



## CCA lobbies for infrastructure deficit task force

*Courtesy of The Daily Commercial News*

The Canadian Construction Association (CCA) is lobbying the federal government to create a national taskforce to develop a strategy for dealing with the country's growing infrastructure deficit.

"We need to organize a national taskforce, but where it will reside or who will be in it is not clear," said CCA finance committee vice-chair Chris McNally. "We need to get people to sit down and solve the problem of funding long-term infrastructure investment for construction and maintenance."

At the CCA's 93rd annual conference in Hawaii, the finance committee presented its recommendations for the 2011 federal budget.

The CCA's brief to the House of Commons standing committee on finance concentrates on the long-term funding to build and maintain Canada's public infrastructure.

"The CCA's pre-budget submission recommends that the federal government set out a schedule," said McNally.

"No one expects the federal government to have a lot of money to invest with the current deficit. What we are trying to do is get the federal government to set up a taskforce, where the stakeholders sit down and say 'we have a problem with the infrastructure deficit and how are we going solve it'.

The submission argues that there is a positive relationship between economic growth, productivity and investment in national infrastructure, which includes roads, highways, ports, airports and border facilities.

A study by James Brox in 2008 found that declining productivity in Canada between 1994 and 2007 was part of an ongoing decrease in overall government investment in infrastructure.

Since 1960, federal spending as a percentage of overall infrastructure investment decreased from about 30 per cent to less than five per cent in 2007. Provincial spending also decreased, but only slightly from less than 50 per cent to just about 40 per cent in 2007.

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## Construction Sector Council sees recovery, expansion (continued from page 1)

During this same period, municipal spending increased from less than 30 per cent in 1960 to more than 55 per cent in 2007.

Local revenue sources have not kept pace with these added expenditures, which has resulted in inadequate funding for infrastructure maintenance and an accelerated deterioration of public assets.

A study in 2007 by Saeed Mirza for the Federation of Canadian Municipalities estimated that the nation's infrastructure deficit was \$123 billion.

Michael Atkinson said that the CCA has proposed to federal infrastructure minister Chuck Strahl that a taskforce should be established to deal with this deficit.

He said the taskforce is far more encompassing than the working group being discussed by the Canadian Federation of Municipalities because it would involve the provincial and federal governments and other stakeholders.

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## GOVERNMENTS OF CANADA AND MANITOBA MOVE FORWARD WITH HIGHWAY 10 IMPROVEMENTS

BRANDON, Manitoba (The Honourable Greg Selinger, Premier of Manitoba, and Merv Tweed, Member of Parliament for Brandon-Souris, today announced funding for improvements to PTH 10 between the Trans-Canada Highway (PTH 1) and PTH 25, near Brandon. The project will upgrade a 15 km stretch of the roadway to meet current industry standards, improve safety, and reduce congestion through the construction of passing-lanes.

"Improving and maintaining our important international trade routes is vital to connecting Manitoba's exporters with opportunities in the U.S. and beyond. Manitoba's producers and manufacturers count on them," said Premier Selinger. "That's why I am proud to announce our role in this investment to upgrade 15 kilometres of Highway 10."

"Our government is supporting infrastructure projects that will boost the economy and create jobs for Canadians," said MP Tweed, on behalf of Transport, Infrastructure and Communities Minister Chuck Strahl. "We are pleased to be working together with the Government of Manitoba to make these improvements and provide opportunities for the people of this province to promote long-term economic growth."

The proposed project involves the reconstruction of aged pavement to increase the highway's loading capacity and improve safety. In addition, highway shoulders will be widened and upgraded from gravel to paved surfaces with rumble strips, and new 1.5 km-long northbound and southbound passing lanes will be constructed. The project is expected to be complete in the fall of 2012.

The Government of Canada is taking important steps to support economic growth. Through the Gateways and Border Crossings Fund and other funds, the Government of Canada has already committed to investing over \$165 million in funding for projects along Manitoba's major north-south and east-west trade corridors. The PTH 10 improvements will complement these infrastructure projects. In addition, Canada's Economic Action Plan provides for almost \$12 billion in new infrastructure stimulus funding over two years. Furthermore, the acceleration of the \$33-billion Building Canada Plan is helping to address needs in communities across Canada and contribute to long-term economic growth through investments in public infrastructure, such as roads, water treatment plants, green energy and transit.

