

CONSTRUCTION LAW CHANGES IN ONTARIO

As of March 20, 2018

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On March 15, 2018 Premier Kathleen Wynne announced that the Legislature would be prorogued and that a new speech from the throne would be read on Monday March 19, 2018. The result of this proceeding is to cancel all bills that had not received Royal Assent prior to March 15, 2018.

The Premier subsequently announced that the former government bills would be re-introduced into the Legislature.

A speech from the throne was read on March 19, 2018, the first day for resumed sittings after the prorogation of the Legislature.

**Provincial Government Bills
2nd Session, 41st Parliament**

Bill 194 Fairness in Procurement Act, 2018

(Eleanor McMahon, President of the Treasury Board)

This Bill if passed would enable the Provincial government to respond to unreasonable pro-American procurement policies by offending American jurisdictions by imposing additional restrictions on the procurement of by the Ontario government of goods and/or services from US jurisdictions.

- First Reading February 20, 2018
- Second Reading debated February 26, 27, 28, March 5, 2018
- ***Second Reading carried March 6, 2018***
- ***Third Reading carried March 8, 2018***
- ***Royal Assent received on March 8, 2018***

3rd Session 41st Parliament

Bill 3, Pay Transparency Act, 2018

(Flynn, Hon Kevin, Minister of Labour)

This Bill is identical to Bill 203 introduced in the prior sitting of the Legislature on March 6, 2018 but did not progress beyond first reading.

This Bill is of general interest and not specific to the construction industry. If passed, it would require employers to disclose compensation ranges for both current and prospective employees and also require employers to prepare and file reports on pay transparency and equity.

- First reading March 20, 2018

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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 March 15, 2018 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 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~~

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~~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 March 15, 2018 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 March 15, 2018 no meetings of the Standing Committee to address this bill have yet been scheduled.~~

~~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~~
- ~~• Second Reading carried February 23, 2017~~
- ~~• Ordered referred to the Standing Committee on the Legislative Assembly February 23, 2017.~~
- ~~• As of March 15, 2018 no meetings of the Standing Committee to address this bill have yet been scheduled.~~

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~~Bill 105 Rea and Walter Act (Truss and Lightweight Construction Identification), 2017~~

~~———— (Randy Pettapiece, PC, Perth — Wellington)~~

~~This Bill amends the *Building Code Act, 1992* regarding the identification of truss (wooden) and lightweight construction in specified buildings that are under construction or to be constructed. A new section 15.8.1 will require a truss identification emblem to be affixed to a building in prescribed size and location.~~

- ~~• ——— First Reading March 9, 2017~~
- ~~• ——— Second Reading debated and carried April 6 2017~~
- ~~• ——— Ordered referred to the Standing Committee on General Government, April 6, 2017~~
- ~~• ——— As of March 15, 2018 no meetings of the Standing Committee to address this bill have yet been scheduled.~~

~~Bill 109 Reliable Elevators Act, 2017~~

~~———— (Doung Hang, Liberal, Trinity — Spadina)~~

~~This Bill amends the *Building Code Act, 1992* to require an applicant for a building permit for prescribed structures (seven or more stories) to show that the building will have enough elevator capacity. The Bill also amends the *Consumer Protection Act, 2002* to require repairs to be made within 14 days.~~

- ~~• ——— First Reading March 22, 2017~~
- ~~• ——— Second Reading April 13, 2017~~
- ~~• ——— Referred to Standing Committee on Regulations and Private Bills, April 13, 2017~~
- ~~• ——— As of March 15, 2018 no meetings of the Standing Committee to address this bill have been scheduled.~~

~~Bill 118 Labour Relations Amendment Act (Strike and Lock-Out Information), 2017~~

~~———— (France Gélinas, NDP, Nickel Belt)~~

~~This Bill, if passed, would amend the *Labour Relations Act, 1995* to require all employers to provide information regarding strikes, lock-outs and use of replacement workers to the Minister and require that the Minister publish such information. the burden of proof to the complainant.~~

- ~~• ——— First Reading March 30, 2017~~

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~~**Bill 151 Workplace Safety and Insurance Amendment Act (PTSD Benefits), 2017**~~

~~—————(Taras Natyshak, NDP, Essex)~~

~~This Bill, if passed, would amend the Workplace Safety and Insurance Act, 1997 to include benefits for those workers covered for posttraumatic stress disorder. The amendments are intended to benefit certain health care workers and first responders but not the construction industry. cement workers to the Minister and require that the Minister publish such information. the burden of proof to the complainant.~~

- ~~• ——— First Reading September 12, 2017~~
- ~~• ——— Second Reading carried September 14, 2017~~
- ~~• ——— Referred to Standing Committee on Regulations and Private Bills September 14, 2017~~
- ~~• ——— As of March 15, 2018 no meetings of the Standing Committee to address this bill have been scheduled.~~

~~**Bill 158 Protecting Vulnerable Road Users Act, 2017**~~

~~(Cheri DiNovo NDP Parkdale – High Park)~~

~~This Bill, if passed, would amend the Highway Traffic Act to increase penalties and fines in the event of a serious injury or death of a vulnerable road user, including pedestrians, cyclists, and persons who are on the highway because they are engaged in construction on that part of the highway.~~

- ~~• ——— First Reading September 26, 2017~~

~~**Bill 169 Ontario Forestry Revitalization Act (14 Storey Wood Frame Buildings), 2017**~~

~~(Victor Fedell, Progressive Conservative – Nippising)~~

~~This Bill, if passed, would amend the Building Code Act, 1992 to provide that the Building Code shall not prohibit a building that is 14 storeys or less in building height from being of wood frame construction.~~

- ~~• ——— First Reading October 18, 2017~~

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Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

Royal Assent October 25, 2010. As of **March 20, 2018** most of the Act has not yet been proclaimed in force.

Construction Lien Amendment Act, 2017

The statute will come into force on July 1, 2018 and at the same time change the name of the statute from the Construction Lien Act to the 'Construction Act'.

Regulations

(reflects contents of the Ontario Gazette through to **March 17, 2018**)

Ontario Regulation 349/17

WORKPLACE SAFETY AND INSURANCE ACT, 1997

This regulation was published in the September 16, 2017 edition of the Ontario Gazette. It amends O.Reg. 175/98 to postpone the revocation of certain existing non-construction industry exemptions of certain classes of workers by one year from January 1, 2019 to January 1, 2020.