



In This Issue

WSIB Entitlement for Chronic Mental Stress	1
2018 Ontario General Election	2
Bill 142 Update	3
Accreditation	3
College of Trades Update	3
Conestoga College Recognizes Martha George	4
Madeleine Meilleur Withdraws as Commissioner	4
Recent Ontario Polling	4

WSIB Entitlement for Chronic Mental Stress

In the wake of decisions made by the Workplace Safety and Appeals Tribunal (WSIAT) relating to three cases (the trilogy cases) dealing with chronic mental stress and which overturned WSIB denials of entitlement, legislation was passed that delegated authority to the WSIB to make the appropriate adjudicative test for chronic mental stress claims. The law states that entitlement for CMS will apply to claims made after January 1, 2018.

In response to the new law, the WSIB recently published a draft policy addressing both traumatic mental stress and chronic mental stress for the purpose of consultation with stakeholders. The deadline for submissions is July 7, 2017.

COCA's WSIB Committee met recently to consider the draft policy and to develop a submission. The main points that will be made in our submission are as follows:

1. Unlike WSIB consultations in the recent past, the draft policy and supporting documents are extremely vague, offer little direction to WSIB adjudicators and provide no options or alternatives and no explanations for the various choices made. The consultation lacks

the kind of openness and transparency we have become accustomed to since the days of the Harry Arthurs Review and through the Chair's Advisory Committees

2. Mental illness is extremely complex. It is very different from a physical injury or occupational disease. It is in many ways invisible. It takes a highly trained expert to make the diagnosis. Its connection with the workplace is difficult to make. It must be treated differently. There must be a different test.
3. Ordinary life is full of all kinds of stress from such things as the recent death of a parent, a sick child, interpersonal relationships, financial pressures, harassment and bullying both inside and outside the workplace. The causes of mental stress are multi-factorial. The draft policy proposes that the workplace stressors must be a substantial contributor to the worker's condition. In every other Canadian jurisdiction that provides benefits for stress, the workplace must be the predominant cause for the illness to be compensable. We will insist that the workplace stressors must be the predominant cause.
4. The draft policy allows the WSIB to accept a Diagnostic Statistical Manual of Mental Disorders (DSM) diagnosis from an appropriate regulated health care professional and that at a later time the WSIB may require an assessment by a psychiatrist or psychologist. Because of the complexities of mental disorders we will submit that the diagnosis must be made by a healthcare professional who is trained and experienced in making DSM diagnoses and that it be in accordance with the most current DSM (currently DSM5)
5. The thinking behind the draft policy is based on the WSIB's recent return to work success for workers suffering physical injuries. They believe if they get workers suffering CMS into the system and get them treated quickly, they will get them back to work quickly. The WSIB fails to recognize the complexity of mental illness and the difficulty in returning a worker back to the workplace.

2018 Ontario General Election

I haven't been keeping an official tally but a review of the political parties' websites leads me to believe that the Tories are well ahead of the Liberals and the NDP in nominating candidates for the June 2018 election. It's safe to assume that almost all of the current 29 PC MPPs will seek re-election. PC MPP Julia Munro has announced that she will not seek re-election. And the party's website lists another 43 candidates already confirmed. Among them are some familiar names including:

- Former MP Daryl Kramp
- Former Kingston mayor Gary Bennett
- Toronto Board of Trade staffer Gillian Smith
- Former Burlington MPP Jane McKenna
- Jill Dunlop, daughter of former MPP Garfield Dunlop
- Former MP Parm Gill

- Former MP Paul Calandra
- Todd McCarthy, former law partner of the late Jim Flaherty

Recent media reports also placed the Tories well ahead in fundraising.

On the Liberal side of the ledger, with the polls indicating the prospect of the re-election of a Liberal government is slim, it can be reasonably be expected that more than a handful of current 57 caucus members will retire from political life (at least for now). Among the recognizable names on the Liberal candidate list are:

- Veteran Toronto city councillor Shelley Carroll
- Former local and regional councillor for the Town of Whitby and Durham school board trustee Elizabeth Roy

Bill 142 Update

Bill 142 Construction Lien Amendment Act 2017 which modernizes the Construction Lien Act, introduces an interim adjudication process and introduces a payment regime for construction projects was introduced by the Attorney General, Yasir Naqvi, on May 31st.

