GVCA Super Heroes
2016 Building Excellence Awards

The Safety Issue
We speak to WSIB president Tom Teahan and Chief Prevention Officer George Gritziotis about their groups’ plans for 2016.

Also inside: local National Day of Mourning events, a new approach to teaching safety.
The Value of Education in Construction

GVCA 2016 Education in Construction Guide
To be featured in the July/August Issue
Construction is an ever evolving industry with many trends impacting the methods with which buildings are built and strategies upon which construction companies are managed. Education programs have a related responsibility of forecasting the necessary competencies for successful future construction professionals and refining academic curriculums and training programs to best prepare students for the construction work of the future.

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MESSAGE FROM THE PRESIDENT

Nothing’s proprietary

In our article on the League of Champions, you’ll hear former GVCA chair Jason Ball say something that I think is very important: “safety isn’t proprietary”.

When it comes to safety, we can all share ideas—whether we’re competitors or not—to improve workplaces and ensure every worker goes home at the end of the day. I couldn’t agree more. In fact, I’d even go a step further to suggest that collaboration should include more than just discussions on safety. It could be about design, delivery, capacity, execution, recruitment, retention and succession.

That idea is going to raise some eyebrows. I understand that, but let me remind you that the days of each of us running our businesses like islands are over. We must seize the opportunities before us to come together to enhance our strengths and overcome our weaknesses. It’s old-fashioned thinking to believe differently.

Right now, Canada is one of the most competitive markets for construction in the world. There’s a reason that major builders outside our borders are looking to set up shop here. It’s safe, it’s profitable and there’s potential for long-term benefit. In the face of that reality, it makes more sense now than ever before for all of us to work more closely together. We have the opportunity to define the future of our industry right now. Let’s take it!

MESSAGE FROM THE CHAIR

Leadership’s Yin & Yang

They say that necessity is the mother of invention. In other words, few people think of new ways of doing things until it’s absolutely urgent they do. I’m that way – and I freely admit it’s not the best way of going about my business.

Look, competition doesn’t stand still. The market in which any of us works is always changing, yet very few of us actually look far enough down the road to understand how those competitive realities will affect our businesses in the long term.

One way you can overcome this problem is to train your staff to recognize and discuss crises and opportunities, and to use that intelligence to help set a course for change. You hired your employees because you trust them to make sound decisions on your behalf. Take that trust a step further by giving your people opportunities to add value, and contribute to the successes of the organization. Give them a vision to direct organizational change.

Leadership comes down to vision. It’s a yin-yang proposition. The yin defines what you stand for and why you exist. It’s unchanging and it complements yang, which is your envisioned future. The yang is what you aspire to become. It’s something that will require significant change and progress to achieve.

No doubt your yin is already in place, but if you’re having trouble getting the yang off the ground, come to us for help. GVCA is always offering leadership-training courses, information on market conditions and intelligence for the future. We’re here for you.
GVCA’s Crystal Ball Report is a unique and insightful member service. Updated daily by GVCA staff, the report tracks planned projects during the pre-bidding phases, following them from concept to design to prequalification, construction and completion.

**Lowe’s (proposed)**

129 Elmira Road South, Guelph, ON

Project details:
Lowe’s has submitted a zoning by-law amendment application to the City of Guelph to add a home-improvement type store. The American home improvement chain is a Fortune 50 company and employs thousands at locations across the continent.

**September 15, 2015:**
City staff is recommending to council that it approve a zoning bylaw amendment that will clear the way for a Lowes at 129 Elmira Rd. South. Staff said the city would receive $990,000 in development fees and an estimated tax levy of $400,000 if the Lowe’s is built. The request for zoning bylaw amendment came from developer Armel Corporation. The property had the necessary specialized community shopping centre zoning, but had a holding provision that would be lifted when certain conditions were met prior to future planned development.

**December 7, 2015:**
The city has issued the developer 23 conditions, most of them technical in nature, which must be met for the hold to come off. Those conditions included an official site plan being submitted and determining the actual cost of redesigning and reconstructing Paisley Road west of Elmira Road, cost that the developer will pay for.

**May 7, 2016:**
Some site servicing and street improvements have started. A site plan and satellite images indicates condominiums and additional area improvements in this portion of the city.

**Next update:**
June /July 2016.
Understanding Construction Financing

In any industry, obtaining appropriate financing can be a challenge, particularly in an uncertain economy. The construction industry is no different, but there are a few things to know about the financing process—and a few steps you can take—to make it all go more smoothly.

An appetite for construction

While getting low-cost financing is important, it’s not the only consideration. You also need to find a lender who has a strong appetite for the type of project you’re proposing, so their offer and terms can be closely tailored to your business and project needs. In Canada, you can achieve the optimal arrangement with a range of lender options, such as:

- Chartered banks
- Canada Mortgage and Housing Corporation
- Business Development Bank of Canada
- Life insurance companies
- Specialized real estate lenders (non-banks)
- Local, regional and other private lenders

Give the lenders what they need

Once you accept the term sheet, lender due diligence is the next order of business. They will review and verify various aspects of the project, including:

- cash flow projections;
- your reputation and financial position;
- the quality, experience and reputation of the project developer, engineers and general contractors;
- overall market conditions (e.g., vacancy rates, interest rates, lease-up timeframe);
- project attributes (e.g., costs, engineering design, environmental reports, permits); and
- project value relative to loan value.

The process

As projects vary in scope and complexity, looking at the process in three stages can help simplify a potentially daunting undertaking.