The Province of Manitoba is committed to investing in Manitoba's Infrastructure. Through various funding programs, the Province has committed more than \$353 million to improving Manitoba's highways, with more than \$63 million of that coming from the Gateways and Border Crossings Fund.

To learn more about Canada's Economic Action Plan, visit [www.actionplan.gc.ca](http://www.actionplan.gc.ca).

## INVITATION TO PARTICIPATE on MHCA Events Committee

Consistent with priorities adopted at the MHCA AGM, further reviewed by the MHCA Board at its January 19, 2011 meeting, and circulated to all members on January 20, 2011, we are pleased to extend an invitation to MHCA members to participate on the MHCA Events Committee to be chaired by Mickey Stanley.

You / your company are invited to indicate if you would like to participate on this committee for this year.

### MHCA Events Committee

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The mandate is to address, plan, and organize all MHCA events for 2011.

The Committee will be meeting throughout the year on a number of topics and events, which include:

- » June 8, 2011 – Spring Mixer
- » August 3, 2011 – Annual Golf Classic
- » November 25, 2011 – AGM & Chairman's Gala
- » January 12, 2012 – Curling Bonspiel

Any MHCA Member is welcome to participate on the above committee. As noted above, if you or someone in your company would like to participate, please notify Christine Miller by email at [chrstine@mhca.mb.ca](mailto:chrstine@mhca.mb.ca) or phone at 947 1379.

Attending MHCA events is good for you and your business. Events provide networking and 'mix 'n mingle' opportunities among membership, industry & government. As indicated above, the MHCA hosts numerous events throughout the year such as Breakfast with Leaders, Spring Mixer, Annual Golf Classic, Curling Bonspiel, Annual Meeting and Chairman's Gala.

## Breakfast with Leaders Event — March 31st, 2011

### 2011 Proposed City of Winnipeg Capital Construction Program

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Presenters: Lester Deane, P. Eng., Manager of Engineering, Public Works Department & Mike Shkolny, P. Eng, Manager of Engineering, Water and Waste Department

Location: CanadInns Polo Park — Ambassador K Room

Time: 7:30am Registration/7:45am Breakfast/8:00am Presentations

Price: \$35/person includes breakfast

To Register: Contact Christine Miller, MHCA Events Manager at 947-1379 or by email to [christine@mhca.mb.ca](mailto:christine@mhca.mb.ca)

WATCH THE HEAVY NEWS WEEKLY FOR UPDATES ON OUR BREAKFAST EVENTS.

## Trade Numbers Disconcerting

By Peter Hall, Vice-President and Chief Economist of Export Development Canada

The world economy received its latest checkup last week with the release of a bevy of international trade data. Hopes were high that the numbers would yield further evidence of rising global economic momentum. Instead, the results were mixed – not what anyone wants to hear at checkup time.

First, the bad news. Economies with a strong trade record faltered going into the New Year. German exports, a lonely bright spot in Europe's gloomy landscape, fell 1.1% in January, causing the trade balance to slip. Strong exports to Asia boosted the numbers last fall, but weak trade to European markets undermined this success. Fiscal austerity is likely to further dampen



Germany's trade performance in the European market through 2011. Will Asian exports come to the rescue?

Not necessarily. China is dealing with its own trade woes at the moment. Its trade balance, now in deficit, has slipped for four successive months. Exports have slowed significantly in the New Year. Granted, the numbers have been distorted by holidays, but the results were weaker than expected. Exports of electronic products were soft, and government restrictions on exports of commodities – particularly foodstuffs – contributed to the weakness. At the same time, sharply higher import prices for raw materials have kept the import tab rising at a strong, double-digit pace through February.

Ditto for Japan. Strong through late 2010, exports faltered in January on sharply weaker shipments to Asia and Europe, and will likely be very weak in the aftermath of the tsunami. Imports swelled, thanks to higher oil and base metal prices. Singapore, a global trade bellwether, has shown similar results. EU- and US-bound exports faltered last November, and non-oil trade has since failed to regain lost ground. All told, exports from these key global players cast doubt on current demand conditions.

The good news? Recent export strength has come from unlikely sources. The UK, which last year embarked on an export-led growth program, appears to have had some initial success. Exports increased 5.4% in January, sharply improving the trade balance. However, weaker European prospects suggest that UK non-energy trade may not fare as well as 2011 progresses.

US exports also fared well in January, likely boosted by the weak USD. A bigger story for the world economy was the rise in US imports. Although higher energy prices played a role, rising US domestic demand is lending considerable strength to import numbers. After a long hibernation, US consumers and businesses are beginning to spend again. And this time it's sustainable – good news indeed.

