



Minutes

Construction Divisional Board Meeting

November 8, 2016 at 9:00 a.m.
Ontario College of Trades
655 Bay Street, 6th Floor, Room 604
Toronto, ON, M5G 2K4

Divisional Board Members in Attendance

James Barry, Chair
Denis Bigioni, Vice-Chair
Kevin Bryenton
Joe Dowdall

Divisional Board Members not in Attendance

Michael Battye

Resource Persons/Guests

Jodi Engel, Chair, Powerline Technician Trade Board
Tim Fenton, Sheet Metal Worker Trade Board
Frank Heerkens, Powerline Technician Trade Board*
Derek MacLachlan, Sheet Metal Worker Trade Board
Colm Maher, Powerline Technician Trade Board
José Manso, Chair, Roofer Trade Board
Don Marks, Subject Matter Expert, Roofer Trade
Gordon Sproule, Roofer Trade Board
Henry Vertolli, Chair, Sheet Metal Worker Trade Board
John Wabb, Powerline Technician Trade Board
Scott Wood, Subject Matter Expert, Sheet Metal Worker Trade

Staff in Attendance

Dev Baichan, Program Coordinator, Standards
Warren Barbour, Director, Member Services
Jason Bennett, Director, Corporate Governance
Meg Feres, Supervisor, Board Operations
Maria Khan, Administrative Assistant, Corporate Governance
Hugo Leal-Neri, Policy Counsel
Craig McCarten, Product Supervisor, Standards
Jan O'Driscoll, Manager, Media Relations and Communications
Bob Onyschuk, Director, Compliance & Enforcement
Ricardo Paniagua, Program Coordinator, Standards
John Poirier, Manager, Standards
Gay Saunders, Program Coordinator, Standards
Royden Trainor, Director, Policy & Programs

*Participated by telephone

1. Call to Order/Welcome

The Chair called the meeting to order at 9:20 a.m. and welcomed Divisional Board members and College staff.

2. Approval of Agenda

The Chair reviewed the draft agenda and noted that the item at Tab C, “*Compliance and Enforcement Operational Guidelines re: Street Lighting*”, will take place with Divisional Board members and staff only.

CDB20161108-01 ON A MOTION MADE by K. Bryenton, seconded by J. Dowdall and CARRIED, the Agenda for the November 8, 2016 Construction Divisional Board meeting was approved as amended.

3. Conflict of Interest

No conflicts were declared.

4. Approval of Previous Minutes

CDB20161108-02 ON A MOTION MADE by K. Bryenton, seconded by J. Dowdall and CARRIED, the minutes of the June 21, 2016 meeting were approved as tabled.

D. Bigioni joined the meeting at 9:30 a.m.

5. Compliance and Enforcement Operational Guidelines re: Street Lighting

B. Onyschuk summarized issues related to the non-alignment of Ontario College of Trades (“OCOT”) scope of practice and Ministry of Labour (“MOL”) regulations that have led to complaints alleging that unqualified workers are performing street light replacement. He advised that OCOT analysis showed that lamp replacement work fell within the scope of practice of Construction and Maintenance Electricians (309A), a compulsory trade. However, where the light pole also contains high voltage transmission and distribution lines, MOL construction regulations require that work only be performed in accordance with a document published by the Infrastructure Health and Safety Association. The MOL regulation actually renders the OCOT position moot by stating that it does not apply. Due to the contradiction in regulations and voluntary designation of the Powerline Technician trade, it appears that those without bone fide training as either Construction and Maintenance Electricians or Powerline Technicians are involved in this type of work.

The Divisional Board was advised that a solution is required to mitigate against the possibility of having unqualified individuals engaged in this type of work. Accordingly, the College has developed a Compliance and Enforcement *Director’s Operating Guideline* to help ensure that involved parties (i.e. procurement officials, contractors/subcontractors) understand the OCOT’s position that only individuals holding a Certificate of Qualification or Registered Training Agreement in the trades of Construction and Maintenance Electrician or Powerline Technician are allowed to perform street light replacement *where distribution and/or transmission lines are present*.

