreement with the International Brotherhood of Boilermakers. The agreement includes a two per cent raise per year over the next five years. The union also agreed to a seven day coverage with time-and-a-half pay for 10 hours over-time.

## New MSD Prevention Guideline for Ontario

**M**usculoskeletal disorders (MSDs) are the most common workplace injury in Ontario. The province's health and safety system has unveiled a new prevention guideline to prevent MSDs, along with a new website. Developed by the Centre of Research Expertise for the Prevention of Musculoskeletal Disorders (CRE-MSD), this new guideline provides updated content, and a host of tools and resources to meet the needs of organizations of all types and sizes.

For more information, please visit [msdprevention.com](http://msdprevention.com).

...continued from page 5

## Cannabis is Legal... NOW WHAT?

ing protocol complies with what the courts and arbitrators have held to be permissible. This protocol must also be outlined within the company's drug and alcohol policy.

"The difference here are the arbitration decisions in a unionized environment," Badrov said. "They are very protective of the privacy rights and interests of the employees. A policy that may over-reach may be subject to challenge."

When dealing with unionized workers, employers must look toward their specific collective agreements and their own workplace issues, to determine if testing is something that they may want to implement.

At the end of the day, the best way for employers to protect their best interests is to establish a specific company policy revolving around drug and alcohol use. For companies that already have a policy in place, now would be a good time to re-visit the language used and possibly update it to reflect current legislation.

"Depending on the way an existing policy is worded, it may not be necessary to create a new set of protocols, specifically around cannabis use," Badrov said. "Many construction companies already have policies that prohibit employees from using drugs or alcohol in the workplace. If there are concerns or if an employer is unsure about their policy, we always recommend that they seek good legal advice and have counsel review their policy."

OSM and the Ontario Sheet Metal Workers and Roofers Conference are committed to undertaking a collaborative review of health and safety policy, and develop a "fit for work" policy template for employer company policies.

*For more information on cannabis legalization and the workplace, please visit [mcmillan.ca](http://mcmillan.ca) or [sherrardkuzg.com](http://sherrardkuzg.com).*

## APPRENTICESHIP



# Ontario Apprentice Competition

**T**he 2018 Ontario Apprentice Competition was held October 10 to 13, 2018 at the Conestoga Mall in Waterloo, ON.

This year, apprentices were challenged with creating an accordion in keeping with the region's Oktoberfest celebrations.

Winners of the 2018 competition included the following:

- **First Place – Greg Holland** – LU 30 – Toronto (Elgin Mills Supply).
- **Second Place – Brett Travis** – LU 537 – Hamilton (MJ Sheet Metal).
- **Third Place – Brad Ianni** – LU 473 – London (Flynn).
- **Fourth Place – Jonathon Duchesne** – LU397 – Thunder Bay (Keating Insulation).
- **Fifth Place – Danielle Fleming** – LU30 – Toronto.

- **Congeniality Award – Greg Holland.**

The 2019 Canadian Apprentice Competition will be held in Toronto, ON, from May 8 to 11, 2019. The designated project will be constructed at Nathan Philips Square in the heart of the downtown.

Additionally, the 2019 provincial competition will be held in Niagara Falls, ON, from September 25 to 29.



## SMACNA Introduces 75<sup>th</sup> Anniversary Logo

To mark its 75<sup>th</sup> anniversary, SMACNA is changing its logo to heighten awareness of this important milestone.

Over the next year, watch for SMACNA's anniversary logo to appear on association newsletters, websites, brochures and email communications. And, look for great content throughout the year that honors this amazing milestone while focusing on the bright future that lies ahead for



SMACNA contractors.

SMACNA will use this milestone to launch a variety of broad-based communication campaigns to raise awareness of the vital role SMACNA contractors play.



## CHAPTER UPDATE

# SMACNA Education Programs

**S**MACNA Ontario, in conjunction with OSM, was pleased to host multiple educational programs for Ontario members.

For the first time in Ontario, the *"Understanding the Importance of Improving Communication with Your Project Stakeholders to Drive Profitability"* program was held in Ottawa (October 30), Vaughan (October 31) and Windsor (November 2). Presented by Kevin Dougherty, the program was intended to help attendees understand the importance of establishing communication protocols, along with all the documentation needs and standards.

