



March 24, 2022

Chair Natalia Kusendova and Committee Members
Committee on Social Policy
Ontario Legislative Assembly
c/o Vanessa Kattar – Clerk
99 Wellesley Street West Room 1405,
Whitney Block, Queen's Park
Toronto, Ontario M7A 1A2

comm-socialpolicy@ola.org

Dear Chair Kusendova & Committee Members,

The Council of Ontario Construction Associations (COCA) is a federation of 30 construction associations representing more than 10,000 general and trade contractors that operate in the industrial, commercial, institutional and heavy civil segments of the province's construction industry. Our member contractors work in all regions of the province, employ approximately 400,000 workers and are both unionized and non-union employers. COCA is committed to working with decision makers at Queen's Park to ensure that Ontario's legislative and regulatory environment supports success in the construction industry and prosperity across the province. COCA is the largest and most representative voice for the non-residential construction industry in Ontario.

I write on behalf of our members to express their serious concerns regarding the amendments to the Occupational Health and Safety Act that are proposed in Schedule 4 of *Bill 88, Working for Workers Act, 2022*. These are our concerns:

1. Naloxone Kits

- Unquestionably opioid abuse is a serious public health issue and opioid abusers deserve help
- Workplace health and safety is among the very highest priorities of almost everyone in the construction industry, no matter whether they are a general contractor or a trade contractor; the industry's record speaks for itself as tremendous improvements have been made over the last twenty years
- Overdoses on worksites are extremely rare occurrences
- According to studies, most opioid abusers are unemployed, many are homeless, and some are recently released inmates of correctional facilities



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- No one within COCA's orbit of very seasoned and experienced construction industry contacts is aware of an opioid overdose on a construction site
 - Requiring an employer who becomes aware or ought reasonably to be aware of the risk of having an overdose at their workplace to have a naloxone kit onsite is unnecessary and it is not supported by evidence
 - This requirement simply adds to the regulatory burden that already overly complicates employers business lives and detracts from Ontario's competitiveness with little or no benefit

Recommendations

1. The naloxone kit requirements should be removed from the legislation
2. Opioid abuse has been called "the other pandemic" and as such should be dealt with more appropriately by the Ministry of Health and not by the Ministry of Labour Training and Skills Development
3. If the government is truly serious about combatting drug abuse and opioid overdosing consideration should be given to the development and implementation of a multi-pronged strategy that could include such things as:
 - a. Implementing more effective means of controlling the unregulated drug supply including the importation of illegal drugs from other countries, the domestic manufacture of drugs in illegal laboratories and the theft of legal drugs
 - b. Making it easier for opioid users to access opioid agonist therapy (OAT) (methadone and other therapies)
 - c. Expanding access to harm reduction with pathways to safer opioids and supervised consumption
 - d. Making test strips available to test street drugs before consumption
 - e. Encouraging users to carry naloxone
 - f. As part of the strategy, the MLTSD should consider implementing an awareness campaign to help workers recognize users and steer them to care and treatment
4. If this naloxone kit requirement is not removed from the legislation, the words "or ought reasonably to be aware" in section 25.2 (1) should be removed to avoid litigation over this language
5. If this naloxone kit requirement is not removed from the legislation, consideration should be given to requiring naloxone kits be included in their first aid kits



6. If this naloxone kit requirement is not removed from the legislation, the workplace's Joint Health and Safety Committee is best positioned to detect drug use and abuse and to steer workers into treatment and care
7. If the government is serious about reducing injuries and fatalities on construction sites it should turn its attention to the industry's high hazard activities and to the various proposals that have already been vetted by the industry's Section 21 Committee

2. Increases in Fine Amounts

- We find the proposed increases in maximum fine amounts to be excessive and uncalled for
- The Bill proposes to increase maximum fine for Directors and Officers from \$500,000 to \$1,500, 000, an increase of \$1,000,000 or 200%
- Maximum fines for supervisors, working foremen and construction workers will increase from \$100,000 to \$500,000 an increase of 400%
- The proposed increased maximum fine amount for site supervisors adds to the level of risk that is attendant with this position and will make recruitment of new superintendents, which is already extremely difficult, impossible
- Fines in these amounts would be the highest of any Canadian jurisdiction
- Even in times of high inflation, these increases seem exceedingly high

Recommendations

1. Maintain the current fine amounts or implement an inflationary increase Against the backdrop of the proposed increases, a doubling of the maximum fines seems more palatable although even that seems high

3. Extension of Limitation Periods

- We submit that the current limitation periods should not be changed
- Investigations of workplace incidents are completed within three or four months
- The need for the proposed extension is the result of insufficient capacity within the legal department which should be fixed by improving productivity, streamlining processes or increasing capacity
- Extending the limitations periods delays the release of root cause information about incidents that informs the MLTSD, its system partners and the entire employer community regarding policy and



program improvements that should be made as quickly as possible to improve the performance of the province's health and safety system

Recommendation

1. The current limitation period should not be lengthened. If a change is needed, the limitation period should be shortened.

We greatly appreciate the thoughtful consideration you will give to our concerns and solutions.

Sincerely,

Ian Cunningham
President