



March 22, 2022

Hon. Monte McNaughton Minister of
Labour, Training and Skills Development
14th Floor
400 University Avenue
Toronto, Ontario
M7A 1T7

Sent Electronically

Re: Recommendation Schedule 4, Bill 88, Working for Workers Act, 2022

Dear Minister,

On behalf of the undersigned Construction Associations, we are expressing our concerns regarding provisions in schedule 4 of Bill 88, Working for Workers Act, 2022. We strongly believe that safety must be an integral part of every job and that planning, equipment and appropriate personal behavior will yield workplace conditions that are incident free. Employers across the construction industry have taken extraordinary measures throughout the COVID-19 pandemic to ensure workers remained healthy and safe.

As Ontario's economy is still on the road to recovery, new regulations which directly impact business operations should be done so prudently and meticulously. Bill 88 provides the government a unique opportunity to strengthen workplace health and safety while avoiding placing unreasonable risk on the business community.

Naloxone Kits

The construction industry recognizes the alarming increase in drug overdose deaths in Ontario and its disproportionate impact on the construction workforce, our industry continues to work collaboratively and urgently to address this issue. Unfortunately, opioid abuse can be difficult to detect, and the signs of abuse can be misrepresented and subjective in nature. Because of this, a Joint Occupational Health, and Safety Committee (JOHSC) is most appropriately situated to make recommendations to an employer that there may be risk of overdose in the workplace.

Recommendation:

- 25.2(1) Where a Joint Health and Safety Committee notifies the employer, that there may be a risk of a worker having an opioid overdose at a workplace where that worker performs work for the employer, or where the prescribed circumstances exist, the employer shall,
 - (a) provide and maintain in good condition a naloxone kit in that workplace.
 - (b) and (b) comply with any other prescribed requirements respecting the provision and maintenance of naloxone kits and the training referred to in subsection (3).

Monetary Penalties

The construction industry in Ontario is facing a critical shortage of skilled labour and supervisors. Over the next ten years, public infrastructure and residential construction projects will have trouble finding the workers necessary to meet demand. The labour supply shortage is the single biggest challenge facing the Ontario construction market today and threatens our ability to meet our housing and infrastructure demands.

Imposing a 500% increase of monetary fines for supervisors is punitive and redundant. The existing administrative monetary penalty (AMP) regime for supervisors, currently set at \$100,000 are sufficient to deter bad behavior. The proposed amendment will have the unintended consequence of deterring new entrants into these positions due to the potential financial risk.

Recommendation:

- Maintain the existing administrative monetary penalty structure in section 66 of the Occupational Health and Safety Act.

Limitation on prosecutions

Prosecutions made under the Occupational Health and Safety Act should be made in a timely manner. While doubling the current legislated prosecution limitation from one year to two years may give prosecutors more time, it lacks compassion, respect, and dignity for all parties involved. Timeliness, and ensuring that proceedings unfold in an efficient way is a core principle of the provincial judicial system.

Recommendation:

- Maintain the existing limitation on prosecutions in the Occupational Health and Safety Act.

We, the undersigned are appreciative of your attention to our concerns and are committed to ensuring our members promote the highest standards in health and safety to eliminate workplace injury and illness and commit to the principle that everyone shares the responsibility for health and safety at work.

We look forward to continuing to work with you on this critically important issue.

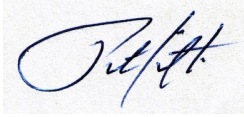
Sincerely,



Patrick McManus
Executive Director
Ontario Sewer and Watermain Contractors Association



Giovanni Cautillo
President
Ontario General Contractors Association



Peter Smith
Executive Director
Heavy Construction of Toronto



Bryan Hocking
Chief Executive Officer
Ontario Road Builders Association



Stephen Hamilton
Director, Public Affairs
Progressive Contractors Association



Richard Lyall
President
Residential Construction Council of Ontario



Bob Schickedanz
Chief Executive Officer
Ontario Home Builders Association