

REVIEW PANEL DECISION

Ratio Review RR21-2012

Ratio Review for:

Sprinkler & Fire Protection Installer

Submitted to:

Board of Governors, Ontario College of Trades

Submitted by: Ratio Review Panel RR21-2012

Submitted on: July 10, 2013

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Introduction

1. This Ratio Review, RR21-2012, is being undertaken pursuant to the provisions of Part IX of the *Ontario College of Trades and Apprenticeship Act, 2009* (“OCTAA”) and *Ontario Regulation (“O. Reg.”) 458/11*. The Review Panel (“the Panel”) members are: David McKee (Chair), Edward Yee, and Stanislav Panasyuk. There is one trade included in this Review: Sprinkler & Fire Protection Installer, commonly called in the trade the “sprinkler fitters”. The current journeyman to apprentice ratio for the trade is 1:1.

The Review Process

2. The invitation for written submissions for RR21-2012 was publicized on December 21, 2012. Information about the location, date, and time of the oral consultation was posted on the College website on December 21, 2012. The written submission deadline was February 4, 2013 and all submissions were posted on the Ontario College of Trades (“OCOT” or “the College”) website by February 21, 2013. Information about the oral consultation was provided to the parties who made requests to make submissions on February 8, 2013 and further confirmed on June 14, 2013. The oral consultation was held on June 18, 2013.

3. O. Reg. 458/11 stipulates that the Review Panel shall review the written and oral submissions against the following criteria in determining the appropriate journeyman to apprentice ratio for these trades:

i/ The scope of practice of the trade.

ii/ The apprenticeship program established by the College.

iii/ How the journeyman to apprentice ratio for the trade may affect the health and safety of apprentices and journeymen working in the trade and the public who may be affected by the work.

iv/ The effect, if any, of the journeyman to apprentice ratio of the trade on the environment.

v/ The economic impact of the journeyman to apprentice ratio of the trade on apprentices, journeymen, employers and employer associations and, where applicable, on trade

unions, employee associations, apprentice training providers and the public.

vi/ The number of apprentices and journeypersons working in the trade.

vii/ The rates of completion for apprentices in an apprentice training program for the trade.

viii/ The journeyperson to apprentice ratio, if any, for a similar trade in other jurisdictions.

ix/ The supply of, and demand for, journeypersons in the trade and in the labour market generally.

x/ The attraction and retention of apprentices and journeypersons in the trade.

xi/ The average age of apprentices and journeypersons in the trade and the projected attrition of journeypersons working in the trade.

Submissions Received

4. The Panel received submissions from the following Organizations:

The Ontario Pipe Trades Council

United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 853 jointly with the Canadian Automatic Sprinkler Association (“Local 853/CASA”)

The Ontario Home Builders Association (“OHBA”)

Criterion 1 – Scope of Practice of the Trade

5. Pursuant to section 41 O. Reg 275/11 promulgated under the *Ontario College of Trades and Apprenticeship Act 2009*, the trade is defined as follows:

41. (1) The scope of practice for the trade of sprinkler and fire protection installer includes the following:

1. Planning proposed installations from blueprints, sketches, specifications, standards and codes.
2. Laying out, assembling, installing, testing and maintaining high and low pressure pipeline systems for supplying water, air, foam, carbon dioxide or other materials to or for fire protection purposes.
3. Measuring, cutting, reaming, threading, soldering, bolting, screwing, welding or joining all types of piping, fittings or equipment for fire protection of a building or structure.
4. Installing clamps, brackets and hangers to support piping, fittings and equipment used in fire protection systems.
5. Testing, adjusting and maintaining pipe lines and all other equipment used in sprinkler and fire protection systems.
6. Operating and utilizing necessary tools and equipment for the installation of sprinkler and fire protection systems.

(2) The scope of practice for the trade of sprinkler and fire protection installer does not include the following:

1. The manufacture of equipment or the assembly of a unit prior to delivery to a building or site.
2. The installation of electrical equipment, devices and wiring not integral or attached to fire protection systems.

Objectives of a Ratio Review

6. As the ratio review panel in RR-16-2012 (Sheet Metal Worker) said, in part:

6. Neither the Act nor Regulation 458/11 provides any suggestion as to the weight or priority to be given to any one of

these criteria. Some of them appear to be focused on the issue of apprenticeship training and the supply of skilled tradespeople. Some focus on the consequential effects of any change to the ratio: environmental, economic or health and safety. Since a number of ratio Review Panels have had a certain level of experience in working with this Regulation, it is worth looking at this point at how these criteria ought to relate to one another and what the overall analysis ought to be.

7. The problem that every Review Panel has focused on is that the criteria are, for the most part, fairly general criteria and hence difficult to quantify or prioritize. Where they are susceptible of precise measurement, the data is very difficult to find, and what there is has proved difficult to rely on. This suggests both a need to give some weight to the anecdotal or impressionistic evidence we received, and to be cautious about the entire factual foundation for any analysis.

8. To begin at the proper beginning, the purposes of the Act are set out in the objectives listed in section 11 [section omitted]:

9. All of these objects appear to be aimed at four general results:

- 1) to ensure that there is a sufficient body of skilled tradespeople who are able to provide the skilled services required for the businesses and citizens of Ontario;
- 2) to ensure that apprentices are trained and employed to ensure both (a) that they are exercising the full skills of the trade and (b) that there will be a sufficient number of them to ensure that the pool of skilled tradespeople remains at an appropriate size;
- 3) to ensure the journeypersons remain skilled and stay current with trades and industries in which they work;

- 4) to regulate the performance of individuals in their capacity as apprentices or tradespersons with respect to their work in the trade, for the benefit of and the protection of businesses and citizens of Ontario.

