

September 18<sup>th</sup>, 2015

Honourable John C. Murray and  
C. Michael Mitchell  
Changing Workplaces Review  
Employment Labour and Corporate Policy Branch  
Ministry of Labour  
400 University Ave., 12<sup>th</sup> Floor  
Toronto, ON M7A 1T7

**Re: The Changing Workplaces Review Response**

The below signed employer associations are aware of the ongoing “Changing Workplaces Review.” As a group, we represent the majority of builders and trades within the residential construction industry in Ontario and have come together to express our consensus position on the ongoing review. For more information, please feel free to contact any of the below representatives.

As per the consultation guide, we are aware and seek to clarify, that this review is designed to focus on workplaces outside of the construction sector. As a result, we have not dedicated the extensive resources it would require to prudently examine these two all-encompassing acts and provide complete answers to the individual questions.

However, this group remains committed to the consultation process: as we are cognizant of that fact that both the Employment Standards Act, 2000 (ESA) and the Ontario Labour Relations Act, 1995 (OLRA) are two dominant pieces of employment legislation that contain countless intricacies that have a profound impact on the construction industry.

For example, the construction sector has been granted, in general and in specific sub-sectors, exemptions and special considerations. These exemptions and special considerations speak to the unique nature of the construction industry taking into account how work is organized and performed. For example, exemptions and special considerations apply throughout the ESA and OLRA including, but not limited:

Within the ESA

- Hours of work, eating periods, and breaks
- Statutory overtime provisions
- Statutory holidays
- Terminations, separation pay,

Within the OLRA (but outside of the recognized differences outlined in the consultations guide)

- Union certification
- Role of OLRB
- Accreditation provisions
- Right to a final offer vote
- Determination of worker status

The OLRA must be read as a whole and is the base piece of legislation for all labour relations related activities. The current special considerations and construction specific segments have created a well understood environment for unionized employers, non-unionized employers, and construction trade unions to operate. For better or worse, they have created a mostly stable labour relations environment which allows all stakeholders to operate in a more or less predictable environment based on the act, past practice, and jurisprudence. Upsetting this balance with even a small change could result in wholesale changes to the structure of the collective bargaining process, renegotiation of agreements, or administration of current agreement. As a result, we caution this review against the unintended consequences that change could bring as perceived solution in one sector could bring unrest to the construction industry, which is currently the main driver of the Ontario economy.

In order to prevent this, we ask the reviewers to consider and meet with key representatives of the construction industry to discuss any proposed changes to either act. This will allow the residential and broader construction industry the opportunity to provide meaningful and helpful feedback before any specific changes are implemented.

In closing, we do commend the government for thinking about the future of Ontario and Ontario's businesses. As outlined in the consultation guide, the world is becoming an increasingly competitive environment. This means that Ontario needs to ensure a competitive position going forward to promote economic growth, foster innovation, and to ensure the health of the construction industry as a whole.

Yours truly,



Andrew Pariser  
RESCON

on behalf of

Richard Lyall  
RESCON

Stephen Hamilton  
Ontario Home Builders'  
Association

Ross Savatti  
Residential Tile  
Contractors Association

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