

**Construction Employers Coalition
(for WSIB and Health & Safety and Prevention)**



November 26, 2015

Ms. Tonia Grannum, Clerk
The Standing Committee on Justice Policy
Room 1405, Whitney Block
Queen's park
Toronto, ON M7A 1A2

Re: Bill 109, Employment and Labour Statute Law Amendment Act, 2015

Dear Ms. Grannum:

The Construction Employers Coalition on WSIB Health and Safety and Prevention (CEC) represents more than 2,000 firms employing approximately 80,000 workers. See Appendix A for a full list of who we are and who we represent.

As the Standing Committee on Justice Policy considers Bill 109, *Employment and Labour Status Law Amendment Act, 2015*, the CEC offers the following comments for consideration. In general, employing an omnibus reform approach to the Workplace Safety and Insurance (WSI) program is very problematic given the complexities that exist within each separate industry and issue under the WSI system. We are not opposed to all of the reforms proposed in this Bill (i.e. those found in Sections 2 and 6), however we do not support those items that have been proposed in sections 1, 3, 4, and 5. Reforms to different aspects of this system must be dealt with independently in order to allow for needed changes to pass through as appropriate, while more contentious issues are dealt with in the required manner.

- **Section 1: *The creation of a new offence for employers:*** We disagree that claims suppression is a problem. We reject the conclusions made in the *PRISM Workplace Injury Claim Suppression: Final Report* that Ontario employers are suppressing WSI claims. The conclusion is based on anecdotal evidence and is directly contradicted by a previous report (*Assessing the Effects of Experience Rating in Ontario*) published by the Institute of Work & Health in 2005, which concludes that employees are being encouraged to report accidents and incidents, and that experience rating functions well and encourages accident prevention.
- **Section 3: *Adds significant powers of investigation to the WSIB:*** We do not support these added investigative powers and their potential to further disrupt legitimate workplace operations. We recommend that this section be removed from the Act.
- **Section 4: *Adds s155.1 which makes a s22.1 contravention an offence under the WSIA:*** This is not required and is better addressed through the WSIB administrative penalty regime.
- **Section 5: *Increases by five-fold the penalties for convictions of corporate violation:*** This is an unnecessary increase as it does not enhance the deterrent or promote safety/rehabilitation. The current \$100,000 fine is significant and need not be modified.

We appreciate your consideration of our comments on this Bill

Regards,


Patrick McManus, CEC Chair

Appendix A: CEC – Who We Are

Construction Employers Coalition on WSIB Health and Safety and Prevention – Who We are

The **Construction Employers Coalition on WSIB Health and Safety and Prevention** [“CEC”] represents more than 2,000 firms employing approximately 80,000 workers. Members of the Coalition include: Ontario General Contractors Association (OGCA), Ontario Road Builders’ Association (ORBA), Mechanical Contractors Association of Ontario (MCAO), Ontario Sewer & Watermain Contractors Association (OSWCA), Residential Construction Council of Ontario (RESCON), Ontario Construction Users Council, Kingston Construction Association, Niagara Construction Association, Ottawa Construction Association, and Sarnia Construction Association.

The Coalition was formed in 2011 for the purpose of studying and responding to issues related to construction workers and employers in Ontario. The predecessor organization, the **Construction Industry WSIB Task Force** [“CITF”] formed in 2009.

Class G – Construction, with one of the highest average premium rates, contributes almost \$1 billion in premiums to the WSIB annually, which in turn represents about 25% of the total system premium, making Ontario’s construction sector almost as large as the entire Alberta WCB.

We are also aligned with the **Employers’ Council of Ontario** [“ECO”], a like-minded coalition of non-construction employers, with matching aims and purposes, and very similar broad positions.