Shovel, meet ground

With due diligence completed, a formal commitment letter and funding complete the process. Depending on the project, the funding arrangement may specify two separate loans: construction and take-out. As your project begins, the amounts you draw (supported by verified invoices) are tied to project construction completion levels, typically funding acceptable soft costs such as engineering, architectural and other professional fees, as well as hard costs such as land servicing and early stage construction. When construction is finished, the building occupied and all conditions met, the permanent take-out financing becomes available, and regular principal and interest payments begin.

Get the ball rolling

The initial discussion and proposal is where you meet with potential lenders to gauge their interest in your proposal. You provide them the information they need—such as architectural drawings, cost estimates, financial projections, project team and shareholder information, and potential equity sources—to assess the project with respect to their own criteria. Amenable lenders then issue you a non-binding term sheet outlining the arrangement they’re prepared to offer.

Do it right, do it once

Don’t let financing shortcuts derail a great project’s potential. Understanding the process and ticking the right boxes can make all the difference.

This article was written by Jillian Murray, CPA, CA, CBV, a director with Grant Thornton Corporate Finance Inc. Jillian can be reached at 902-491-7745 and Jillian.Murray@ca.gt.com.
LEGAL ISSUES

JAIL TIME

Although not common, jail sentences can be and are imposed for Occupational Health and Safety (OH&S) violations. Fortunately, they are viewed as a punishment of last resort. Monetary penalties are more common because OH&S violations are normally considered regulatory offences. This means they are viewed as negligence-based as opposed to intent-based offences. In other words, liability is based on a failure to do something as opposed to the commission of a reckless or intentional act.

In addition to the penalties available under the Occupational Health and Safety Act, the Canadian Criminal Code contains an offence of criminal negligence related to OH&S violations. Specifically Section 217.1 states: “Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.”

Section 217.1 of the Criminal Code was created in response to the Westray mining disaster where 26 miners were killed. The offence applies to corporations and their representatives and penalties upon conviction include significant fines, and jail sentences for individuals and corporate representatives.

Prosecutions under the Criminal Code for OH&S offences are extremely rare. Critics who say this potential deterrent is under-utilized speculate that police and crown attorneys are reluctant to take on these type of prosecutions because they are outside of their experience and training. Most police and crown attorneys prefer to let provincial regulators prosecute offences under provincial OH&S legislation.

While criminal prosecutions are rare, there are high profile cases that can be cited. In January, Vadim Kazenelson was sentenced to three and a half years in jail following an accident where four workers fell to their deaths when the swing stage they were on collapsed. Kazenelson knew that there were not enough lifelines on the scaffold being used but allowed work to proceed.

Monetary penalties are the norm in prosecutions under the provincial OH&S act, but jail sentences can be imposed and some trend watchers say they are becoming more common. Jail terms are imposed when the court feels that a monetary penalty would not have a sufficient deterrent effect. Typically there are aggravating factors such as lying to investigators, tampering with evidence and prior convictions. Provincial prosecutors may be requesting custodial sentences more frequently in future cases involving serious injury and death.

This should provide additional incentive to everyone involved in construction to ensure that adequate safety measures are always in place and followed.

This article was written by Greg Murdoch, a partner at Sorbara Law who provides guidance to clients through all stages of the construction process. He can be reached at gmurdoch@sorbaralaw.com or 519-749-4608.
OGCA chairman and Ball Construction president Jason Ball says safety begins at the top.

“The League of Champions is a good way to reach out to youth who are most at risk of injury in any industry, not just construction,” he says. “Companies that join the league sign charters that declare their desire to be known as organizations that promote safety to youth and across their workplaces. We want Ontario to be known as the safest place in the country to work. That kind of culture change starts at the top of an organization.”

The cost to join the league is $750, and part of that money is donated to MySafeWork. Members are given a signed charter document that confirms their commitment to the league in writing, and a customized League of Champions hockey jersey that they can bring to jobsites for employees to sign and demonstrate.
their support for the cause.

Ellis popularized the idea of a hockey jersey as a symbol of safety culture during his tours of Canada in which he spread his message of the need to promote workplace safety to young people. The subject is particularly important to him. His son David died as a result of injuries he sustained at work during only his second day on the job in 1999. David’s employer failed to properly train the new worker on how to recognize and manage jobsite hazards. That’s something Ellis never wants to have happen again—
to anyone.

The great thing about the League of Champions is that it’s not only about demonstrating support for an important cause, but also about sharing information and ideas when it comes to safety.

“That’s what the League of Champions is all about.”

The league issued its initial dozen charters in April, and plans to add more members—including GVCA—soon. It earned an official thumbs-up from the Ministry of Labour and the Workplace Safety and Insurance Board at that investiture meeting. Now, it hopes to expand its scope beyond construction.

“Although it was born here, the league and its principles apply to any industry: transport, energy, manufacturing, you name it,” says Ball. “We want it to grow and be exported across the country and beyond.”

Congratulations to all the BE winners and thank you to the Grand Valley Construction Association for recognizing the outstanding effort and care we put into every project.

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Informal Training Led to Foreseeable Excavator Accident

Businesses cannot rely on informal training to ensure workers understand their obligations. That’s the message the Ontario Court of Justice sent Anray Limited, after the employer just assumed “everyone knew” the workplace health and safety requirements and would follow them. The employer failed to conduct the due diligence of formally training one employee or confirming his experience, and the employee drove an excavator off the side of a trailer, injuring himself and damaging the excavator and some property.

