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GOVERNMENT DOES ABOUT FACE ON TRADES QUALIFICATIONS VERIFICATIONS

Most readers will be aware that from its very early days the Ontario College of Trades had an enforcement and compliance arm that was tasked with helping employers and workers comply with the Ontario College of Trades and Apprenticeship Act.

At one time OCoT had as many as 45 enforcement and compliance officers who were responsible for inspecting the hundreds of thousands of businesses in the four sectors (construction, automotive, industrial, service) that employ skilled trades persons.

It has been reported that in 2013, amid turmoil over the enforcement activities of the OCoT inspectorate, OCoT officers (who were unionized) received an assurance in writing from an Assistant Deputy Minister in the Ministry of Labour that if their positions were transferred to another employer or Ministry, they would receive successor rights.

On September 27th, to the surprise of no one, Minister McNaughton announced that starting in 2022 Ministry of Labour Training and Skills Development Health and Safety Inspectors (those responsible for enforcing the Ontario Health and Safety Act) will take over the responsibility for verifying skilled trades workers' credentials. At the same time, he announced that his Ministry will be hiring 100 newly trained health and safety inspectors to take on these new responsibilities.

This has left the OCoT officers, that now number around only 30, highly anxious and in a state of unease thinking they will likely be laid off when the College is wound down for good in the coming months.

This probably signals that the government is making a total and clean break with OCoT and will cut adrift all the institutional knowledge that resides with OCoT staff and will start afresh as it stands up the new skilled trades and apprenticeship system that will be overseen jointly by the Ministry of Labour Training and Skills Development and the new agency called Skilled Trades Ontario.

SECOND ROUND OF SKILLS DEVELOPMENT FUND ANNOUNCED

On September 29th Minister of Labour Training and Skills Development Monte McNaughton announced a second round of funding for the Skills Development Fund of \$83 million. The funding is expected to support 260,000 people pursue careers in the trades. [Click here to read the announcement.](#)

EMPLOYER VACCINATION POLICIES

There seems to be some confusion among construction employers regarding employer vaccination policies. Here's what we know or believe:

- We believe employer COVID 19 vaccination policies, in general, are a good idea
- They come in many forms and for example can simply promote vaccination among employees OR make vaccination mandatory with accommodations for those with exemptions for legitimate medical or religious reasons OR make vaccination mandatory but to require unvaccinated employees to be tested regularly
- There are many templates out there that employers can use and adapt for their own uses; we advise you to consult your employment lawyer for advice before implementing a policy because they are not as simple as these stated examples, they have complexities
- Many local public health authorities recommend that employers have vaccination policies
- Some local health authorities require employers, in some instances employers in identified sectors, to have vaccination policies
- Unless the Chief Medical Officer of Health has issued a directive, a vaccination policy is not required for every employer
- An increasing number of large institutional buyers of construction are now requiring all workers on their construction sites to be fully vaccinated
- Fully vaccinated currently means having two doses plus 14 days
- The Ontario Human Rights Commission has issued a 3 page policy statement on COVID 19 vaccine mandates and vaccine certificates that in part states "While receiving a COVID-19 vaccine remains voluntary, the OHRC takes the position that mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the Human Rights Code (Code) as long as protections are put in place to make sure people who are unable to be vaccinated for Code-related reasons are reasonably accommodated. This applies to all organizations". The statement goes on to state, "At the same time, the OHRC's position is that a person who chooses not to be vaccinated based on personal preference does not have the right to accommodation under the Code. The OHRC is not aware of any tribunal or court decision that found a singular belief against vaccinations or masks amounted to a creed within the meaning of the Code".
- Ellis-Don and PCL have come out with a joint policy on vaccination which, according to a release from ED on September 14th, both companies will require Canadian employees working at any location on company business to be fully vaccinated for COVID-19 by November 1, 2021. As of this date, testing will not be offered as an alternative to full immunization.
- Unions are getting on board with vaccination policies
- If things continue to move in the current direction, it could be increasingly difficult for unvaccinated workers to find work
- Employer vaccination policies will very likely be the subject of court challenges

MINISTRY RELEASES SAFETY PLAN BUILDER TO HELP EMPLOYERS

The Ministry of Labour Training and Skills Development has released a free online tool to help employers develop their workplace safety plans. Called the Safety Plan Builder, it is an online COVID-19 safety plan builder that makes it easier and faster for small businesses to develop custom COVID-19 safety plans to address the risks of exposures to workplace hazards like COVID-19. It can be found at Ontario.ca/COVIDSafety along with the existing safety plan guide and other helpful resources for businesses.

RESPONSIBILITY FOR DIGITIZING GOVERNMENT

When Doug Ford was elected Premier of Ontario in June 2018 he appointed Peter Bethlenfalvy to his cabinet as President of the Treasury Board. In December of 2020, Ford's then Finance Minister Rod Phillips suffered a serious error in judgement when, contrary to public health advice at the time, he took a holiday season junket to St Barts.

As a consequence Phillips was forced to resign from Cabinet. Bethlenfalvy then had the Finance portfolio added to his Cabinet responsibilities. In June 2021 Bethlenfalvy was relieved of his Treasury Board position to allow him to focus on Finance. (He was succeeded as President of the Treasury Board by Prabmeet Sarkaria.) However, Bethlenfalvy took with him from Treasury Board to Finance the responsibility for the management of the Simpler Better Faster Services Act. A pet project of Bethlenfalvy since inception, the Simpler Better Faster Services Act accelerates the digitization of government services and hopefully reduces regulatory burden on businesses.

Joining Bethlenfalvy in this initiative is the new Associate Minister of Digital Government Kaled Rasheed.

LEGISLATIVE CALENDAR FOR 2021

The 2nd Session of the 42nd parliament will commence at 9:00 am on Monday, October 4, 2021 with a Speech from the Throne delivered by the Lieutenant-Governor Elizabeth Dowdeswell.

The legislature will sit for four days and before taking a scheduled Constituency Week during the week of October 11 to 15. MPPs will convene again on Monday, October 18th and sit for three weeks.

Another Constituency Week is scheduled for the week of November 8 to 12, 2021. Legislators will return to Queen's Park on Monday, November 15th and sit for for straight weeks before rising for their winter break on December 9, 2021 .