



CPO Responsible for JHSC Training Standards & Requirements



The Ministry of Labour (MOL) has announced that, "in accordance with recent changes to the Occupational Health and Safety Act (OHS), the Chief Prevention Officer (CPO) has the authority to establish standards for training programs and training providers and to approve programs and providers that have met these standards." As a result, the MOL will transfer the authority to approve training programs and providers for JHSC training programs from the Workplace Safety & Insurance Board (WSIB) to the CPO. Therefore, effective April 1, 2012, the CPO is given the authority to establish training requirements that Joint Health and Safety Committee (JHSC) members must meet and the authority to certify members that have met the requirements.

The CPO did announce that he has reviewed the standards for training programs and training providers set out in the WSIB document entitled "Certification Standards for Joint Health and Safety Committees", (the Certification Standards Document) and has re-established the standards set out in that Document as the training standards for training programs and training providers for the certification of JHSC members. The CPO has also established these standards as the training requirements

that committee members must meet in order to become certified. Committee members who have been certified by the WSIB prior to April 1, 2012 are deemed to have been certified by the CPO. (i.e. grandfathered)

With respect to JHSC Training Programs and Providers, the CPO has reviewed the current approved WSIB list and approved these programs and providers in respect of the certification of JHSC members.

The Certification Standards Document, which can be found on the MOL's web site at <http://www.labour.gov.on.ca/english/hs/pdfcertstandards.pdf>, should be read and interpreted with the necessary modifications where reference to the WSIB should be read as references to the CPO or the Ministry of Labour. The list of CPO approved training programs and providers can be found at http://www.labour.gov.on.ca/english/hs/cert_providers.php.

The MOL has assured stakeholders that the CPO, and the WSIB "will continue to work closely together to ensure a seamless transition for this, and other prevention programs." Until further notice, the WSIB will continue to administer the process for JHSC certification training and members should continue to send all materials and enquiries to your current contact at the WSIB until further notice.

COCA's David Zurawel Resigns



David Zurawel, Vice President of Policy & Government Relations at the Council of Ontario Construction Associations (COCA) has submitted his resignation effective April 13, 2012. David has accepted a position with a national industry association which will provide him with new opportunities for professional growth and development and will commence his work with that organization soon after leaving COCA. Ian Cunningham, President of COCA stated that "it goes without saying that David has made an outstanding contribution to the many successes of COCA in his more than four and a half years with the organization. He has been a key member of our COCA staff TEAM. Personally I am grateful for the sound advice and support he has always given me and I value his friendship." David will be missed and we wish him the very best in his new position.

The Mathews Dinsdale Minute



For this issue of the Mathews Dinsdale Minute, we are going to discuss a March 20, 2012, article published in the Toronto Sun about immigration issues in the construction industry in the City of Toronto. It is no secret that the average age of individuals in the various trades in Canada has been rising, that many young Canadians do not choose entry into the trades as a career choice, and that immigration of tradespersons plays a significant role in meeting the demand for tradespersons in the construction industry in Ontario.

Foreign workers with Canadian work permits must renew them on a regular basis in accordance with the expiration dates noted therein. Part of this process involves the issuance of a letter from the foreign worker's employer confirming that the individual is actively employed in Canada. It was reported that contractors, managers and/or supervisors were charging foreign workers fees (reportedly from \$2000 to \$4000) for letters that simply confirmed their work experience. This is obviously a problem that may have both immigration and criminal implications.

With respect to immigration matters, there are serious consequences for individuals who counsel another to engage in a misrepresentation, including imprisonment for up to five (5) years upon conviction and fines of up to \$100,000 per infraction. Moreover, those who employ foreign workers without valid work permits can be imprisoned for up to two (2) years and they can also be subject to fines of up to \$50,000 per infraction.

In light of these serious consequences, it is important for employers to ensure that their immigration work is centralized, preferably as part of the human resources function.

Also, immigration authorities in Canada now have the authority to evaluate the genuineness of any and all job offers made to foreign workers. Part of this analysis involves looking at previously issued work permits and Labour Market Opinions ("LMOs") in order to determine if conditions are substantially the same. It is therefore important that regular audits are performed in order to ensure that work permits have not elapsed and that the conditions of employment are substantially the same as those set out in any LMOs, work permits or applications for a work permit.

If an employer changes any of the conditions set out in past work permit or Labour Market Opinion applications, such as location of employment, position at the company, salary and benefits, hours of work... etc., without obtaining a fresh LMO, the employer may be in breach of the genuineness requirements and risks being banned from hiring any foreign workers for up to a two (2) year period.

Mathews Dinsdale's lawyers include a group who work in the specific area of workplace immigration. If you have any questions or concerns with respect to workplace immigration matters we would be pleased to assist you.