The Ministry of Labour charged Anray with:

- Failure to ensure that an excavator was moved in a manner that did not endanger a worker
- Failure to ensure that the operator of the excavator was assisted by a signaller
- Failure to ensure that the operator of the excavator was wearing the restraining device, the seat belt, which was provided for the excavator

Ray Kaczynski, owner of Anray, hired William Marr to drive a truck to transport materials and equipment to and between the company’s project sites. Marr also claimed to have long experience operating various other construction trucks and equipment.

At one site, Kaczynski wanted to load a 14-ton excavator onto the trailer of a truck. Marr said he would wash the excavator’s tracks first, and Kaczynski left to do some other work. According to Marr, when he finished the cleaning, he waited for Kaczynski to return. When the boss came back, he told the truck driver to finish loading the excavator onto the trailer.

Kaczynski remembered things differently. He testified that he and another employee had repeatedly told Marr nobody but the boss could drive the 14-ton excavator, and anyway, “everyone knew” that rule. As a result, Kaczynski argued that the employer had performed its due diligence and the incident was unforeseeable.

The court didn’t buy it.
"In the view of the Court, it is well within the realm of predictability that a circumstance could arise, with others on the small team being otherwise occupied, that Mr. Marr might take it upon himself to...operate a piece of equipment other than the truck for which he was hired, especially as the keys were left in the machines when they were not being operated."

The court found it clear that the prosecution had beyond a reasonable doubt made a prima facie case that Marr was not wearing the seatbelt and Anray did not ensure the excavator was not moved in a dangerous manner. The prosecution couldn’t demonstrate that there was no signaler helping Marr load the truck. The employer was guilty of counts one and three.

If you think serious workplace health and safety incidents only happen on construction sites, you’re wrong. No workplace is immune from health and safety risk, and the Ministry of Labour and courts don’t care what business you’re in if you haven’t performed your due diligence.

This article was written by Adam Gorley, Editor, HRinfodesk, and is published on HRinfodesk, an online publication and database of payroll and employment law news, compliance and case commentaries for every jurisdiction in Canada, published by First Reference.
Ransomware has become one of the most widespread and damaging threat that Internet users face. Since the infamous CryptoLocker first appeared in 2013, we’ve seen a new era of file-encrypting Ransomware variants delivered through spam messages.

**Ransomware** is when groups of people create a virus and send it through email to attack various companies, whomever they can reach through attachments (Word, Excel, PDF etc.) or links. These viruses block access to data and demand ransom to gain access again. These emails may come into your inbox and could be from someone you’ve emailed before (if they have a virus, it will go through their email and send out new links without them being aware).

We have seen multiple clients receive dangerous Ransomware virus email attachments as MS Word documents. When the attachments are opened, the virus encrypts and renames all existing documents, pictures and files. Do not open any suspicious or unexpected email attachments. Do not click “Allow Editing” in Microsoft Office on any emailed documents. These viruses are very dangerous. They spread instantly to any mapped network drive.

Moral of the Story: Do not open attachments unless you are 100% sure they are secure. If you have questions, call PundIT Inc (5193424004) for more information.

If your computer becomes infected, you have two possible resolutions:

1. A complete reformat of the source computer as well as restoring infected servers from backup.
2. Paying the ransom (which may or may not work, and can be thousands of dollars) for a decryption application.

Neither of these is ideal. Therefore we highly recommend you take the precautions listed.
PROTECT YOUR COMPANY BY IMPLEMENTING THESE BEST PRACTICES:

1. Maintain backups – locally as well as in the cloud. Ensure that they are known to be recoverable and are routinely checked. Make backups your highest priority. Creating data is expensive in the first place; recreating it is even more costly – assuming it’s even possible to do so.

2. Follow safe Internet practices. Avoid questionable websites, treat email links and attachments with suspicion, and don’t chat with people you don’t know.

3. Implement file screening on your file servers. File screening will shut down your file shares when it detects known patterns.

4. Don’t put personally identifiable information online.

5. Have an antivirus product always scanning and up to date.

6. Use an ad-blocking extension in your web browsers.

7. Use an external anti-spam filter on your email.

8. Disable or remove Adobe Flash, which can be a common vector for infection.

9. Train employees to spot social engineering attempts.

10. Do not enable macros or allow editing on Word, Excel or PowerPoint files unless you’re entirely certain the file is safe.

11. Review your disaster recovery plan and resources.

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Regional Volume Builder of the Year Award - Grassmere Construction

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GVCA’s 2016 SuperBuilder Award winner Academy Construction grew up, so to speak, working with RIM in the late 1990s. As the tech giant grew, so did Academy.

“In the early days, RIM was buying buildings, ripping them down to their basic structure and then putting a new façade on them and totally starting fresh,” says Academy owner George Drannen, who bought the business in 1999. “This seemed to be a niche we could keep up with at the time. I am very proud of the fact that RIM, now called Blackberry, is still a client of ours.”

When RIM started to downsize, Academy, which had carved a nice niche for itself as a renovator in the industrial and commercial sectors, had to re-introduce itself to the market. Drannen says the company had effectively put all its eggs in one basket. Its job was to promote to a new group of consultants and customers.

Project manager Greg Lynch joined Academy as a co-op student from Conestoga College’s architecture, engineering construction program. He became a full-time estimator and project manager in 2012.

Lynch credits his studies for preparing him well for the job, and points to the college’s relationship with GVCA as helping to bring young people like him into good careers in the industry.

