



2012 WSIB Insurable Earnings Ceiling

Further to the 2012 WSIB Rates that were reported in last month's issue, the WSIB has subsequently announced that the 2012 Insurable Earnings will be set at **\$81,700.00** an **increase of 2.6%** over this year's ceiling of \$79,600.00. Although the Workplace Safety and Insurance Board (WSIB) has maintained its commitment to keep Premium rate increases at 2% this year, it has significantly increased

the ceiling on the Maximum Insurable Earnings. Changes to the Maximum Insurable Earnings Ceiling, as required under provisions of the Workplace Safety and Insurance Act, are directly linked to changes in average earnings in Ontario as measured by Statistics Canada. Based on those changes in earnings, the WSIB sets the annual ceiling on the Maximum Insurable Earnings.

Increased Energy Costs Of Concern To Contractors

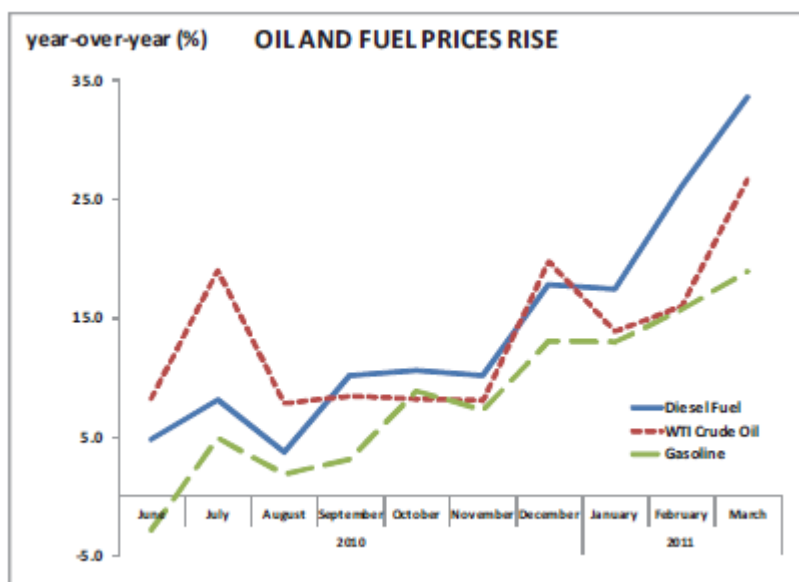
As oil prices increase because of emerging market demands, political unrest in the Middle-East and a weakening U.S. dollar there are adverse economic consequences such as increased transportation costs. The elevated price of oil, up 27% by the end of the first quarter this year, was clearly on the minds of respondents to the Ontario Construction Secretariat's (OCS) annual *Survey of Ontario's ICI Construction Industry with*

70% of contractors reporting that they expect the cost of transportation to be higher this year. In fact, the greatest percentage of contractors, expect transportation costs to grow more than any other costs.

With gasoline prices up 19% and diesel prices up 34% in the first quarter Contractors were correct in their expectations of higher operating costs as a result of increased oil prices. Of course, not only do higher oil

prices lift transportation costs, they also impact key inputs into the construction process. That is, for example, increased prices in the materials used in construction from asphalt, to aluminium to drywall.

It is difficult to gauge where oil prices will go from here giving the volatility of this commodity. However, the U.S. Energy Information Administration expects oil prices to average \$103/barrel this year and \$107/barrel in 2012. Other economic forecasters are a little more bearish on oil prices, with most expecting either flat or lower oil prices for the remainder of this year and next. However the oil price story unfolds, it will certainly have consequences for our industry.



Source: Statistics Canada, U.S. Energy Information Administration

The Mathews Dinsdale Minute



On a complete change of speed, this week the Mathews Dinsdale Minute is about your obligations with technology and controlling its use in the workplace. For most modern workplaces even employees in the field now are armed with cell phones, smart phones or blackberries. In the modern office, including estimating departments, virtually everything is done on computer and via email. There are as many ways for people to communicate as there are tools to do it, including email, text mail, phone calls and messenger applications. But what happens if the message people are communicating is not appropriate?

In a British Columbia Human Rights Tribunal decision an employee was awarded \$30 000.00 in damages for harassment by way of texting. In the case, the Complainant had been in a consensual relationship with the owner of the company. When the Complainant ended the relationship the owner continued to send the complainant sexually demeaning and explicit text messages to the Complainant's phone. Eventually, the complainant had to leave work on stress leave.

It is, of course, significant that the "harasser" in this matter was also the owner of the Company. However, as an employer liability can be placed upon your company for the actions of your employees. If you have employees circulating inappropriate materials or messages or otherwise engaging in what could be perceived as harassing behaviour you may be liable... especially if you were aware and failed to prevent the activity.

With the necessity of these forms of electronic communication in the workplace, it is essential for employers to have controls in place as well. Remember, you can't overhear a text message and you need to pay attention if someone makes a complaint about an email or someone's use of the internet. Companies need to publish rules and regulations for the use of devices like cell phones, smart phones and computers, including email and internet access. Make sure these rules are circulated and employees are aware of them. Make a record of when and how each employee was given the rules. It is important to make it clear to employees that they are expected to follow the rules of use and that the company reserves the right to review any communications that take place using company resources. Finally, it is essential that, when issues arise, you investigate thoroughly and company policies are enforced so that it cannot be said that your company condoned misconduct and allowed it to continue.

