WE BUILD ONTARIO
ONTARIO GENERAL CONTRACTORS ASSOCIATION

CONSTRUCTION LAW CHANGES IN ONTARIO

As of January 26, 2017

The Ontario Legislature adjourned on December 8, 2016 and is not expected to resume sittings until Tuesday February 21, 2017

Provincial Government Bills

Bill 2 Election Finances Statute Law Amendment Act, *2016*
(Yasir Naqvi, Minister of Community Safety and Correctional Services)

Bill 2 is essentially identical to Bill 201 from the previous session of the Legislature. Due to the prorogation of the Legislature, the Bill has been reintroduced and will need to pass second reading and a referral to a Standing Committee, even though hearings were already completed in July and August of 2016. The legislation would amend the Election Finances Act to: a) Prohibit corporations and trade unions from making contributions to parties, constituency associations, nomination contestants, candidates and leadership contestants; b) Reduce contribution limits for individuals; c) Restrict the ability to provide candidates and parties with loans and loan guarantees; d) Restrict amounts that third parties may spend on political advertising during elections and the six-month period before scheduled general election periods; and e) Restrict political advertising spending of registered political parties during the six-month period before scheduled general elections periods.

- Royal Assent December 5, 2016.

Bill 27 Burden Reduction Act, *2016*
(Brad Duguid, Minister of Economic Development and Growth)

This 78 page Bill, if passed, would amend more than 50 separate statutes to reduce administrative burdens and reduce costs. Changes include, but are not limited to: a) modernizing commercial arbitration rules to resolve cross border disputes; b) more flexible regulatory procedures for new energy infrastructure projects; c) more progressive corporation registration measures to facilitate electronic communications; d) streamlining the process to appeal inspection orders; and e) amending the Highway Traffic Act to allow for non-police escorts of oversize/overweight loads that require traffic control.

- First Reading September 27, 2016
- Second Reading carried November 29, 2016
- Ordered Referred to the Standing Committee on General Government November 29, 2016
- The Standing Committee posted a notice of public hearings to take place in Toronto on February 22, February 27 and March 1, 2017. Persons wishing to make submissions but unable to make a verbal

submission, can make a written submission, addressed to the Clerk of the Committee and delivered no later than March 1, 2017.

Bill 39 Aggregate Resources and Mining Modernization Act, *2016*
(Kathryn McGarry, Minister of Natural Resources and Forestry)

This 38 page Bill, if passed, would amend the Aggregate Resources Act to: a) Provide additional exemptions to the license requirement to operate a gravel pit; b) Streamline portions of the license application process; and c) Enhance the Minister's powers re amendment of licenses and requirements for site plans. It would also amend the Mining Act to establish a new mining lands administration system. Restrict the ability to provide candidates and parties with loans and loan guarantees; d) Restrict amounts that third parties may spend on political advertising during elections and the six-month period before scheduled general election periods; and e) Restrict political advertising spending of registered political parties during the six-month period before scheduled general elections periods.

- First Reading October 6, 2016
- Second Reading carried November 15, 2016
- Referred to the Standing Committee on Justice Policy November 15, 2016
- Consideration by the Standing Committee on November 17 and December 8, 2016
- The Standing Committee posted a notice of public hearings to take place in Toronto on February 23 and March 2, 2017. Persons wishing to make submissions but unable to make a verbal submission, can make a written submission, addressed to the Clerk of the Committee and delivered no later than March 2, 2017.

Bill 68 Modernizing Ontario's Municipal Legislation Act, 2016
(Bill Mauro, Minister of Municipal Affairs)

This 37 page Bill amends the City of Toronto Act and Municipal Act as well as other statutes to address such matters as by-laws to address climate change, allowing for interim changes on municipal councils, municipal conflicts of interest issues.

- First Reading November 16, 2016
- Second Reading debated November 29, 30 and December 1 and 6, 2016.

Bill 70 Building Ontario Up for Everyone Act (Budget Measures), *2016*
(Charles Sousa, Minister Finance)

This 57 page Bill, if passed, would amend several statutes and impact a number of matters, including but not limited to: a) provide a phased increase of taxes on wines and taxes for spirits; b) alter property tax calculations for public utilities; c) collective bargaining changes for firefighters; d) amend land transfer tax calculations; and e) repeal and dissolve elements that would have enabled the proposed Ontario Retirement Pension Plan.

- Royal Assent December 8, 2016

Private Members' Bills

Bill 26 Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016

(Peggy Sattler, NDP, London West)

This Bill if passed would amend the Employment Standards Act, 200 and the Occupational Health and Safety Act to mandate accommodation if an employee or a child of an employee has suffered from a domestic assault or sexual violence and requires a change in workplace hours or assigned locations.

- First Reading September 27, 2016
- Second Reading carried October 20, 2016
- Referred to Standing Committee on the Legislative Assembly on October 20, 2016
- ***As of January 26, 2017*** no Standing Committee meetings have yet been scheduled to deal with this Bill

Bill 49 Transparency and Accountability in Government Contracting Act, 2016

(Catherine Fife, PC, Stormont-Dundas South Glengarry)

This Bill if passed would create a new statute to require greater public consultations and disclosure as well as additional procedural steps by public sector service providers and facility owners before privatization of existing services or entering public-private partnerships for major capital projects.

- First Reading October 24, 2016

Bill 58 Delegated Administrative Authorities Accountability Act, 2016

(Jim McDonnell, NDP, Kitchener--Waterloo)

This Bill if passed would make administrative authorities such as Ontario One Call and the TSSA subject to freedom of information requests and require the Auditor General do an annual audit of each such authority.