Health and safety are of paramount importance at Academy. Every student that joins the company must first go through a first aid program and the Working at Heights course before they are allowed to work on a job site.

“I really think that first aid, WHIMS and Working at Heights should be part of every college’s construction education curriculum,” says Drannen.

“It is our intention to give summer students the tools they need to get hands-on experience,” adds Lynch. “We put them with the right people who can teach them and let them try new things so that it is a positive experience.”

Drannen believes in bringing everyone to the table at the beginning of a project—client and subtrades. Academy’s goal is to make sure that everyone is on the same playing field and focused on bringing solutions to every meeting.

Asked about Academy’s biggest challenge today, Lynch says it’s technology.

“We are still struggling with the efficiency of technology and how to use it to our benefit,” he says. “We have tried to incorporate new technologies into our everyday operations and tackle projects with a mindset that there is a better, more efficient and less risky way to proceed.”

The team at Academy Construction believes that those who embrace technology today will have an outright advantage over those who do not. They are going to stay the course and continue to grow their company in the same way they have been successful in the past – with repeat business from satisfied customers. It’s a win-win.
GVCA’s 2016 Building Excellence Awards

Celebrating the Super Heroes of the GVCA and recognizing the outstanding construction projects crafted by our members over the last two years, the awards of excellence are categorized into Industrial, Commercial and Institutional projects.

Don Zehr, Martha George, Wes Quickfall, Reg Levesque

The incredible Gary Hauk.

Dave Timlock, President Collaborative Structures Limited

Bob Nippell and Doug Fehrenbach of Ball Construction

Beverley and George Cunningham of S.G. Cunningham (Kitchener) Ltd.
Members of the Grand Valley Region and construction community gathered at Bingemans in Kitchener to celebrate with the contractors, trade partners, consultants, suppliers and owners – all of whom used their skills, experience and expertise to create buildings that not only work, but are functional and sustainable.
The Grand Valley Construction Association is an approved sponsor of the **WSIB Safety Groups Program**

Improving safety and improving the bottom line. Through the Safety Groups program the GVCA and the Workplace Insurance Board (WSIB) are working together to help you do just that. GVCA Safety Group members consistently score high in audits. In 2013, the GVCA was the highest scoring group among construction safety groups in Ontario and members received a total rebate of $477,193. In 2014 the GVCA was awarded the Canadian Construction Association’s National Safety Award.
5-Steps to Managing Health and Safety

To manage an effective health and safety program in the workplace, a cycle of continuous improvement must be followed.

The Safety Group Program is a five year program that runs on a calendar year. After five years, successful firms will have a health and safety program with 25 complete elements aligned with their workplace needs and legislation.

At Frey Building Contractors, we’re serious about safety. On all our job sites, workplace safety is of the highest priority and every reasonable precaution shall be taken to provide staff with a safe working environment.

Gold Star Drywall is committed to the safety and well being of every single member of our company. We are a proud member of the GVCA and believe that putting safety first brings success.
The Safety Groups Program

The Safety Groups Program (SGP) is an innovative initiative the WSIB has implemented to help eliminate workplace injuries and illnesses in Ontario. The program is voluntary and rewards firms that implement effective health and safety and return to work measures into their daily business.

Safety Groups is based on the premise that a well-integrated workplace health and safety program is good for business. Firms from similar or different businesses or rate groups volunteer to join a safety group with a collective purpose: to learn from each other’s experience in implementing injury and illness prevention programs. Firms that invest and implement effective health and safety programs can benefit from a WSIB financial incentive.

Each safety group has a sponsor. Sponsors are approved by the WSIB to administer the SGP and to facilitate and support workplace self-reliance in health and safety and return to work programs. Current sponsors represent over 40 employer groups which meet throughout Ontario.

The role of the sponsor is to oversee the group and regularly report to the WSIB. They promote the group’s interaction and networking by organizing meetings and leadership workshops. They offer guidance on action plan development and track the individual firm’s and the group’s achievements.
Safety Group Program Annual Cycle

At the beginning of each year, your firm selects five safety elements that it will initiate or improve upon from the Safety Groups’ Achievement List provided by the WSIB. Your firm will learn how to implement these initiatives through attending meetings, sharing ideas and pooling resources with other firms in your safety group. At the end of the year, your group can receive a rebate based on the entire group’s success in implementing their selected safety elements. In each subsequent year, firms are required to maintain their elements from the previous year and pick five new ones.

Safety insight promotes safety on site!

Applauding GVCA Safety Groups for a strong commitment to building safe and healthy workplaces.

Everyone deserves a safe return home at the end of the day.

Safety is a Group Concern!
GVCA’s highly successful Safety Group covers the Grand Valley area, along with chapters in London and St. Catharines. Recruiting for the 2017 group begins in October, and our first meeting is planned for December.

We offer the Safety Group Lite program to meet the needs of those firms that may not able to make the full Safety Group commitment, but want to enhance their company’s safety culture. We also offer a tutorial to support firms working toward the Certificate of Recognition standard.

Contact GVCA for details on any of these exciting programs.

Incentive Criteria

Potential 6% maximum rebate of group premiums based on two group factors:

1. Achievement
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2. Performance
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- Teamwork
- Competence
- Training

And our goal is to find proactive and efficient solutions to enable our team members to return home safely every day.

Proud to be a returning member (5th year) of the GVCA WSIB Safety Group.

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If you thought the Prevention Office of the Ministry of Labour was busy during 2015, there’s even more ahead in 2016.

