

October 2021

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## 2022 WSIB EMPLOYER PREMIUM RATES

Here's what you should know about 2022 WSIB Employer Premium Rates:

- 2021 Average Premium Rate \$1.37
- 2022 Average Premium Rate \$1.30, a reduction of 5.1%
- 2021 MIE is \$97,308 an increase of 2.0% from the previous year, determined by the authority of Bill 238
- 2022 MIE will be \$100,422, an increase of 3.3% from 2021, determined by the authority of Bill 238
- 2022 MAE is \$102,800, an increase of 7.76% from the previous year, determined by WSIA Section 54
- 2022 MAE will be \$106,500, an increase of 3.6%, determined by WSIA Section 54
- 2021 Gap between MIE and MAE 5.64%
- 2022 Gap between MIE and MAE 6.05%
- It's alarming that the gap between the MIE and MAE is widening and to the best of our knowledge the losses created by this gap are not shared appropriately
- Will the government extend its authority under Bill 238 to determine the MIE beyond 2022?
- Class rates can be found at <https://www.wsib.ca/en/2022premiumrates>
- Employers can expect to receive their risk-adjusted premium rates by the end of October
- the transition to the new rate framework will resume in 2022
- In 2022, businesses with a projected premium rate increase will move up a maximum of one risk band (approximately five per cent) from their 2021 rate
- In 2023, businesses with a projected premium rate increase will move up a maximum of two risk bands (approximately 10 per cent) from their 2022 rate
- In 2024 the new rate framework will be fully in effect. Businesses with projected premium rate increases or decreases will see their rates move up or down a maximum of three risk bands (approximately 15 per cent per year), until they reach their projected premium rate.

## COCA HAS MOVED

**Our new address is:**

**123 Edward Street, Suite 926**

**Toronto ON M5G 1E2**

**Phone (416) 968-7200**

## LABOUR MINISTER INTRODUCES WORKPLACE BILL

On October 25, 2021 Ontario's Minister of Labour Training and Skills Development, Monte McNaughton, introduced Bill 27, Working for Workers Act, 2021. The government claims in a release that, if passed, the Bill will make Ontario the best place for people to work, live and raise a family.

An omnibus Bill, the Work for Workers Act is being presented as a worker friendly piece of legislation to win favour in the Labour community. It amends the following statutes:

- Employment Protection for Foreign Nationals Act, 2009
- Employment Standards Act, 2000
- Fair Access to Regulated Professions and Compulsory Trades Act, 2006
- Ministry of Agriculture, Food and Rural Affairs Act
- Occupational Health and Safety Act
- Workplace Safety and Insurance Act, 1997

The government's own news release provides the following summary of the provisions contained in the legislation:

- "Today, the government will introduce the Working for Workers Act, 2021 that would, if passed:
- Require employers with 25 or more employees to have a written policy about employees disconnecting from their job at the end of the workday to help employees spend more time with their families.
- Ban the use of non-compete agreements that prevent people from exploring other work opportunities in order to make it easier for workers to advance in their careers.
- Help remove barriers, such as Canadian experience requirements, for internationally trained individuals to get licenced in a

regulated profession and get access to jobs that match their qualifications and skills.

- Require recruiters and temporary help agencies to have a licence to operate in the province to help protect vulnerable employees from being exploited.
- Require business owners to allow delivery workers to use a company's washroom if they are delivering or picking up items. This supports the delivery drivers, couriers and truck drivers who have kept our essential supplies and economy going throughout the pandemic.
- Allow surpluses in the Workplace Safety and Insurance Board's Insurance Fund to be distributed over certain levels to businesses, helping them cope with the impacts of COVID-19.
- Enable the Workplace Safety and Insurance Board to work with entities, like the Canada Revenue Agency, to streamline remittances for businesses, enabling a way to give them an efficient one-stop-shop for submitting premiums and payroll deductions.
- Allow the Ministry of Agriculture, Food and Rural Affairs to collect information related to the agri-food workforce to ensure the government can enhance the coordination of services such as vaccination and testing and respond to issues that may arise."

You will be aware from our previous writings that COCA has some concerns about the proposed WSIB surplus distribution model proposed in the Bill and plans to apply to participate in Committee hearings on the Bill when it gets to that stage of the legislative process.

## LINK2BUILD WEBINAR ON ADJUDICATION

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Congratulations to Link2Build on a very informative webinar on adjudication. The session was moderated by GVCA Chair, COCA Vice Chair and construction lawyer with the Kitchener-based firm Madorin Snyder LLP, Ted Dreyer and featured construction lawyer Dan Leduc who is with the national firm Norton Rose LLP and litigation lawyer and Project Manager with the Ontario Dispute Adjudication for Construction Contracts (ODACC) Elise Teitler. There were two features that made this webinar so different from all the others about prompt payment and adjudication:

1. The question and answer format with Ted posing the questions and Elise and Dan providing the in depth responses (questions were also fielded from participants through the “chat” function of the videoconference platform)
2. The participation of Elise from ODACC who walked participants through ODACC’s system and gave a real feel of what an adjudication is like, how it works, what to expect, how to initiate the process, how an adjudicator can get selected, adjudicator fee negotiation, a framework of adjudication processes. It was very different from all the others that laid out all the various timelines and mechanics. This had a more real life feel to it.

There have only been about 100 adjudications in total initiated so far. This seems like such a small number given the groundswell of enthusiasm and support that led up to the passage of the new Construction Act. Clearly the industry needs more webinars like this one. Congrats to the Link2Build group!