Feedback is being gathered from involved stakeholders and comments will be incorporated in the final draft *Guideline* and submitted to the Construction Divisional Board for its review.

The Divisional Board discussed aspects of the issue related to consistency of enforcement, setting precedents, and the use of policy guidelines to address legislative deficiencies. The Divisional Board noted that it looks forward to reviewing a *Director’s Operating Guideline* that is fair, prudent and defensible.

6. Construction Sector Training Standards: Trade Board Feedback

C. McCarten advised that the results of a pilot project to seek Trade Boards' feedback and opinions on the Training Standards for the Powerline Technician, Sheet Metal Worker, Roofer, and Floor Covering Installer trades has been completed. It was noted that the feedback provided by the Hoisting Engineers Trade Board for the Powerline Technician Training Standard was omitted in error. Staff will amend the survey results to include this information.

J. Norman joined the meeting at 10:30 a.m.

The Divisional Board was advised that Trade Board representatives and subject matter experts from the Powerline Technician, Sheet Metal Worker, and Roofer trades will join the meeting during the discussion of their respective Training Standards to provide insights, context, historical information, and other comments and feedback as required, to clarify issues and answer questions.

6.1 Powerline Technician

C. Engel, C. Maher, and J. Wabb joined the meeting in person; and F. Heerkens joined by teleconference at 10:40 a.m.

Trade Board feedback and comments concerning the Powerline Technician trade were reviewed with respect to proposed new skills, proposed changes to skills, and skill history. Guests answered questions and provided clarification as needed throughout the discussion of the six skill areas outlined on the report.

The Chair thanked the guests for participating in the discussion and review of the Training Standard and noted that the feedback and advice shared will be duly considered by the Divisional Board during its deliberations. The Chair also noted that the Divisional Board is keenly aware of its responsibility and duty of care in this area, and advised that in its analysis of the Trade Board survey data the Divisional Board will strive to be as streamlined and efficient as possible, while also ensuring that it has reviewed each Standard in the context of all the Construction sector trades.

C. Engel, C. Maher, and J. Wabb left the meeting; and F. Heerkens signed off at 11:05 a.m.

6.2 Sheet Metal Worker

T. Fenton, D. MacLachlan, H. Vertolli and S. Wood joined the meeting at 11:10 a.m.

Trade Board feedback and comments concerning the Sheet Metal Worker trade were reviewed with respect to proposed new skills, proposed changes to skills, and skill history. Guests answered questions and provided clarification as needed throughout the discussion of the 11 skill areas outlined on the report. The Chair noted that staff will follow-up with the Refrigeration and Air Conditioning Systems Mechanic Trade Board to clarify the comments provided in the survey concerning skills 9009.02, 9012.12 and skill set 9013.

The Chair thanked the guests for participating in the discussion and review of the Training Standard and noted that the feedback and advice shared will be duly considered by the Divisional Board during its deliberations. The Chair also noted that the Divisional Board is keenly aware of its responsibility and duty of care in this area, and advised that in its analysis of the Trade Board survey data the Divisional Board will strive to be as streamlined and efficient as possible, while also ensuring that it has reviewed each Standard in the context of all the Construction sector trades.

T. Fenton, D. MacLachlan, H. Vertolli and S. Wood left the meeting at 11:40 a.m.

6.3 Roofer

J. Manso, D. Marks, and G. Sproule joined the meeting at 11:50 a.m.

Trade Board feedback and comments concerning the Roofer trade were reviewed with respect to proposed new skills, proposed changes to skills, and skill history. Guests answered questions and provided clarification as needed throughout the discussion of the 10 skill areas outlined on the report.

The Chair thanked the guests for participating in the discussion and review of the Training Standard and noted that the feedback and advice shared will be duly considered by the Divisional Board during its deliberations. The Chair also noted that the Divisional Board is keenly aware of its responsibility and duty of care in this area, and advised that in its analysis of the Trade Board survey data the Divisional Board will strive to be as streamlined and efficient as possible, while also ensuring that it has reviewed each Standard in the context of all the Construction sector trades.