We sat down with Chief Prevention Officer George Gritziotis to discuss his office’s accomplishments in 2015 and planned activities for 2016. All indications are that change is on the horizon — and construction workplaces need to prepare.

‘Full-court press’ on falls

One of the biggest items on the ministry’s near-term agenda is a series of targeted enforcement blitzes. Running through the summer months, those that affect the construction sector will target fall-protection safety. This includes ensuring workers on construction projects who may use certain methods of fall protection have successfully completed Working at Heights training that meets program and provider standards established by the CPO.

“It’s no secret that construction represents about six percent of employment in Ontario, but accounts for 25 to 30 percent of its fatalities,” says Gritziotis. “The lion’s
share of fatalities in construction occurs as a result of falls from heights.”

With that in mind, the Ministry of Labour has put on what the Chief Prevention Officer calls “a full-court press”. Supplementing the enforcement blitzes and the Working at Heights training requirement is a province-wide, multimedia awareness campaign that reminds workers, employers and even homeowners of the requirement for training for those who work at heights in construction.

The campaign, which features radio spots and social media advertisements, will run in high rotation during the busy residential roofing season. For the second year in a row, they remind workers and employers of their rights and obligations when it comes to mandatory Working at Heights training. This year, it also asks homeowners to play a part in helping to ensure that the companies they hire have their workers trained to work safely.

“The advertisements raise homeowners’ awareness of the risks associated with hiring a roofing contractor without proper training,” says Gritziotis. “They focus on consumer protection related to the underground economy as well as health and safety.”

The ads come on the heels of the one-year anniversary of the Working at Heights regulatory requirements. As of the end of April, close to 120,000 workers had been trained. That’s a healthy number, says the Chief Prevention Officer, but it’s by no means a job-done signal.

The next step for the Prevention Office will be to begin auditing approved Working at Heights training providers to confirm that the training delivered remains current and accurate.

New training standards
Working at Heights is by no means the only new program on the ministry’s horizon. In March, it introduced new Joint Health and Safety Committee Certified Member training standards, that include a new requirement for refresher training.

“As of April 3, we have eleven trainers approved to deliver part 1 training under the new standard,” says Gritziotis. “We have another nine approved to deliver part 2 and one to deliver the refresher training. And more continue to be processed for approval since then.”

The other new training standard that is being proposed is a Construction Health
and Safety Awareness training standard. Formerly the Mandatory Entry Level Training standard, the program is designed to give those working in the industry an overview of the hazards in construction, their roles and responsibilities on a worksite, and to give them a grounding in basic safe-work practices. It is not intended to be in depth training and won’t replace things like Working at Heights training. It will help to make workers’ aware of the dangers of construction site work and what additional training they require. It is expected that regulatory consultations will begin this spring.

Underpinning these new training requirements, and indeed all construction related initiatives from the Ministry of Labour, is a proposed Construction Health and Safety Action Plan. The plan is being developed through the Chief Prevention Officer at the request of the Minister of Labour, in consultation with labour and business and being supported by a Construction Health and Safety Advisory Group.

Although still under development, the plan is expected to consider seven theme...
areas: collaboration with other enforcement authorities such as municipalities; outreach to children and youth such as through coop programs, internships and school board programming; more effective supervision in the workplace; social media marketing and awareness; participation in health and safety by all workplace parties; training focused on career-long health and safety learning; and plain-language understanding of laws and regulations.

“On the last theme, we’re supporting the development of a mobile app that gives people plain language descriptions of construction-site regulations,” says Gritziotis. “It’s not about encouraging people to use their phones on the worksite, but to give them easy-to-access and easy-to-understand means to control risks when they need that kind of information.”

More to come: accreditation and Safety Groups

Don’t expect the Ministry of Labour to rest on its laurels after rolling out these new initiatives. It’s busy on a number of other important fronts. Specifically, developing a standard to which corporate health and safety programs may be accredited. Most construction stakeholders are aware of the Certificate of Recognition (COR) program in the industry. The ministry is considering it as well as other programs that would meet the needs of other industries.

“COR is gaining traction as a standard for construction, but our job is to identify those programs that also work well for, for example, mining, manufacturing and health care,” says the Chief Prevention Officer. “We have developed a draft standard internally and will consult on it in the near future”

Gritziotis is quick to add that the exercise will not be about asking employers to replace their COR certifications with entirely new programs. Rather, it will be about identifying whether there are gaps, between COR and the new standard, and finding ways to fill those holes.

Finally, the ministry has committed to working with the Workplace Safety and Insurance Board (WSIB) to renew and refresh programs such as Workwell, SCIP and Safety Groups. It has issued a report to the WSIB with approaches on how to make these programs more consistent with the government’s broader approach to health and safety.

“Look for those changes in the fall,” says Gritziotis.
The Ontario Government recently introduced Bill 132, An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters as a response to the government’s “It’s Never Okay: An Action Plan to Stop Sexual Violence and Harassment” policy statement announced earlier this year.

Bill 132 will amend various existing statutes with respect to sexual violence, sexual harassment, domestic violence, and domestic violence. For employers, important changes will stem from Bill 132’s proposed amendments to the Occupational Health and Safety Act (OHSA), which include modifying the current definition of “workplace harassment” and imposing additional obligations on employers concerning their workplace harassment policies, programs and investigations.

