



COCA Construction in Ontario

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Mornings come early these days at Queen's Park

The Ontario Legislature convened for daily business yesterday at 9:00am as new legislative changes came into effect.

Born out of a proposal tabled by Conservative member Lisa McLeod, the idea behind an early morning start for the legislature was to eliminate night sittings as a measure to attract more women to politics by making it easier for elected members to balance their jobs with family commitments. The government's new schedule will from

Monday to Thursday have the legislative day begin with debate of bills and motions at 9:00am rather than the usual 1:30pm, followed by Question Period, lasting for one hour. The remainder of the legislative day will be dedicated to additional debate and routine proceedings. While unpopular, the legislative clerk's office had previously offered four other proposals that would have kept an afternoon start at the legislature and still eliminate evening sittings however, none of these were accepted.

The new initiative seems to be more than the opposition parties bargained for as the legislative schedule is being met with ridicule. Both the Conservative and New Democratic parties have voiced concern over their ability to adequately prepare for a morning Question Period and it appears the government has also recognized an opportunity to better direct its communications efforts and messaging into the daily news cycle.

Ontario Workforce Shortage Coalition Strategy Session

The Ontario Workforce Shortage Coalition (of which COCA is part) is hosting a round-table strategy session on Wednesday May 21, 2008 at the Westin Harbour Castle in Toronto. The purpose of the session is to discuss how to prioritize the steps Ontario needs to take to prevent a skills shortage.

The strategy session is a follow up to province-wide consultations that took place throughout February and March. The input from the

original consultations will be examined to develop focused recommendations to help shape provincial and national skills strategies.

The importance of this issue has been acknowledged by the Provincial government in the budget and by the Federal government in comments Human Resources and Social Development Minister Monte Solberg made to the Toronto Star.

The coalition needs input from industry to help shape effective

skills strategies, and the construction sector needs to ensure its issues are well represented.

The symposium will run from 8:30am to noon at the Westin Harbour Castle (1 Harbour Square), with breakfast at 8am.

For more information or to RSVP your attendance to the symposium please contact David Zurawel directly at 416-968-7200 ext. 223 or dzurawel@co.ca.

Search Committee Struck

James Coates, Chairman of the Board, has convened a Search Committee of 11 members to find a new President for COCA. The Committee had its initial meeting April 29 and set a target date of mid-May to create and place an advertisement. A human resources professional will be assisting with the drafting of the advertisement as well as with evaluation of responses received by May 31.

"The Committee members dis-

cussed the possibility of recruiting someone with construction experience but what we need most of all is a strong leader and consensus builder," said Mr. Coates.

The Committee decided that a section of COCA's website should contain additional information for anyone interested in applying for the position. Ads for the position will be taken out in Daily Commercial News and various professional newsletters.

Construction Day on Hold

COCA's inaugural *Construction Day* lobby day and reception at Queen's Park, scheduled for Wednesday, May 28th has been postponed while efforts are undertaken to secure a new president. We will be setting a new date for this event as soon as possible. Anyone with any questions are encouraged to contact David Zurawel, Vice President, Policy and Government Relations directly at 416-968-7200 ext. 223 or at dzurawel@co.ca.

COCA Members

- Acoustical Association of Ontario
- Architectural Glass & Metal Contractors of Ontario
- Association of Millwrighting Contractors of Ontario
- Barrie Construction Association
- Canadian Farm Builders Associations—Ontario Division
- Canadian Fence Industry Association
- Concrete Floor Contractors Association
- Construction Association of Thunder Bay
- Electrical Contractors Association of Ontario
- Grand Valley Construction Association
- Hamilton-Halton Construction Association
- Heavy Construction Association of Toronto
- Interior Systems Contractors Association of Ontario
- Kingston Construction Association
- London & District Construction Association
- Mechanical Contractors Association of Ontario
- Ontario Demolition Contractors Association
- Ontario Electrical League
- Ontario General Contractors Association
- Ontario Industrial Roofing Contractors Association
- Ontario Painting Contractors Association
- Ontario Refrigeration & Air Conditioning Contractors
- Ontario Sewer & Watermain Construction Association
- Ottawa Construction Association
- Pipe Line Contractors Association of Canada
- Reinforcing Steel Institute of Ontario
- Resilient Flooring Contractors Association of Ontario
- Sarnia Construction Association
- Sault Ste. Marie Construction Association
- Sealant & Waterproofing Contractors Association
- Scaffold Industry Association of Ontario
- Sudbury Construction Association
- Terrazzo, Tile & Marble Guild of Ontario
- Toronto & Area Road Builders Association
- Toronto Construction Association
- Utility Contractors Association of Ontario
- Windsor Construction Association

Construction Advisory Council meets with Public Infrastructure Minister

Public Infrastructure Renewal Minister, David Caplan convened the first full meeting of the Construction Advisory Council (CAC) this past April 14th. The meeting included representatives from construction management, the Provincial Building Trades and Carpenters Union.

Having met during the winter months, the council members

presented the minister with a broad agenda detailing short, medium and long-term objectives to address industry-wide issues including amendment to the Construction Lien Act, construction sector sustainability, the construction sector underground economy and government construction procurement processes. In addition to

these items, the minister has expressed interest in enhancing youth engagement across the industry and has also committed to working with the industry and the Ministry of the Attorney General where appropriate to assist with the possible amending of the *Construction Lien Act*.

Improving the Construction Lien Act

Since the late 1990s COCA has presented three ideas to various Attorneys General to reform the *Construction Lien Act*: 1) require owners to place holdback funds in an interest-bearing trust; 2) extend the lien rights of “early” subcontractors (excavators, formwork etc.) through to substantial performance of the main contract, unless early release of holdback has been approved; 3) create a mandatory date on which holdback would be released after lien rights expire.

For a variety of reasons, no government has shown any interest in reforming the Act until now. The McGuinty

Liberals have shown a definite interest in modernizing this old law. In the last few years, however, a new lien problem arose in the form of the “Kennedy Case”. Ontario courts have held that certain installations (in this instance, an assembly line) did not meet the definition of “improvements” and a lien for money owing was denied. Research shows that the Kennedy case could not have arisen in British Columbia because that province’s definition of “improvement” includes “movable” items such as assembly lines and therefore COCA is adding a fourth proposal to remedy “Kennedy”.

Armed with four proposals for amendment, COCA joined with the Ontario Bar Association on May 1 to hear from all parties wanting to amend the Act. We hope to reach consensus on proposals we can jointly take to the Attorney General.

The original and lasting reason for the *Construction Lien Act* is to ensure that people get paid. It is not there to ensure that people don’t get paid. For the reasons of fairness and equity, COCA will continue to fight for change with all the resources available to us.

Construction LTIs Continue to Fall as Hours Worked Reach an All-time High

The CSAO is reporting in the latest edition of its *Network News* (April, 2008) newsletter that lost-time injury (LTI) rates are at their lowest frequency levels in the last 21 years it has been tracking these statistics.

The 2006 year (the last year for which complete data is

available) saw 5,676 construction lost-time injuries, translating to an industry lost-time injury rate of 2.15 per 200,000 hours worked. This is a 7.2% decrease from 2005. The construction LTI rate was at a high of 10.92 per 200,000 hours worked in 1985.

To view a lost time injury chart that tracks the construction industry’s performance from 1985 to 2006 please visit the news section of the COCA website or paste the following link into your browser: <http://209.200.67.168//Data/News/LTI%20Chart.pdf>