- First Reading November 3, 2016

Bill 64 Protecting Interns and Creating a Learning Economy Act, 2016

(Peggy Sattler, NDP, London West)

This Bill was expressly carried over (resurrected) from the prior sittings of the Legislature and therefore the progress of the Bill is credited with the votes and proceedings that took place proceedings that took place prior to September 8, 2016. This bill would amend the Ministry of Training, Colleges and Universities Act to establish the Advisory Council on Work-Integrated Learning such as the work co-op programs offered by many Technical Schools and Colleges. It would also amend the Employment Standards Act to deem additional individuals receiving training to be employees for the purposes of specified parts of the Act such as the requirement to provide a day off work on a public holiday and the requirement to provide vacation without pay.

- First Reading February 17, 2015
- Second Reading February 19, 2015
- Referred to the Standing Committee on the Legislative Assembly February 19, 2015
- Ordered carried over from previous session September 13, 2016
- The Standing Committee considered this Bill on September 28, October 5 and 19, 2016
- ***As of January 26, 2017*** no further meetings of the Standing Committee to address this bill have yet been scheduled.

Bill 67 Auditor General Amendment Act, 2016

(Norm Miller, PC, Parry Sound -- Muskoka)

This Bill, if passed, would amend the Auditor General Act to authorize audits of 'public contractors', namely corporations, authorities or boards who receive financial assistance from the Crown or is empowered to collect fees and delivers programs or services on behalf of the Crown. Public contractors would include the TSSA and ESA among others.

- **First Reading November 16, 2016**
- **Second Reading November 24, 2016**
- **Ordered referred to the Standing Committee on the Legislative Assembly November 24, 2016**
- ***As of January 26, 2017*** no meetings of the Standing Committee to address this bill have yet been scheduled.

Bill 83 Fairness in Labour Relations Act (Bargaining Units and Certification of Trade Unions), 2016

(Jim McDonell, PC, Stormont—Dundas—South Glengarry)

This Bill, if passed, would amend the Labour Relations Act, 1995 to remove the requirement to provide a written description of the proposed bargaining unit in an application for certification. At present, employees in the construction

industry are exempt from certain restrictions in section 79 of the Act against striking. The Bill removes that exemption. At present, if a complaint alleges that an employer or employers' organization has contravened the Act with respect to employment practices, the burden of proof in an inquiry by the Board into the complaint lies with the employer or employers' organization. The Bill transfers the burden of proof to the complainant.

- First Reading December 6, 2016

Bill 88 Asbestos Use Prohibition Act, 2016

(Robert Bailey, PC, Sarnia -- Lambton)

This Bill, if passed, would ban the use, reuse, import, transport or sale of asbestos in Ontario. It also requires the Ministry of Labour to create a Register of all provincially owned or leased buildings containing asbestos, and for that Register to be updated from time to time as work to remove asbestos from buildings listed on the Register is completed.

- First Reading December 8, 2016

Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. Most of the Act has not yet been proclaimed in force.

Regulations

(reflects contents of the Ontario Gazette through to ***January 21, 2017)***

Ontario Regulation 143/16

CLIMATE CHANGE MITIGATION AND LOW-CARBON ECONOMY ACT, 2016

This regulation was published in the June 4, 2016 edition of the Ontario Gazette and came into force on January 1, 2017 to provide details about how the reportable carbon emissions will be calculated and verified, a critical element of the carbon tax regime that was part of the most recent provincial budget.

Ontario Regulation 144/16

CLIMATE CHANGE MITIGATION AND LOW-CARBON ECONOMY ACT, 2016

This regulation was also published in the June 4, 2016 edition of the Ontario Gazette and came into force on January 1, 2017 to provide details about carbon emission caps and carbon emission credits are calculated, managed and

exchanged, a critical element of the carbon tax regime that was part of the most recent provincial budget.

Ontario Regulation 242/16

OCCUPATIONAL HEALTH AND SAFETY ACT

This regulation was published in the July 9, 2016 edition of the Ontario Gazette and amends portions of the Construction Projects Regulation with respect to scaffolding, suspended work platforms, cranes and other height safety related measures for construction site and workers. Various parts of the regulation came into force as of July 1,2016 while most of the Regulation came into force as of January 1, 2017.

Ontario Regulation 361/16

ENVIRONMENTAL ASSESSMENT ACT

This regulation was published in the November 26, 2016 edition of the Ontario Gazette and makes a number of administrative amendments to ensure that assessments reflect the most recent regulations protecting fish and wildlife habitats, changing the names of certain Ministries, e.g. replacing Ministry of Natural Resources with Ministry of Natural Resources and Forestry and confirming that undertakings by the Ontario Infrastructure and Lands Corporation are exempt from the Act. The regulation came into force as of January 1, 2017.

Ontario Regulation 470/16

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the December 31, 2016 edition of the Ontario Gazette and amends portions of the Ontario Regulation 175/98 which amends the description of the classes of employers for each of Schedules 1, 2, 3 and 4 under the Act (e.g. mandatory and optional participation). and workers. Most of this regulation comes into force as of January 1, 2019.

Ontario Regulation 471/16

OCCUPATIONAL HEALTH AND SAFETY ACT

This regulation was published in the December 31, 2016 edition of the Ontario Gazette and amends portions of the Construction Projects Regulation with respect to suspended work platforms and the wearing of a full body harness. This Regulation came into force as of January 1, 2017.

Ontario Regulation 1/17

ENVIRONMENTAL PROTECTION ACT

This regulation was published in the January 21, 2017 edition of the Ontario Gazette. It is a new regulation, allowing prescribed facilities to register their activities related to air and noise emissions on the province's Environmental Activity and Sector Registry (EASR) instead of the prior practice of applying for individual air emission certificates of approval. The regulation comes into force as of January 31, 2017 but facilities with existing air certificates of approval will have until January 31, 2027 to make the transition to EASR registrations.