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CONSULTATION ON WSIB SURPLUS FUNDING DISTRIBUTION MODEL

The Ministry of Labour Training and Skills Development recently launched a 30-day consultation on the Ontario Regulatory Registry to seek feedback on a proposed regulation under the Workplace Safety and Insurance Act (WSIA) that would:

- make 100% funding of the Workplace Safety and Insurance Board (WSIB) mandatory
- give the WSIB the authority and the discretion to distribute some part of the surplus funding to employers whenever funding is above 115% and less than 125%; and
- make it mandatory for the WSIB to distribute some part of the surplus to employers when funding exceeds 125%

This is a very different application of the corridor concept than most WSIB watchers were familiar with. It is not a funding corridor. It does not mandate that WSIB funding must always be between these two limits. It is simply a corridor for the consideration of a distribution of some part of the surplus to employers.

However, despite this change in application of the corridor concept, we continue to believe it is far too high. The WSIB funding should never be allowed to get to 115%.

We are thankful that the WSIB will have the ability to develop its own suite of (surplus) funding policies and we look forward to working collaboratively with the provincial compensation agency in their development.

COCA SAYS THANKS TO OUR GOOD FRIEND RON KELUSKY

As he leaves the role of Ontario's Chief Prevention Officer, Ron Kelusky can look back justifiably with a great pride and a strong sense of accomplishment.

His successes are many but perhaps the crowning achievement of his long and successful career, typified by service to others, was his role at the forefront of the province's pandemic response, keeping workers and workplaces safe. As a result of the work that Ron led and the guidance he and his team provided, Ontario's workplaces were able to control the highly contagious and deadly virus effectively. And then, just before he closed his office door for the last time, as the icing on the cake, Ron launched the province's new five-year health and safety strategy plan.

Great job Ron! Thanks for everything!! Congratulations!!!"

PROPOSAL POSTED TO HARMONIZE HEAD PROTECTION

The Ministry of Labour Training and Skills Development has posted a proposal to the Ontario Regulatory Registry which when enacted will harmonize head protection requirements across all workplaces. It will also change the requirement for construction workplaces from a prescriptive one in which everyone on a site must wear a hard hat, to a performance-based approach.

Employers and supervisors are already required to identify hazards on construction sites and communicate to workers. Employers will then use their best judgement to determine what type of protective headwear if any must be worn.

So a worker digging a hole for a hydro pole in the middle of a field will not likely be required to wear protective headwear. Similarly, when the new regulation is enacted, a worker installing flooring in a finished room is not likely to be required to wear a hard hat.

PROPOSAL TO CHANGE TO HAZARD BASED REQUIREMENT FOR NOTICES OF PROJECT POSTED

The Ministry of Labour Training and Skills Development has posted a proposal on the Ontario Regulatory Registry which when enacted will change the requirement for contractors to file a notice of project from the current situation, which requires filing for all projects with a labour and materials value of \$50,000 or more, to a hazard-based approach. (There is currently a higher threshold of \$250,000 for projects at auto manufacturers and assemblers.) The proposal includes a list of more than a dozen hazard-based triggers which if included in any project would require the filing of an NoP and through the consultation the MLTSD expects to develop a more comprehensive list. Under the proposed scenario, there would be no need to file an NoP for a \$60,000 kitchen renovation that has no hazards but a \$10,000 sloped roof re-shingling project would require an NoP to be submitted.

CBC REPORTS NON- NEWS STORY ABOUT TRADES ENFORCEMENT

The Ontario College of Trades is back in the news. It's not really news but for some reason the CBC thought they'd discovered a genuine scandal. The national public broadcaster revealed something that everyone in our industry has known for several years, that OCoT has not been enforcing trades qualifications. As most will know, OCoT's enforcement of trades qualifications was loudly criticized from some quarters almost from the very day the College began operations. Enforcement transitioned to "compliance assistance". The CBC then went on to report that the training standards for the hairstylist trade, a compulsory trade, need to be updated to include special treatments for certain racialized types of hair. Surprise, surprise CBC, OCoT has been in a holding pattern since the Ford government was elected. It's taken them more than three years to figure out the way forward and put the wheels in motion to create a new skilled trades and apprenticeship system. Once that new system is born, it could be years before these matters are properly addressed.

OEAs REPORTS ON WSIB PREMIUM DEFERRALS

We're writing to bring to your attention that the WSIB has updated its information about next steps for businesses that deferred amounts under the WSIB's Financial Relief Package and have not repaid the amounts prior to June 30th.

