

### What's Inside

REMINDER - New PPE and Toilet Regulation  
In Effect July 1, 2023

Proposed Apprenticeship Policy Draws  
Criticism from People for Education

Predicting Status Quo in Upcoming Ontario  
By-Elections

26 More Municipalities Get "Strong Mayor  
Powers"

## REMINDER - NEW PPE AND TOILET REGULATION IN EFFECT JULY 1, 2023

### From the April 2023 Gr Report:

So there can be no misunderstanding, here's the new regulation under the Occupational Health and Safety Act for Personal Protective Equipment and toilet and cleanup facilities on construction sites. Your member contractors should be made aware of these changes. It will come into force on July 1, 2023.

### ONTARIO REGULATION 61/23

made under the OCCUPATIONAL HEALTH AND SAFETY ACT

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AMENDING O. REG. 213/91 (CONSTRUCTION PROJECTS)

### 1. Section 21 of Ontario Regulation 213/91 is amended by adding the following subsection:

(4) Personal protective clothing and equipment that is provided, worn or used shall be a proper fit, having regard to all relevant factors including body types.

### 2. (1) Subsection 29 (4) of the Regulation is revoked and the following substituted:

(4) Subject to subsections (5) and (6), the facilities shall be located not more than 90 metres, where reasonably possible, and otherwise not more than 180 metres, measured horizontally, from the project work area.

### (2) Section 29 of the Regulation is amended by adding the following subsection:

(11.1) The facilities shall be kept in good repair at all times.

### 3. (1) Subsection 29.1 (1) of the Regulation is revoked and the following substituted:

(1) Each toilet facility shall meet the following requirements:

1. The facility shall have,
  - i. a toilet with an open-front toilet seat,
  - ii. a toilet paper holder and an adequate supply of toilet paper, and
  - iii. a self-closing door that can be locked from the inside.
2. The facility shall,

- i. be adequately illuminated by natural or artificial light,
- ii. be adequately heated, if that is possible,
- iii. be adequately ventilated, and
- iv. afford the user privacy and protection from weather and falling objects.

3. If the facility is a single-toilet facility, it shall be completely enclosed.

(1.1) For greater certainty, the requirement that a facility be completely enclosed does not apply to a portable urinal.

(2) Section 29.1 of the Regulation is amended by adding the following subsections:

(2.1) Where the minimum number of toilets required at a project under subsection (5) or (7) is five or more, at least one facility at the project shall be for the use of female workers only, where reasonable in the circumstances.

(2.2) If the facility is intended for use by males only or females only, it shall have a sign indicating that.

(2.3) If the facility is intended for use by female workers, there shall be a disposal receptacle for sanitary napkins.

(3) Subsection 29.1 (4) of the Regulation is revoked and the following substituted:

(4) If a project is being carried out in a remote unpopulated area and it is not reasonably possible to provide toilet facilities required under subsection (3), other types of toilet facilities shall be provided.

#### **4. (1) Subsection 29.2 (1) of the Regulation is revoked and the following substituting:**

(1) Subject to subsection (1.0.1), each single-toilet facility shall be provided with its own clean-up facility.

(1.0.1) One readily accessible clean-up facility may be provided for every two single-toilet facilities if those single-toilet facilities are located together in the same area at the project.

(2) Subsection 29.2 (3) of the Regulation is revoked and the following substituted:

(3) If it is not reasonably possible to have a wash basin with running water at a clean-up facility, both of the following shall be provided:

1. A means of cleaning hands.
2. An alcohol-based hand sanitizer containing a minimum of 60 per cent alcohol.

#### **Commencement**

**5. This Regulation comes into force on the later of July 1, 2023 and the day this Regulation is filed.**

## PROPOSED APPRENTICESHIP POLICY DRAWS CRITICISM FROM PEOPLE FOR EDUCATION

A report published by People for Education has sparked a public dialogue about the provincial government's proposed policy, announced in March of this year, that if enacted will allow students who have completed grade 10 to leave high school and directly enter apprenticeship programs. According to the government's announcement, those who pursue this track and receive a Certificate of Apprenticeship, would be allowed to apply for an Ontario Secondary School Diploma as mature students.

In proposing this policy, the government's primary objective is to steer more young people into rewarding careers in the skilled trades and to help fill the shortfall of skilled trades workers in the province.