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## FALL ECONOMIC STATEMENT SCHEDULED FOR NOVEMBER 4, 2021

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Finance Minister Peter Bethlenfalvy will deliver the government’s Fall Economic Statement (FES) on the afternoon of November 4th. It’s expected to review the government’s successes in containing the spread of COVID-19 in the province and to highlight plans to combat the virus going forward and strategies for the province’s economic recovery.

Media reports suggest that in the FES, the government may:

- Delay new property tax assessments that could see large increases in assessments until after the June 2022 election but before the next round of municipal elections
- Provide some form of relief for increasing gas prices
- Some indication about moving forward with the controversial highway 413
- Something to accelerate the development of and/or use of electric vehicles, in Ontario

## IRONWORKER ARSENAULT TO SUCCEED DILLON AS BUILDING TRADES HEAD

At its recent annual convention, delegates to the Provincial Building and Construction Trades Council of Ontario elected Ironworker union executive Marc Arsenault as their next Business Manager and Secretary Treasurer. Arsenault, who was uncontested in seeking the role, will take the reigns of the province's largest federation of construction trade unions on January 1, 2022. He succeeds the organization's long-serving and highly effective leader, Patrick Dillon. We have already met with Patrick and Marc to ensure a continuing respectful relationship between our two organizations into the future.

## HIGHLIGHTS FROM STATSCAN'S SEPTEMBER JOBS REPORT

Here are selected highlights from Statistics Canada's labour market report for September, 2021:

- Employment returned to its February 2020 level in September, increasing by 157,000 (+0.8%).
- The labour force participation rate was 65.5% in September, matching the rate observed in February 2020.
- The numbers of public- and private-sector employees were at or above February 2020 levels, while self-employment remained 8.4% (-241,000) below its pre-pandemic level.
- Employment in the services-producing sector surpassed its pre-COVID level in September, while employment in the goods-producing sector remained 3.2% (-128,000) below its February 2020 level.
- Total hours worked were up 1.1%, but were 1.5% below their pre-pandemic level.
- The number of people working from home was 4.1 million in September, down from 5.1 million in April 2020.
- Increases in employment were concentrated in full-time work, and among people in the core working age group of 25 to 54.
- Employment gains in the month were split between the public-sector (+78,000; +1.9%) and the private-sector (+98,000; +0.8%).
- Employment increased in six provinces in September: Ontario, Quebec, Alberta, Manitoba, New Brunswick and Saskatchewan.
- The unemployment rate declined for the fourth consecutive month in September, falling 0.2 percentage points to 6.9%, the lowest rate since the onset of the pandemic.
- The number of people unemployed was little changed—the decline in the unemployment rate was driven instead by an increase (+139,000) in the number of Canadians participating in the labour market.
- The unemployment rate among 15- to 69-year-olds who belong to population groups designated as visible minorities was 7.8%, down 2.0 percentage points from August.

The full report can be accessed by clicking on the following link

<https://www150.statcan.gc.ca/n1/daily-quotidien/211008/dq211008a-eng.htm>

Employment in the construction industry in Ontario decreased slightly in September from the previous month's level, from 534,700 in August 2021 to 534,200 in September 2021.

## CURRENT PARTY STANDINGS IN THE ONTARIO LEGISLATURE

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There are 124 electoral districts or ridings in Ontario. Each one elects a Member of Provincial Parliament or MPP to serve as its representative in the Ontario Legislature. Sixty-three are needed for a majority (although as you will note below, there is currently one vacancy in the Legislature so a majority is 62). Here are the current standings in the Ontario Legislature:

### Progressive Conservative Party of Ontario – 69

- In the 2018, the PCs won 76 ridings; 7 PC MPPs have either resigned or been ousted from the PC caucus

### New Democratic Party of Ontario – 40

#### Ontario Liberal Party – 7

- Includes former PC MPP Amanda Simard (Glengarry-Prescott-Russell) who crossed the floor to join the Liberals
- On February 27, 2020 by elections were held in two ridings that resulted in Liberal holds
- Liberal MPP Michael Coteau resigned to successfully seek election to the House of parliament in the recent federal election; his former seat in the Ontario Legislature is currently vacant

#### Green Party of Ontario – 1

#### New Blue Party of Ontario – 1

- former PC MPP Belinda Karahalios

#### Independent – 5

- Former PC MPP Jim Wilson (Simcoe-Grey)
- Former PC MPP Randy Hillier (Lanark-Frontenac-Kingston)
- Former PC MPP Roman Baber (York Centre)
- Former PC MPP Rick Nichols (Chatham-Kent-Leamington)
- Former PC MPP Lindsey Park (Durham)

#### Vacant – 1

- As noted above, former OLP MPP Michael Coteau (Don Valley East) resigned to seek election (successfully) as MP for the same riding in the recent federal election

After reviewing this information, one might ask what is likely to happen in the seven ridings in which PC MPPs either resigned or were ousted from the PC caucus. Here's the conventional thinking:

- The PCs will hold Simcoe-Grey, Lanark-Frontenac-Kingston, Chatham-Kent-Leamington, Durham
- The PCs will win Cambridge
- York Centre could go PC or Lib depending on the provincial campaigns and the performance by the local candidates
- Glengarry-Prescott-Russell will remain in Liberal hands

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## GOVERNMENT HOUSE LEADER AND MINISTER WITHOUT PORTFOLIO GETS PROMOTION

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In addition to his role as Government House Leader, Paul Calandra was recently sworn-in as Minister of Legislative Affairs. He no longer carries the title of Minister Without Portfolio. This is a newly created position comes with an increase in compensation of \$27,000. Although the responsibilities of this role have not been publicly defined (premier Ford has refused to publish Ministers' mandate letters) Calandra explained that among his new responsibilities is the smooth operation of the Legislature, something normally believed to be under the purview of the Speaker.