Starting July 1st, interest will be applied to any outstanding amounts and clearance certificate eligibility may be impacted. Businesses with overdue balances will have a valid clearance certificate in place until August 19, 2021.

Starting on August 20, 2021, businesses who have not paid their account balance or have not entered into a payment arrangement with the WSIB or have not completed reporting requirements, will not receive a clearance renewal.

Here is the WSIB FAQ related to clearances:

- Will clearance certificates continue to be issued to all businesses?
- Clearance certificates will be issued to all businesses that have fulfilled their reporting and payment obligations or, have entered into a payment arrangement for their outstanding balance.
- Businesses with overdue balances will have a valid clearance certificate in place until August 19, 2021. Businesses who do not make full payment or enter into a payment arrangement will not receive a clearance renewal on August 20, 2021.
- We understand the financial burden many Ontario businesses are dealing with due to the COVID-19 pandemic and will continue to work with businesses that require additional support beyond the June 30, 2021 deadline to establish flexible payment arrangements.

As noted above in the excerpted FAQ, the Board's messages express openness to working with businesses that require longer repayment terms due to the ongoing pandemic; contact information is employeraccounts@wsib.on.ca or call 1-800-387-0750, Monday to Friday 7:30 a.m. to 5 p.m. Questions about clearance eligibility may be directed to the WSIB at 1-800-387-0750.

Susan Adams
Director, Office of the Employer Adviser

THE COCA ANTI-RACISM TOOLKIT



- 1 Why We Need to Take Action Against Racism
- 2 Your Legal Rights and Responsibilities
- 3 Writing an Anti-Racism Statement
- 4 Sample Policies and Practices
- 5 Recommended Reading and Viewing

LET'S CONFRONT THIS TOGETHER

#COCASstandingTogether

PHILLIPS IS BACK

Rod Phillips was among the most experienced and highly regarded newcomers to the Ontario Legislature when he was elected as the MPP for Ajax as a member of the Doug Ford Team in June 2018. A long-time Tory, Phillips had served on Elizabeth Witmer's political staff when she was the Minister of Labour in the early days of the Mike Harris government in 1995 and subsequently went on to serve as chair of Shepell-fgi, chair of the Ontario Gaming and Lottery Corporation, chair of Civic Action, chair of Post Media and chair of AI firm Afiniti Canada.

When forming government, Premier Ford first appointed Phillips as his Minister of the Environment Conservation and Parks then promoted him to the senior post at Finance. A fit of bad judgement caused him to take an ill-fated holiday season vacation to St Barts against public health advice, which when discovered by Ford, forced his resignation from cabinet at the end of last year. After less than six months in the penalty box, to no one's surprise, on June 20th Phillips found himself back at the cabinet table, this time as Minister of Long-Term Care. More recently, Phillips was appointed as a member of

Treasury Board, a cabinet committee on which he served as vice chair prior to his resignation from Finance.

The chair of Treasury Board is its newly minted President Prabmeet Sarkaria. The vice chair's seat is filled by the Minister of Finance Peter Bethlenfalvy.

Other members of Treasury Board are:

- Premier Doug Ford
- Minister of Infrastructure Kinga Surma, Government House leader Paul Calandra (formerly vice chair)
- Minister of Municipal Affairs and Housing Steve Clark
- Minister of Economic Development Job Creation and Trade Vic Fidelli
- Minister of Transportation Caroline Mulroney
- Solicitor General Sylvia Jones

Former Minister of Infrastructure Laurie Scott and former Minister of Northern Development and Mines John Yakabuski were both booted off the Treasury Board when they were dropped from cabinet in the June 20th cabinet shuffle.

FREE TRAINING FOR SMALL BUSINESSES

To improve the health and safety performance of the province's small business sector, the Ontario government is offering small firms with 6 – 19 employees free training for their health and safety representatives. The government will reimburse the \$25 course registration fee and up to \$150 for the appointed health and safety representative's wages for time spent on the course. The course was developed specifically for small business health and safety representatives and was developed collaboratively by the province's health and safety system partners. It's available today online through the Workplace Safety and Prevention Services (WSPS), a sister organization of our own IHSA.

To learn about the health and safety obligations and responsibilities of small businesses, click on the following link: <https://www.ontario.ca/page/health-and-safety-small-businesses#section-6>

For more information on the free training program and to register, [click here](#)