



Acoustical Association Ontario

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Provincial in scope ...

Provincial in outlook

2011 Officers & Directors

At the Annual General Meeting (AGM), held in Niagara-on-the-Lake on July 15th, the following Directors, Area Representatives and Senior Advisors were acclaimed:

Directors

Dan Donovan, Kanata
 Nat Figliano, Concord
 Domenico Filoso, Ottawa
 Carmine Giamberardino, Nepean
 Dave Gibson, Gloucester
 Bob Grassing, Waterloo
 Rick Kok, Oshawa
 Robert Macdonald, London
 Douglas Smith, Hamilton
 Robert Troup, Windsor

Area Representatives

Forese Bertoia Jr., Kingston

Senior Advisors

Jack Donovan, Ottawa
 Don Sutherland, Ottawa

In addition, the Directors elected the following Officers for the ensuing year:

President	Carmine Giamberardino, Nepean
Vice President	Douglas Smith, Hamilton
Treasurer	Nat Figliano, Concord

2012 WSIB Rates Released

The Workplace Safety and Insurance Board (WSIB) announced that employer premium rates will increase in 2012 by a flat 2% across all rate groups. Inside finishing (rate group #719) will increase by 15¢ to \$7.34 up from \$7.19 in 2011. The WSIB, however, has not released the maximum insurable earnings ceiling for 2012. The following table lists all the Construction Rate Groups with corresponding Premium rates.

Rate Group	Description	2012 Premium Rate (\$)	2011 Premium Rate (\$)
704	Electrical And Incidental Construction Services	3.60	3.53
707	Mechanical And Sheet Metal Work	4.06	3.98
711	Road Building And Excavating	5.17	5.06
719	Inside Finishing	7.34	7.19
723	Industrial, Commercial & Institutional Construction	4.44	4.35
728	Roofing	14.46	14.16
732	Heavy Civil Construction	6.87	6.73
737	Millwrighting And Welding	6.74	6.60
741	Masonry	12.41	12.15
748	Form Work And Demolition	17.88	17.51
751	Siding And Outside Finishing	10.01	9.80
764	Homebuilding	8.89	8.71
830	Power And Telecommunication Lines	4.34	4.25

The Mathews Dinsdale Minute



In our last article, we wrote about two recent cases that raise issues of workplace safety and site access, focussing in part on the Blue Mountain Resorts decision of the Labour Board in 2009 that was upheld by the Division Court in May of this year. Some people have asked for some clarity about what is a “workplace” and the extent of contractor’s obligations relating to site access and reporting.

The Blue Mountain Resorts case made a series of critical findings. These include the following:

Even though no employee was present in the pool area when the fatality occurred, it remained a “workplace” as employees work in the pool area at various times. This was based on the definition of “workplace” in the OHS Act which includes “any land, premises, location or thing at, upon, in or near which a worker works”;

That the reporting obligations under Section 51 of the OHS Act are triggered when any “person” as opposed to any “worker” suffers a critical injury in a workplace; and

Based on the definition of “workplace” combined with the fact that the reporting obligations to the Ministry of Labour arise when a critical injury happens to any person in the workplace, Blue Mountain Resorts was in breach of the OHS Act when, on finding a deceased guest in its pool, it (presumably) called the police and an ambulance, but not the Ministry of Labour.

Question #1: What is or isn’t a workplace? Based on the definition in the Act, and in light of the Blue Mountain decision, anywhere employees perform work is a workplace. Employees don’t need to be working in that place at that moment, as long as they do regularly perform work in that place. It is a risk to define it any narrower than that. Blue Mountains is a resort where people worked on an ongoing basis and, perhaps by contrast, there are distinctions arising from the timing of work in the context of construction sites, but do you want to take that risk?

Question #2: What can I do to minimize my risks? Clear rules on site access are probably the most important factor. Enforcing them consistently is just as important. Make sure site visitors of any kind sign in, including recording what they are doing and/or who they are coming to see. Make sure they sign out when they leave, and make sure, if they are in hazardous areas, that they are escorted.

Question #3: What do I do if there is a serious event like this on one of my sites? Include the Ministry of Labour in your calls (probably after police and the ambulance) and make sure you file your Section 51 report within 48 hours. Consider this example: recently in the Toronto area a man was severely burned trying to steal copper from near a live transformer. He “left” on his own after being electrocuted, and made his way to hospital. Had he been killed, and this was a transformer on private property attached to a factory, the foreman or manager opening the facility in the morning (or an electrical contractor called in to make repairs) who found the body has to call the police, an ambulance and, probably, the Ministry of Labour on the thief, following up with a written report to the Ministry within 48 hours. Strange but true.