Under Bill 132, the OHSA’s definition of “workplace harassment” will be expanded to include “workplace sexual harassment”, which is defined as:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to know that the solicitation or advance is unwelcome; or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Notably, Bill 132 also clarifies that a reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Bill 132 will require an employer’s program to implement a workplace harassment policy to further set out:

- Measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser.
- How incidents or complaints of workplace harassment will be investigated and dealt with.
- That information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the investigation or corrective action, or is required by law.
- How a worker who has allegedly experienced workplace harassment and the alleged harasser (if he or she is a worker of the employer) will be informed of the results of the investigation and of any corrective action taken.

An employer will be required to renew its program at least annually and provide its workers with appropriate information and instruction on the contents of both the policy and program.

When faced with a workplace harassment incident or complaint under Bill 132, an employer will be required to ensure that an appropriate investigation is conducted and that both the worker who has allegedly experienced harassment and the alleged harasser (if he or she is a worker of the employer) are informed of the results and of any corrective action that has been, or will be, taken. Notably, Bill 132 will allow an inspector to order an employer to have an investigation and report completed by an impartial third-party, at the employer’s expense.

Editor’s note: This article originally appeared on the Canadian Occupational Health & Safety Law website. It was written by Sabrina Serino, an associate in Dentons’ employment and labour practice in Toronto. View her corporate profile at www.dentons.com/en/sabrina-serino. We reprint this article here with her permission.
Jenny and Jim Knapp, owners of Knapp Fasteners Inc. in Cambridge are a dynamic team. They’re entrepreneurs, custom solution providers and future thinkers.

Both business graduates of Conestoga College, the Knapps began their career working for fastener companies. Jim was in sales, Jenny in purchasing. After a short time, they saw a niche opportunity in the industry as a small company offering customer service and custom solutions.

They quit their jobs and started Knapp Fasteners in 1987 – and haven’t looked back since.

“We felt that we were both quite knowledgeable and we tried very hard to offer our clients superior customer service,” says Jenny. “We knew that by utilizing our talents and experience in purchasing and sales we would have a winning combination.”

Knapp sells to tiny shops as well as to Fortune 500 companies worldwide. Its reputation as custom solution providers even has them distributing their products to other distributors.

Knapp warehouses 60,000 products and has an inventory of 16 million fasteners. Their products go into a vast array of applications: MRI machines, heating and air conditioning units, drones, aerospace components (including the Space Shuttle) and throughout the construction industry.

The Knapp team works with product innovators to provide fasteners for prototypes, often working with blueprints and drawings.

“We are fastener specialists,” says Jenny. “We have knowledgeable people within our team to facilitate this process including a full-time quality engineer on staff which is not usual.”

Knapp became ISO-9001 certified in 2008 and has other specialized certifications to allow them to work in industries such as the aerospace industry. Currently Knapp is the only fastener company in Canada to hold the Government – Industry Data Exchange Program certification.

Knapp Fasteners also provides vendor management inventory services. They go onsite to a facility to scan their inventory and make sure that all the essential components are at the required inventory levels needed for the manufacturing process.

“We provided this service to a company in Ottawa,” says Jenny. “Our staff member would fly there each week, scan and assess the inventory, reorder what was needed and we would make sure the order was delivered. Then this staff member would go the next week, put away the new inventory, and prepare the next order.”

Given all they do, it’s a small wonder that Knapp Fasteners has attracted attention. Most recently, it won the Chair’s Award at the Cambridge Chamber of Commerce’s 2016 Business Excellence Awards – an honour that has earned the company praise from clients and partners.

Thinking into the future, the Knapps have expansion on their mind. They already have enough land to double the size of their current facility, as well as a talented group of people – including general manager Donna Schwartzentuber (who was also their first employee) – to accommodate more demand.
Could your Workplace Safety and Insurance Board employer premiums be headed down? Tom Teahen, the new president and CEO of the WSIB suggested that could be the case in a recent interview with the *Journal*.

Tom Teahen said the WSIB may be in position to reduce the average employer premium by between 10 and 15 percent over a five-year period beginning with 2017 rates. That’s something WSIB chair Elizabeth Witmer hinted at during the board’s economic statement for 2015, which was released in November. Details will become clearer as the WSIB finalizes its employer premiums in the summer.

“In recent years, the WSIB has made great strides toward becoming more financially sustainable, transparent, responsive and accountable to the people we serve,” said Witmer.

There’s no doubt the WSIB’s financial health is improving. Sweeping transformations to its programs and processes have enabled the WSIB to make a major dent in its unfunded liability (UFL). The UFL peaked at more than $14 billion in 2011. At the end of 2014, it was closer to half that figure: $7.5 billion. Teahen said that although the WSIB fourth quarter and annual reports for 2015 have yet to be approved by its board of directors, signs are that the WSIB made more good progress toward retiring its deficit in 2015.

As a result of this progress, the WSIB is on track to retire its deficit fully by 2022, five years before the schedule imposed by the provincial government.

“Once the burden of the UFL is gone, employer premiums will consist only of new claims and administrative costs,” Witmer said in the economic update. “That’s an estimated average premium rate of $1.40 to $1.50 instead of the current average $2.46 per $100 of payroll, making Ontario one of the lowest cost jurisdictions in Canada.”

One of the initiatives that has helped the WSIB push toward financial sustainability is the service delivery model it implemented in 2008. The model focuses on bringing workers back to
their jobs as soon as possible. To that end, the WSIB made faster decisions about claims eligibility than ever before—a development that took many employers aback. The results, however, have been impressive. More than 90 percent of workers have been returned to work with no wage losses inside 12 months, and more than 80 percent are returned to work through work-transition programs.

