

August 11, 2016

Ministry of Labour
Construction Hazard Awareness Training Regulatory Consultation
400 University Avenue, 12th Floor,
Toronto, Ontario
M7A 1T7

RE: Construction Health and Safety Awareness Training Consultation – CHSAT

Dear Minister,

“If this Report is fully implemented, every Ontario worker and supervisor will receive mandatory information about workplace rights and responsibilities before they start their job; every construction worker will receive entry - level training on construction site safety...”

Tony Dean, Expert Advisory Panel cover letter to the Minister of Labour.

The Ontario General Contractors Association (OGCA) with many industry partners worked with Tony Dean to develop and support what would become recommendation #16, a requirement for entry level training for construction workers. This proposal does not provide entry level training. In point, it fails to assure that new construction workers are provided with the knowledge they need to stay safe.

Proposal #16 is or was intended to deal with two construction industry issues. First, the industry by its nature is highly susceptible to risk of severe injury or death. Second, it is very mobile. The average worker will work for a number of employers in any given year, and training records are not readily available to employers. A contractor employing a worker for the first time has no ability to determine training history unless the worker can produce an up to date verifiable training record. The intention is to provide a base level of training to all persons entering the industry and maintain the record assessable to future employers. A construction employer will now have the confidence that every new employee has documented knowledge of OH&S hazards and is trained on construction specific hazards. It is then the employer’s responsibility to provide any additional training required to safely perform their job on their specific site.

This proposal that focuses on general awareness and leaving out industry specific training has failed to address the need identified by Dean and the industry. It is imperative that this proposal be withdrawn in order to develop a training proposal that meets these needs.

The proposed awareness approach requiring all construction workers is unnecessary and does not align with recommendation #16 from the Tony Dean Expert Advisory Panel Report which specifically mentioned ‘entry level training’. Please consider the observations and recommendations as follows:

1. A blanket approach proposed in CHSAT does not reflect the realities of how construction work is performed in the industry. It also neglects demographic factors and avoids the use of metrics which could be used to better identify solutions for specific risks. For example, the risks affecting new workers in construction will be different than the risks affecting workers with 15 to 25 years of experience.
2. There are additional concerns in regards to an excessive training requirement burden that is placed on construction workers and the collateral negative impact it will have on participant retention. Simply put, workers with experience in the industry may feel they are being penalized which can lead to training fatigue. With the creation of an undesirable classroom atmosphere, knowledge retention will be negatively impacted. The addition of a CHSAT requirement will result in unwilling and/or disinterested participants if all workers are required on a widespread basis.
3. There are limited resources available in individual companies to provide training. This proposal to duplicate awareness training that most construction trades persons have, will come at the expense of hazard specific and job specific training that are not mandated by law.
4. Awareness training already exists. While it is clear the two types of awareness training differ, entry level employees and new employers will be easily confused. The program proposed could be more effectively delivered if combined with construction specific requirements.

A solution is to modify the Basic Health and Safety program to establish a construction specific version that will be required for construction workers. This will address most of the goals of this proposal and deliver it in a manner that is much more assessable to a large industry. The attached proposal from Workshield provides an overview of contents and potential delivery of the program.

5. Implementation is a significant concern. Training capacity not timing, should be the measure. Specifically, with the announcement and implementation of WAH, there was an extremely limited number of approved providers. While the recognition of the previous standard assisted existing workers, new employees and their employers were left scrambling. With any new standard or program, capacity has to be the main issue driving implementation.

The industry has over 502,000 persons who will require training in a relatively short period. As presented this target cannot be achieved.

6. Before the implementation of new standards, there needs to be an evaluation of all existing training programs. For example, the Ministry of Labor (MOL) with its health and safety partners should be analyzing Working at Heights (WAH) and creating training best practices based on metrics and data.

Specifically:

- a. What has worked well?
 - b. What types of workers are the most at risk or continue to be at risk?
 - c. Has the existing training been effective?
 - d. Is knowledge retention an issue?
 - e. Is the broader community knowledgeable about the requirements?
7. The requirement of classroom learning is an ancient approach to adult learning. Education has entered a renaissance within the last decade largely due to advancements in technology and the communications industry in general. These advancements have combined with a focus on how individuals and demographic groups learn to revolutionize the 'education' process. A better understanding of the different ways in which people learn allows for:
 - a. The use of electronic learning.
 - b. The ability to tailor content and courses to learning styles instead of an across the board blanket approach.
 - c. The collection of data to assess the effectiveness of the training.

By tailoring health and safety programs to the needs of today's workforce, we can increase the effectiveness of the training which will lead to a safer workplace for all, deliver it faster and at the learner's pace.

8. Capacity issues require more consideration including the Ministry's ability to administer a training program of this size and how a program of this size would potentially impact the Ministry of Labour's capacity for other programs including WAH. Depending on how the term 'construction' is defined, there could be up to or over one million Ontario workers captured by the proposal. This would place an incredible administrative burden on the Ministry and soak up valuable resources from other initiatives including:
 - a. A push for increased e-learning.
 - b. The creation of an online database which would allow employers to quickly check individual worker's training programs.
 - c. The re-evaluation of current programs and the development or redevelopment of standards to address gaps as outlined by data analysis and metrics.

9. CHSAT is and will be a burden on businesses. Due to the blanket approach, this program pulls together awareness training that is already required. The Ministry is creating an additional standard which will impact compliant employers, but does not address the issues of employers who do not understand their responsibilities or have decided the compliance burden is beyond their capacity, or those who operate in the underground economy and ignore aspects of the *Occupational Health and Safety Act*. Are these not the employers who should be the target of this initiative? This issue requires more thought and consideration. Adding a burden to companies who follow the rules will not entice companies outside of the system to join. Greater focus should be given to simplifying compliance and better outlining the compliance requirements.

In conclusion, we value the ability to provide feedback and look for additional opportunities to continue the consultation process. While the focus of the program as proposed has many valuable pieces, it misses the mark. It must focus on new employees as per the Dean Report recommendation #16. We remain committed as employer partners to health and safety and the consultation process.

The OGCA and its members are committed to pursuing excellence in OH&S and look for opportunity to partner with government, the IHSA and our industry to do so. Our support of the COR™ program and the League of Champions (LOC) demonstrates our focus on growing a safety culture in the Ontario Construction Industry.

We acknowledge the recommendations made by our partners in the residential sector. Many of their recommendations are endorsed and repeated in this submission.

Thank you for the opportunity to comment on this unfortunate proposal.

Sincerely,
Ontario General Contractors Association



David Frame
Director Government Relations

CC: OGCA Safety Committee
Board of Directors
Workshield

Attachment: Workshield response