COCA's Construction Lien Act Task Force has already held a teleconference and scheduled a meeting to review the legislation with the view to identifying gaps or unintended consequences and to submit its work to the Attorney General prior to the beginning of the fall session.

Accreditation

COCA's OH&S Committee recently met with representatives of the Ministry of Labour to learn about the MoL's thinking with regard to the development of a draft standard for health and safety Accreditation and the upcoming consultation that will focus on the draft standard. Discussions were not dissimilar from those at the May COCA board of directors meeting when Ministry officials presented on the same subject. Many of the same questions were asked. These meetings represent very early stage consultations, before the formal consultation, to help the Ministry get its draft policy and consultation paper right. The consultation is expected to start in early July and end in mid-October.

College of Trades Update

Pursuant to amendments to the Ontario College of Trades and Apprenticeship Act, the College is now responsible for establishing the process through which existing trades that want to have their current classification (either compulsory or voluntary) changed are referred by the College's Board of Governors to the new Classification Roster. The consultation is open until July 30, 2017.

Conestoga College Recognizes Martha George

Construction industry leader and COCA star Martha George was the honouree at Conestoga College's 2017 Golf Classic on May 30th at Whistle Bear Golf Club. The College recognized our Martha as:

- A business leader and tireless advocate and champion for the construction industry
- A longtime supporter of the College who has served multiple terms on its board of governors
- A promoter of excellence in the construction industry at the local, regional, provincial and national levels
- A developer of mentoring programs to connect women and younger association members to the industry
- An active member of the community through her involvement on various advisory boards and associations including the Canadian Construction Association, the Council of Ontario Construction Associations, the Waterloo Region Economic Development Corporation, the Editorial Advisory Council for the Daily Commercial News and the Board of Governors for the University of Waterloo.
- A recipient of the Queen's Diamond Jubilee medal for the significant contributions she has made to the construction industry in Canada.

With Martha as the headliner, the 2017 Conestoga Classic was sold out and raised a significant amount of money for redevelopment projects a Conestoga.

Congratulations Martha. We're very proud of you.

Madeleine Meilleur Withdraws as Commissioner

We reported in the May 2017 edition of this report that former Liberal MPP and the Attorney General who got the ball rolling on the Reynolds-Vogel Report, was appointed by the Prime Minister as Canada's Official Languages Commissioner. It seems that as a result of the controversy around the partisanship of her appointment (she has stated that she was seeking an appointment to the Senate) to a position that is intended to be politically neutral, Meilleur has withdrawn.

Recent Ontario Polling

Current party standings in Ontario's 107 seat legislature are as follows: Liberals 57 seat, PCs 29 seats, NDP 20 seats and Independents 1 seat (former PC MPP Jack McLaren). The riding map has been reconfigured for the June 2018 Ontario general election and there will be a total of 122 ridings contested and 122 MPPs elected.

In Forum Research's latest opinion poll, 44% of respondents said they would vote PC in the June 2018 election, 24% said they would vote NDP, 23% Liberal, 7% Green and 2% Other. Among the party leaders, Andrea Horwath had the highest net favourable rating at + 11 followed by Patrick Brown at -1 with Premier Kathleen Wynne trailing at -11. When asked which leader would make the best premier, 36% said Brown, 20% said Horwath and 13% said Wynne. Alarmingly 23% said none of the above and another 7% said they don't know. From their research findings, Forum projected the following results in the 122 seat legislature: PCs 87 seats; NDP 26 seats; Liberals 9 seats.

Mainstreet Research's recent poll shows a slightly different result with 43% of respondents saying they would vote for the PCs, 29% for the Liberals and 24% for the NDP. An interesting finding in this poll is that 89% of PC voters are in favour of the party's policy to abolish the cap and trade system but only 29% of undecided voters support this policy direction.

Polls make interesting water cooler conversation for political observers and partisans but one has to remember two things:

- The election doesn't take place until June 2018, a little less than a year away and a lot can change in that time
- In many recent elections, the polls haven't proven reliable