J. Manso, D. Marks, G. Sproule, D. Baichan, and J. Norman left the meeting at 12:15 p.m.

6.4 Floor Covering Installer

Trade Board feedback and comments concerning the Floor Covering Installer trade were reviewed with respect to proposed new skills, proposed changes to skills, and skill history. C. McCarten and G. Saunders answered questions and provided clarification as needed throughout the discussion of the three skill areas outlined on the report.

H. Leal-Neri joined the meeting at 12:45 p.m.

7. Ministry of Labour’s Proposed Amendments to Section 150 of Construction Projects Regulations re: Cranes and Hoisting Devices

R. Trainor and H. Leal-Neri advised the Divisional Board of the Ministry of Labour (MOL)’s proposed amendments to section 150 of the Construction Projects regulation (O. Reg. 213/91) under the *Occupational Health and Safety Act (OHS)* which seek to better align the Construction Projects regulation with the scopes of practice (SoPs) for the three Hoisting Engineer trades in O. Reg. 275/11 (SoP regulation) under the *Ontario College of Trades and Apprenticeship Act, 2009 (OCTAA)*. The College has an opportunity to provide its position on the proposed amendments before the MOL launches its public consultation later in fall 2016, and has begun an assessment of the issues. Five key issues were discussed with the Divisional Board. Feedback was provided on three areas related to the term “similar hoisting device”, the Journeyman Candidates class of membership in the College, and finding a common unit to rate cranes.

The Divisional Board deferred to J. Dowdall as a subject-matter expert in this area and agreed that further questions from staff may be sent directly to him. Staff will follow up with J. Dowdall to address the remaining two issues that relate to self-erecting tower cranes and the definition of “tower crane”.

H. Leal-Neri left the meeting at 1:05 p.m.

8. Trade Board Recommendations and Divisional Board Written Responses

Staff reviewed several recommendations made by Construction sector Trade Boards. The Divisional Board considered the issues and discussed the nature of the responses to be provided in the reports back to the Trade Boards.

9. In Camera

The Divisional Board met in camera at 1:30 p.m.

The in camera meeting concluded at 1:50 p.m., at which time M. Feres, M. Khan, C. McCarten, B. Onyschuk, R. Paniagua, J. Poirier, G. Saunders, and R. Trainor returned to the meeting; and J. Bennett and W. Barbour joined the meeting.

The Chair updated staff on the outcome of the Divisional Board's in camera discussions regarding the four Training Standards reviewed earlier in the meeting:

Floor Covering Installer: The Divisional Board agreed to consider a motion concerning this Training Standard.

CDB20161108-03 ON A MOTION MADE by K. Bryenton, seconded by D. Bigioni and CARRIED, the Construction Divisional Board endorsed the Floor Covering Installer Training Standard for use in Ontario's Apprenticeship training for the trade.

Sheet Metal Worker: Pending minor revisions to language in some skills sets and clarification from the Refrigeration and Air Conditioning Systems Mechanic Trade Board regarding its comments concerning skills 9009.02, 9012.12, and skill set 9013, the Divisional Board advised that it anticipates considering this Training Standard for approval at a future meeting.

Powerline Technician and Roofer: The Divisional Board indicated that it was not yet ready to make a decision on these two Training Standards.

The Chair also provided feedback on the presentations made at today's meeting as part of the pilot project to seek Trade Boards' feedback and opinions on the Training Standards for the Floor Covering Installer, Powerline Technician, Roofer, and Sheet Metal Worker trades. For future presentations and reviews of Training Standards, the Divisional Board noted the following for staff action:

- In addition to Trade Board feedback, the Divisional Board should also receive relevant background information, including all applicable Trade Board meeting minutes in which a particular Training Standard was an agenda item.
- In advance of the Divisional Board meeting, the Trade Board representatives and subject matter experts should receive the same material that the Divisional Board will receive to support its consideration of a Training Standard or Curriculum Standard.
- In the Trade Board feedback survey, instances of no response should be noted as "not applicable", or "no response provided"; and skill sets should be organized and presented numerically.