10. Of these four general objectives, only the first two are relevant to the issues facing a Ratio Review Panel. We conclude that these general objectives should inform our analysis. Specifically, in analyzing criteria such as the environmental, economic and health and safety concerns, this Panel is not charged primarily with promoting or regulating economic, environmental, or health and safety issues. There are other statutes and their other bodies more specifically charged with those tasks and more capable of fulfilling it. We read the Regulation as directing the Panel to have regard to the consequences of any decision in areas that are not the focus of the Panel's decision. The consequences in economic, environmental and health and safety terms are important, but they are secondary reasons for retaining or changing a ratio. There may be cases where these factors take on a much larger significance, but in the average case, it does not seem that they are likely to do so. Perhaps they represent a legislative equivalent of the physician's instructions to "first do no harm". The Panel's focus should be a wide one, but it should remain centered on the tasks which are assigned.

General Observations

7. In this case there was relative unanimity among the parties who filed submissions. All of them agreed that the ratio should remain at the current 1:1 ratio. As both Local 853/CASA and the OHBA pointed out, the ratio is a relatively recent one. Whether it was because of general anticipated market conditions or because of a scheduled change to the *Ontario Building Code* that would require sprinkler systems in all high rise residential buildings, all players in the industry anticipated an increase in business and an increase in the need for trained sprinkler fitters. The ratio was changed in 2007 precisely to increase the number of people in the trade to meet an anticipated demand.

8. Hence the current ratio was set by the parties in the industry to cope with a particular anticipated demand. Those same parties are satisfied with the result. This seems to us to be the best evidence that the ratio is responsive to the needs of the industry.

9. The training center operated by Local 853/CASA appears to us to provide more than sufficient quality training. We were advised that the training center in Markham will accept both persons who are and are not members of the Union so that the training is available to all who want it. The training centre has never been required to turn any apprentice away because of a lack of space.

10. Finally, the numbers of people in the trade are such that there is more than adequate room for an increase in the number of apprentices if that is required. The total number of registered journeypersons is 1,968, although that number includes an undefined number of persons who hold a Certificate of Qualification but are not actively employed in the trade. There are 423 registered apprentices, all of whom are presumably active in the trade. Because the trade is not a compulsory trade, there may be some who have completed the field and school time but simply never sit their final Certificate of Qualification exam.

11. Local 853/CASA stated at the consultation that UA Local 853 has 1,350 journeyperson and apprentice members, and believes this represents about 80 to 90 % of the persons active in the trade. Its written brief states that it has 1,967 journeypersons and 412 apprentices. Even if we assume that there are no apprentices who are simply one exam short of their C of Q (a highly unlikely proposition) and that we used the lower figures given orally at the consultation, that would still leave the smallest number of journeypersons at more than double the number of apprentices (if not four times). Hence the ratio itself does not present any sort of bottleneck that would prevent the increase in the numbers of apprentices.

Criterion 2 – Apprenticeship Program Established by the College

12. All parties agreed that this program, with 720 classroom hours and 6,480 hours in the field, meets precisely the needs of the trade and that the ratio will accommodate new entrants to it.

Criterion 3 – Journeyperson to Apprentice Ratio Effect on the Health and Safety of Apprentices, Journeypersons, and the Public

13. While stressing the great significance to the workers in the trade and the public affected by it, all parties agreed that the current ratio serves the health and safety of both groups.

Criterion 4 – Effect on the Environment

14. No party suggested that any change to the ratio was necessary to improve its environmental impact, or to improve the extent to which the work of a sprinkler fitter enhances the reduction of toxic run-off after a fire or the reduction of energy during the life of a building.

Criterion 5 – Economic Impact

15. Again, no one suggested that a change in the ratio was necessary to create certain economic benefits.

Criterion 6 – Number of Apprentices and Journeypersons Working in the Trade

16. Considered in paragraph 10, above.

Criterion 7 – Rates of Completion for Apprentice Training Program

17. UA Local 853 advised us that few apprentices drop out of the training program and fewer still drop out of the trade once they qualify as journeypersons. Hence there is no reason to adjust the ratio for that purpose.

Criterion 8 – Ratios in Other Jurisdictions

18. A 1:1 ratio is similar to most Canadian jurisdictions with only one province (Manitoba) having a higher ratio and two (Alberta and Saskatchewan) having lower journeyperson to apprentice ratios.

Criterion 9 – Supply and Demand for Journeypersons

19. No party suggested there was a shortage of qualified journeypersons in the field, perhaps because of the adjustment of the ratio in 2007 to meet anticipated demand.

Criterion 10 – Attraction and Retention of Apprentices and Journeypersons

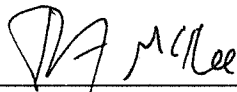
20. See above.

Criterion 11 – Average Age and Projected Attrition

21. The average age of an apprentice sprinkler fitter is 30 and the average age of a journeyman is 51. This contrasts favourably with other trades and does not suggest that there is likely to be a gap created by a demographic shift anywhere on the horizon.

Conclusion

22. For all of these reasons we conclude that the ratio of journeyman to apprentices should remain exactly as it is, that is a 1:1 ratio, with one journeyman necessary for every apprentice hired.



Signed: David McKee
Chair, Ratio Review Panel RR21-2012 *Sprinkler & Fire Protection Installer*

Date: July 10, 2013