The program covered the importance of knowing what you own and how it can impact the job, as well as taking a unique look at how improving communication and team work between design, estimating, project management and production can and will improve profitability.

SMACNA's *"Closing the Gap Between the Office and Field"* was presented in Cambridge on November 1. Also presented by

Kevin Dougherty, this program was designed for field personnel to understand the importance of the project management process, and provide the tools to improve profitability for each job. Topics covered in the program included: the basics of project management, kick-off meetings, the pre-planning meeting, job site organization, job meetings, scheduling and project review.

According to program participant, Don Detweiler, senior sheet metal estimator for Plan Group, "(The) seminar was terrific! All of us from the Plan Group thought it was very informative and a lot of fun to be at."

Kevin Dougherty's ability to entertain audiences and hold their interest while getting his message across consistently, makes him one of the industry's top speakers and training talents.

OSM members are encouraged to take advantage of the outstanding educational programming offered through SMACNA. Mark your calendars for future sessions being offered in 2019.

## SMACNA 2018 Convention Review

**S**MACNA hosted its 75<sup>th</sup> Annual Convention from October 14 to 17, 2018, aboard the USS Midway Museum in San Diego, CA.

As guests mixed and mingled on the flight deck during the opening Meet and Greet Reception, a trio of flag-waving skydivers swooped in and stole the show. Not only was the SMACNA flag carried in by the lead SEAL team paratrooper, two addition skydivers carried the U.S. and Canadian flags.

Following the finale above deck, guests moved one level below to enjoy fine food and great entertainment including movies, flight simulators and docent-guided tours of the USS Midway.

On October 15, SMACNA President Jack Knox formally opened the convention, and recognized contractors and chapter executives for their outstanding service on behalf of the association. Everyone was spellbound by Navy Seal Commander Rorke Denver's keynote address that included tales of battles, and



firsthand advice on what it takes to be a leader on and off the battlefield.

On October 17, the responsibilities and duties of president were handed over to Nathan Dills, who was inaugurated as the 2018/2019 SMACNA president. Dills explained his interest in exploring what technology can do for the industry.

The event ended on a high note with platinum recording artist and pop singer Andy Grammer performing his hit songs.

SMACNA invites everyone to the 2019 Annual Convention which will be held October 20 to 23, 2019, in Austin, TX. SMACNA will celebrate the culmination of its 75<sup>th</sup> anniversary year at this event.

## The Passing of General President Emeritus Joseph Nigro

**S**MACNA members from across the United States and Canada, mourn the death of SMART General President Joseph J. Nigro on October 24, 2018.

Nigro was a proud member of Local Union 17 in Boston and served as General President from July 2011 until April 2015.



Nigro was the first general president of SMART and the leader of its more than 200,000 members. At the first SMART convention, Nigro, who was very proud of SMART leadership at all levels, said that the association "had some successes and has laid the groundwork for moving forward."

Nigro's vision, guidance, kindness and sense of humour will live on to inspire not only those whose lives he touched, but also future generations of members who will benefit from his leadership. He will be forever missed for his friendship and unwavering support.

Nigro will be remembered as the "members' general president," a title he richly deserved and cherished.



OSM members are reminded that a wealth of business information is available to them for free through Two Grey Suits.

Two Grey Suits is a professional, on-line resource which provides companies – both large and small – with a wealth of tools and information to help them hire, manage, engage and retain employees.

Please visit [www.twogreysuits.com](http://www.twogreysuits.com) for more information.

# CANADA NEEDS FEDERAL PROMPT PAYMENT LEGISLATION

## LET'S GET IT DONE!

### **WHEN PAYMENTS ARE DELAYED:**

- Employment is lower due to increased payment risk
- Fewer apprenticeships are created
- Productivity is decreased with less investment in equipment and machinery
- Fewer competitive bids are made on projects and government costs rise
- Contractors incorporate delayed payment risk into their bids, further driving up costs for taxpayers

### **JURISDICTIONS WITH PROMPT PAYMENT:**

U.S.A - U.K. - IRELAND - AUSTRALIA - NEW ZEALAND - EUROPEAN UNION  
49-out-of-50 States in the U.S.

**Over 500 stakeholders have been consulted and the report  
has been delivered.**

**It's time to act with federal legislation.**



**National Trade Contractors  
Coalition of Canada**