10. Governance Update

J. Bennett reviewed governance activity and statistics for Q3-2016, including the number of governance meetings held in the quarter and the current priorities of the department with respect to supporting the work of the College's Boards, its standing and statutory Committees, and adjudicative panels derived therefrom; as well as the Trade Board Chair and Vice-Chair training session held on September 22, 2016.

In addition, the *"Notice to the Divisional Board of Intent to Request a Trade Classification Review for Concrete Pump Operator"*, received October 13, 2016, was tabled for information. The Divisional Board will be updated when the Trade Board submits its official request for a Trade Classification Review to the Board of Governors. It was noted that the November 2015 Dean Report contained recommendations about potential legislative and/or regulatory changes to the Trade Classification

Review process, currently with the provincial government. As such, it is not practicable for the Board of Governors to establish a review panel under s. 21(1) of OCTAA at this time. Nevertheless, the Board of Governors will be made aware of the Trade Board's intent to request a Trade Classification Review.

J. O'Driscoll joined the meeting at 2:05 p.m.

11. Membership Update

W. Barbour provided an update on College membership statistics, client services activities, and call centre data. The most recent weekly results of the Customer Service Survey launched in late September 2016 were also reported.

W. Barbour and D. Bigioni left the meeting at 2:05 p.m.

12. Communications and Marketing Update

J. O'Driscoll provided an update on recent Communications & Marketing initiatives, including radio segments aimed at increasing public awareness about the work of the College and the continued success of the job board pilot project at "*HireWithConfidence.ca*" and the "*earnwhileyoulearn*" website. In addition, it was reported that increased subscriptions to the College's quarterly newsletter "*Trades Today*", and the continued growth of both the traditional and social media platforms, continue to help the College communicate its message in innovative and effective ways.

J. O'Driscoll left the meeting at 2:15 p.m.

13. Compliance and Enforcement Update

B. Onyschuk provided an update on field visit statistics as well as tickets and summonses issued by membership class, sector and geographic location. Results of a recent school bus "blitz" in August 2016 were also reported.

J. Bennett left the meeting at 2:25 p.m.

14. Premier's Highly Skilled Workforce Expert Panel Report

The Divisional Board reviewed information related to the Premier's Highly Skilled Workforce Expert Panel's Report dated June 2016, titled "*Building the Workforce of Tomorrow*", and considered its relevance for the Ontario College of Trades. There was a discussion concerning the impact of certain conclusions in the Report, particularly in the areas of apprenticeship modernization, registration processes, experiential learning, and employer engagement.

The Divisional Board supported the proposal for the College to engage directly with the recently appointed government Secretariat overseeing implementation of the Report's recommendations. There was agreement that in the engagement with the Secretariat, the College should consider issues such as promoting the merits of the apprenticeship model while also exploring improved apprenticeship management tools; realigning resources to in-class training based on demand; and developing a robust employer engagement strategy to encourage and streamline the ability of employers (or groups of employers) to register and retain apprentices.

15. Trade Equivalency Assessment Update

R. Trainor provided an update on the College's Trade Equivalency Assessment work, including the number of applications received, processing time, approval rate, as well as system and business enhancements.

16. Policy and Programs Update

R. Trainor reviewed Q3-2016 activity and statistics for the Policy and Programs division, including updates related to staffing changes and fundamental infrastructural work to support evidence-based decision-making at the College in the areas of programs, standards, policy, research, and trade equivalency assessment.

17. Adjournment

The meeting adjourned at 2:30 p.m.

“James Barry” _____

Signed: James Barry
Chair, Construction Divisional Board

March 2, 2017 _____

Date

“Meg Feres” _____

Signed: Meg Feres
Recording Officer

November 21, 2016 _____

Date