“Employers now understand what the program is all about and what to expect from the WSIB when it comes to claims adjudication,” said Teahen. “They are asked to participate more actively in the claims process, and they appreciate the experience and knowledge that WSIB experts bring to the discussion. These are people who have long histories of getting workers back on the job, and who can draw on previous experiences to recommend options that may not be readily apparent to either the worker or the employer.”

Draft rate framework is a year away

The big item on the WSIB’s agenda these days is the Rate Framework Modernization Process. For too long, the WSIB has used a process to set employer premiums that is opaque and confusing, and which fails to adjust to employers’ changing safety performance. The new rate framework process will be easier to use, far more responsive and better reflective of employers’ actual claims histories, rather than relying heavily on average experiences among fellow rate group members.

According to Teahen, early design of the framework is well underway, and the WSIB is on track to have that framework model approved by its board of directors later this year. This means that employers could start to see where and how they fit into the new framework early next year, and take even greater steps then toward reducing their premiums once the new framework comes into effect.

New WSIB president Tom Teahan says employer premiums could drop by as much as 15 percent over the next five years.

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“Right now, we’d like to be in position to implement the new framework by 2019 or 2020,” said Teahen. “Certainly, it won’t happen before then.”

**Safety Groups to be redefined**

It looks as though change is ahead for the Safety Groups program—but rest assured, the program itself will remain intact. The Chief Prevention Officer of the Ministry of Labour conducted a review of the various prevention programs in place at the WSIB. He has made his recommendations and the health and safety committee of the WSIB’s board will analyze those ideas this spring.

“Yes, obviously we’ll work with the CPO to implement his recommendations,” said Teahen. “We want to improve voluntary incentive programs like Safety Groups, because we know how important they are to employers and to associations like GVCA.”

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**Teahen is eager to put his stamp on the WSIB as its leader. His vision is for the board to be recognized across the country as an entity defined by integrity and ethics.**

One of the planned changes is a new group aimed at the particular needs of small businesses. When that launches, GVCA will explore offering such a program.

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**Experienced public servant**

Although Teahen is new to the president’s role at WSIB, having been appointed to the position in December, he’s no stranger to the WSIB. He served for three years as the board’s Chief Corporate Services Officer. He was then seconded from the WSIB to serve as chief of staff to Ontario Premier Kathleen Wynne.

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Teahen is eager to put his stamp on the WSIB as its leader. His vision is for the board to be recognized across the country as an entity defined by integrity and ethics. With that in mind, he set four priorities: continuing on its trek to self-sufficiency, sharpening its focus on customer service (through the use of technology in particular), building a strong culture of innovation and excellence, and becoming known as an organization that values its employees.

The rate framework modernization process is one example of how the WSIB is delivering on its promise to be a better customer-service organization, he said.
April 28 is the National Day of Mourning. It is an occasion when workers come together to remember their friends, colleagues and family members who died or were made ill as a result of their workplaces. It is also an occasion to call for change, so that those working today do not suffer the same fate as those who came before them.

The theme of this year’s Day of Mourning ceremony was Ban Asbestos, and dozens of workers gathered in the cold at Victoria Park in Kitchener to call for the material to be removed outright from industry.

Mark Cairns, vice-president of the Waterloo Regional Labour Council, said that asbestos is the leading cause of occupational disease and fatalities in the country. Every year, 145,000 Canadian workers are exposed to asbestos in their workplace and more than 2,000 are still being diagnosed with often fatal diseases, like mesothelioma and lung cancer. These startling figures have earned asbestos a reputation as the number one workplace killer, yet after banning the mining and export of asbestos in 2011, Canada continues to allow the importation of products containing asbestos.

“There is absolutely no justifiable reason to delay a full ban on asbestos. Canadian lives are depending on it,” said Ontario Federation of Labour president Chris Buckley. “It is time to start listening to the resounding scientific evidence, it is time to start listening to the tragic stories of the families of fallen workers, and it is time to make workplace health and safety a national priority.”
Canada continues to use asbestos and asbestos products in brake pads and panels, tiles and pipes used in construction. Although the overall use of asbestos has decreased in recent decades, it can still be found in many older buildings.

"The use of asbestos in Canada has left a terrible legacy. Moving forward and banning asbestos will start to prevent cancers in the future," says Dr. Paul Demers, director of the Occupational Cancer Research Centre Steering Committee.

"Canada needs to follow the lead of 50 other countries around the world and ban the import, export, use and manufacture of asbestos and asbestos products," says Gabriel Miller, director of policy and public issues at the Canadian Cancer Society.

Unfortunately, asbestos is already built into many homes, offices and public buildings as a result of past use. Its complete removal will take many years, emphasizing the need for building registries and other policies to make homes and workplaces safer for Canadians.

"It’s very common for manufacturers in the auto industry to use asbestos-laden brake pads," Cairns told CBC News. "Which is a shame because there is a manufacturer out of Guelph who makes asbestos-free substitutes. If all of our manufacturers were forced to switch to those products by legislation banning asbestos, it would not only be a safer alternative for the workers handling those brake pads. But it would also promote Canadian industry and business by generating sales in Guelph that makes the safer alternatives."

**Kill a worker, go to jail**

One of the rallying cries at this year’s ceremony was how employers and government don’t do enough to protect workers. Speakers called for government to do more to enforce laws that are already on the books—one that give prosecutors the power to jail company officials for knowingly putting workers’ lives at risk.