Among the People for Education's objections to the proposed policy are the following:

- It places greater priority on addressing a short-term labour market need over the long-term benefits of educational attainment
- It will deprive students who choose this pathway of the foundational learnings and social development gained through completion of grades 11 & 12
- Less advantaged and marginalized students will likely choose this path in disproportionate numbers
- Apprenticeship should be better integrated into the high school programming.
- There are already too many structural barriers to entry into apprenticeships and completions stand at only about 36%
- This track leads to narrowing future opportunities and choices

The full report is available at the following link:

<https://peopleforeducation.ca/report/risky-business-the-unanswered-questions-in-ontarios-proposed-apprenticeship-plan/>

My personal opinion with respect to the proposed policy includes the following:

- The average age of a first-year apprentice is around 27 years. Something must be done to attract young people with the appropriate aptitudes and ambitions into the skilled trades at an earlier age
- Construction trades aren't for everyone. They appeal to experiential learners who prefer to learn by watching and doing as opposed to sitting in a classroom listening to lectures, watching videos and reading books. Apprenticeship applicants must be thoroughly vetted to ensure they have all the markers for success in their chosen program and in their trade
- It is a rare grade 10 completer that has the necessary pre-apprenticeship experience and knowledge and the maturity to enter directly into a construction apprenticeship
- The provincial government should re-think the way it delivers its construction specialist high skills majors program and its construction co-operative education programs
- I was extremely impressed with the TDSB's STEPS to Construction co-op program delivered by educator Elvy Moro. There should be more programs like STEPS to Construction offered across the province to get students truly apprenticeship-ready

The provincial government plans to hold consultations around the proposed policy in the fall.

## PREDICTING STATUS QUO IN UPCOMING ONTARIO BY-ELECTIONS

The by-elections to fill the two vacancies in the Ontario legislature will be held on Thursday, July 11th. Here's the lowdown:

### Kanata-Carleton

The vacancy in Kanata-Carleton was created by the unexpected resignation of the former MPP Merrilee Fullerton, a family physician who was first elected in the general election in June 2018 and re-elected in the general election in June 2022 and who served as Minister of Training Colleges and Universities, Minister of Long-Term Care and Minister of Children, Community and Social Services in the Ford government.

Candidates in the by-election include:

- Government and public affairs professional Sean Webster for the PCs
- Twice elected MP for Kanata-Carleton (2015 & 2019) and former lieutenant colonel in the Canadian Armed Forces, Karen McCrimmon for the Liberals
- Public health care worker and OPSEU regional vice president Melissa Coenraad for the NDP
- University student and gig worker Steve Warren for the Greens

In her two election victories, Fullerton won by almost 15% and 20% in what was then a newly created riding in the outskirts of Ottawa.

Coenraad has run several times before and finished in second place behind Fullerton in 2022 so she should be able to build on that experience. And having won twice to represent the riding at the federal level, McCrimmon also has to be considered a strong contender.

None the less, Webster, himself an experienced campaign strategist, should hold this one for the Tories.

### Scarborough-Guildwood

The vacancy in Scarborough-Guildwood was created by the resignation of Mitzie Hunter, one of only a handful of Liberals re-elected in the general election of June 2018. Hunter resigned her seat in the legislature so that she could run for mayor of Toronto. (She finished a distant 6th in a field of 102 candidates.)

Candidates include:

- Small business owner and Scarborough Business Association president Andrea Hazell for the Liberals
- City Councillor Gary Crawford for the PCs
- Hydronic specialist, gas fitter and HVAC designer and 2SLGBTQA+ supporter Tara McMahon for the Greens

Scarborough-Guildwood traditionally goes Liberal with strong pluralities. But Hunter won narrowly in the 2018 general that swept the Wynne Liberals out of government and to the depths of oblivion and in the 2022 general, she bested the second-place finisher by almost 15%. Should be a Liberal hold.

## 26 MORE MUNICIPALITIES GET “STRONG MAYOR POWERS”

Steve Clark, Ontario’s Minister of Municipal Affairs and Housing Minister, recently announced that the “strong mayor powers” originally granted to the mayors of Ottawa and Toronto will be given to the heads of the councils of the following additional municipalities:

Ajax, Barrie, Brampton, Brantford, Burlington, Caledon, Cambridge, Clarington, Guelph, Hamilton, Kingston, Kitchener, London, Markham, Milton, Mississauga, Niagara Falls, Oakville, Oshawa, Pickering, Richmond Hill, St Catharines, Vaughan, Waterloo, Whitby and Windsor.

Missing from the list are: Thunder Bay, Chatham-Kent and Newmarket. These municipalities have not signed onto the targets assigned to them by the province for new home construction.

The strong mayor powers allow mayors to set budgets, pass or veto (zoning) bylaws, to align with provincial priorities such as housing construction with a minimum of one-third support of council members.

Many municipal leaders, including the mayor of Ottawa and the newly elected mayor of Toronto have indicated that they will not use their new powers.

The justification for granting these powers to municipal council heads is:

- Mayors are elected across the municipality and receive the support of many more voters than a single councillor or group of councillors
- The strong mayor powers can be used to overcome obstructionist NIMBYism (not-in-my-back yard) that stands in the way of the overall public good
- It will help the provincial government advance its agenda with respect to municipal issues



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