

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', written in a cursive style.

Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk



TOWNSHIP OF McMURRICH / MONTEITH

District of Parry Sound
P.O. Box 70 31 William Street
Sprucedale, Ontario P0A 1Y0
Phone 705-685-7901 Fax 705-685-7393
www.mcmurrichmonteith.com E-Mail: clerk@mcmurrichmonteith.com

February 16, 2024

The Honourable Doug Ford
Premier of Ontario
Premier@ontario.ca

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Dear Premier Ford,

Please be advised that the Council of the Township of McMurrich/Monteith, at its meeting on February 6th, 2024, pass the following motion supporting the resolution from the City of Greater Sudbury.

Resolution #2024-51

Moved by: Vicky Roeder-Martin

Seconded by: Terry Currie

Be It Resolved that Council supports resolution CC2023-303 from City of Greater Sudbury relating to a request to the Province for an amendment to the Occupational Health and Safety Act to clarify the definition of "Employer". Carried

If you have any questions regarding the above resolution, please do not hesitate to contact me by phone or email at clerk@mcmurrichmonteith.com

Yours truly,

A handwritten signature in dark ink that reads "Cheryl Marshall". The signature is fluid and cursive, with the first name being more prominent.

Cheryl Marshall
Clerk-Treasurer

cc. Minister of Municipal Affairs and Housing – Paul Calandra
Minister of Labour, Immigration, Training and Skills Development – David Piccini
MPP Graydon Smith
Association of Municipalities of Ontario
All Ontario Municipalities



The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca
DELIVERED VIA EMAIL

January 15th 2024

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of 'Employer'

Dear Premier Ford,

Please be advised that at the Regular Council Meeting on January 10th 2024, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Motion 14

Moved by Councillor Bob Woolvett

Seconded by Councillor Kristen Rodrigues

That Council support item 'L' of correspondence from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development
Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Bob Bailey, MPP – Sarnia-Lambton
Association of Municipal Affairs and Housing
Ontario's Big City Mayors
Mayors and Regional Chairs of Ontario
Council of Ontario Construction Associations
Ontario Chamber of Commerce
All Ontario Municipalities

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CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

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CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

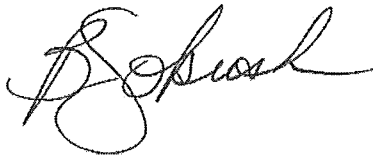
AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

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AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

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Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk

The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca

Sent via Email

February 9, 2024

Dear Premier Ford:

RE: Amendment to the Occupational Health and Safety Act to Clarify the Definition of 'Employer'

At its Regular meeting on February 7, 2024, Council of the Township of Springwater passed the following resolution:

C56-2024

That Council for the Township of Springwater endorse the resolution from the City of Greater Sudbury, and recognize resolutions from other Ontario municipalities such as the Town of Plympton-Wyoming, petitioning the province to amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project ; and,

That the resolution be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, Doug Downey, Attorney General of Ontario and MPP for Barrie – Springwater - Oro-Medonte, the Association of Municipalities of Ontario, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

If you have any questions, please do not hesitate to contact us via email at clerks@springwater.ca or by phone at 705-728-4784.

Regards,

C. Sarah A. Elliott, B.A., Dipl. M.A.,
Committee Coordinator/Administrative Assistant

cc:

Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development;
Honourable Paul Calandra, Minister of Municipal Affairs and Housing;
Doug Downey, Attorney General of Ontario and MPP for Barrie – Springwater - Oro-Medonte;
The Association of Municipalities of Ontario; The Council of Ontario Construction Associations; The Ontario Chamber of Commerce and all Ontario municipalities.