Such a punishment was handed down for the first time in Ontario earlier this year when Metron Construction project manager Vadim Kazenelson was sen-
tenced to three and a half years in jail for his role in a Toronto swing stage accident that killed four workers. The site super knew the swing stage didn’t have enough lifelines to protect the workers, but directed the men to work regardless of the conditions.

“Workers have been fighting for health and safety rights for centuries but we know that we won’t stop the carnage in the workplace unless employers come to realize that there will be serious personal consequences if they put workers’ lives in the line of danger,” said Buckley. “No prison term or financial penalty can bring back the workers who died or undo the pain felt by their families, but we hope the threat of jail time will send a shiver down the spine of every employer and make them see accident prevention as an occupational priority.”

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If the very idea of hosting or sitting through another toolbox talk or jobsite safety meeting makes you groan, then maybe it’s time to change your approach.

Axonify is a Waterloo-based company that has transformed the ways in which major companies—enterprises like Walmart, Toyota, Pep Boys and Toys “R” Us Canada—deliver and reinforce their safety training messages. The results are staggering.

Walmart, for example, implemented Axonify in more than 150 distribution centers—and to more than 75,000 employees—across the United States. Its goal was to reduce its reportable occupational health and safety injuries by five percent a year. Doing so promised to create safer, more engaged workplaces, and save the company millions. Working with Axonify, it identified the 20 most common medical injuries in its workspaces, and then identified the behaviors that led to those injuries. It then reverse engineered a safety training program to curb those behaviors, and uploaded them to the Axonify platform.

A year later, Walmart’s performance almost defies belief. Better than 90 percent of its distribution center workers use the voluntary platform for training and knowledge retention. As a result, reportable injuries have dropped by 54 percent. That change has helped the company save $200 million. It’s also helped employees feel safer on the job, which is a benefit that can’t be measured in dollars and cents.

The great thing about Axonify is that its success with Walmart isn’t an isolated case. The platform has done wonders for safety training and employee knowledge retention almost across its entire customer portfolio. Quite simply: its methods work.

What’s Axonify?

Axonify describes itself as an employee knowledge platform. That’s a wordy way of saying it’s a tool that combines gameplay and instruction in a way that is scientifically proven to not only make learning more enjoyable, but also to help employees retain knowledge and focus on those areas in which they’re weak or less confident of success.

CEO Carol Leaman explains that companies tend to “fire hose” new employees with all kinds of information when a worker joins a company (or when a construction worker comes to a new site). The teacher can only hope the employee retains that information and uses it as and when he or she has to. The reality, however, is that the human brain isn’t capable of absorbing large volumes of information or focusing in on a message for much more than seven to ten minutes at a time. Moreover, as hours and days pass, the brain’s forgetting curve takes over, and it discards information.
“It is studied and proven that, 30 days after learning something, humans will remember about five to seven percent of the information they’re given,” says Leaman. “Axonify helps people mitigate the forgetting curve.”

Its approach is to fuel people with learning reminders at regular intervals over 30- to 60-day periods. If someone can be given specific learning reminders that are based on their own learning gaps three to five times over a 45-day period, their memory and knowledge retention can increase to better than 90 percent.

“When people remember, they act confidently, and they don’t guess,” says Leaman. “That’s critical when it comes to workplace safety.”

Axonify delivers a three- to five-minute learning experience each day—on any device: phones, tablets, computers—that is highly adapted to individuals’ demonstrated knowledge. After setting a baseline level of knowledge retention for each individual, it feeds back questions that take into account the correctness, speed and confidence with which a user answers. Those questions that are answered quickly, correctly and with confidence appear less often to the user over the 45-day period. Those at the other end of the spectrum appear more often.

**Play and learn**

The platform for delivery of this instruction is a simple game interface. Axonify has about 50 different game mechanics—arcade style, brain teasers, you name it—that initially take the user’s mind away from work and focus it on something mundane. At random points during gameplay, the app pushes out one question at a time.

“When the question appears suddenly on screen, the brain instantly focuses on the new piece of information it sees, and that allows the user to answer the question with clarity before going back to the gameplay,” says Leaman.

Behind the scenes, managers and company administrators are able to track individual performance, and therefore identify those workers whose performance has plateaued, or those who may be most at risk of causing or suffering an accident.

The remarkable thing about Axonify is that people enjoy using it. The company has gathered data from across its customer base. It shows that employees don’t skip playing the Axonify games. They like playing and engaging in friendly competition with their peers. As much as 90 percent of the employees surveyed say that Axonify is dramatically better than any learning they have done before.

Axonify isn’t yet in use in a construction company, but it seems as though it will only be a matter of time before that changes. The company is currently in talks with a major US general contractor, and half of its applications are in place in the health and safety field already. The only challenge for most GVCA members will be the price. Leaman says the application really shows dividends when it’s used with at least 50 people.

Learn more at axonify.com.
Committed to Saving Lives

Rescue 7, one of GVCA’s newest members, is committed to saving lives. They are the exclusive Canadian distributor of HeartSine Samaritan AED, an automated external defibrillator and the North American distributor of Evac-usable Chair, an emergency evacuation device for the mobility impaired.

On the training front, Rescue 7 is the only national health and safety training company that offers full service corporate training that makes compliance and program management pain free. They have delivered end-to-end CPR, AED, first aid and health and safety programs to over 8,000 corporations across Canada.
Every 6 months GVCA will draw from names entered into the Member Company Profile Lottery giving each entrant 3 draw chances to be profiled in one of the upcoming issues of the GVCA Journal.

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