Nascent US growth is encouraging, but on balance, global trade numbers still point to a world economy that is hesitant about the true state of demand. Evidence of tentative domestic conditions is everywhere from Europe to China. At the same time, sharply higher commodity prices threaten to derail activity. Momentum is growing, but until it soaks up the remainder of the excesses left behind by the last expansion period, we remain vulnerable to existing risks and new economic shocks.

The bottom line? Global trade gained momentum in the second half of 2010, but cracks have appeared in recent trade data. It's too early to tell whether these are superficial or not but they are on the watch list until late this year, when demand and supply balances are better established.

Featuring articles from two of Winnipeg's largest law firms, Thompson Dorfman Sweatman and Tapper Cuddy, each of which are engaged by many in our industry.

## Liability Insurance - Duty to Defend Do you have the coverage you think you have?

By Maria L. Grande, Construction Lawyer -  
Thompson Dorfman Sweatman LLP

Lawsuits are common in the construction industry. When embarking on any major construction project, companies will often obtain insurance to protect themselves in the event of an accident (an event which is neither expected nor intended). However, on occasion a claim arises in relation to a construction project where a company may not have the protection it believed it had in place. As a result, the company finds itself being met by the insurance company saying that the claim falls outside the policy, and the insurer saying it has no duty to defend the company in the lawsuit. In such scenarios, what generally ensues is litigation between the company and the insurer on the issue of defence coverage.

In the fall of 2010, the Supreme Court of Canada (SCC) in *Progressive Homes Ltd. v. Lombard General Insurance Company of Canada* was faced with this very question. The SCC concluded that the insurance company has to pay for defence costs if there is the mere possibility the policy exists to cover the alleged damages.

The facts were that the insured, Progressive, had been hired as a general contractor to build several housing complexes. After completion, four actions were initiated against Progressive claiming breach of contract and negligence. It was alleged that significant water damage caused rot, infestation and deterioration in all four buildings. Progressive had secured several commercial general liability insurance policies with the insurer, Lombard. The policies required Lombard to defend and indemnify Progressive when Progressive was legally obligated to pay damages because of property damage caused by an occurrence or accident. Lombard claimed that it did not have a duty to defend because the claims were not covered, and therefore excluded, under the insurance policies. Progressive brought a court application seeking a declaration that Lombard was under a duty to defend in the four actions. The application judge found that the claims did not fall within the initial grant of coverage under the policies and therefore Lombard did not owe a duty to defend. Progressive appealed, and a majority of the Court of Appeal dismissed the appeal. The SCC however disagreed and in resolving divergent lines of case law concluded that Lombard owed Progressive a duty to defend the four actions.



The key findings in *Progressive v. Lombard* can be summarized as follows:

- » An insurer is required to defend a claim against the insured where the facts alleged in the pleadings (i.e. the Statement of Claim), if proven to be true, would require the insurer to indemnify the insured for the claim;
- » It is irrelevant whether the allegations in the pleadings can be proven in evidence. That is to say, the duty to defend is not dependent on the insured actually being liable and the insurer actually being required to indemnify;
- » What is required is the mere possibility that the claim falls within the insurance policy;
- » The initial onus is on the insured to show that the pleadings fall within the initial grant of coverage;
- » The focus of insurance policy interpretation should be first and foremost on the language of the policy at issue;
- » Provided the initial onus is met by the insured, the burden then shifts to the insurer to show that any potential coverage is ousted by an exclusion clause in the policy. The exclusion clause relied upon by the insurer must clearly and unambiguously apply to all of the claims made against the insured and there must be no possibility of coverage under the policy of insurance;

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- » Depending on which version of the comprehensive general liability policy applies, there is a possibility of coverage for damage to work completed by a subcontractor, for damage resulting from work performed by a subcontractor, or for damage resulting from the particular part of the insured’s work that was defective;
- » If it is clear that the claim falls outside the policy, either because it does not come within the initial grant of coverage or is excluded by an exclusion clause, there will be no duty to defend.

It is to be noted that the ruling pertains only to the duty to defend, and that determination of what damage was actually covered by the insurance policy, and what was excluded by the exclusions, had to wait until the evidence was established at trial.

*Maria’s practice is focused primarily in the area of civil and commercial litigation, arbitrations and workplace safety and health. Maria is a member of the firm’s Construction Industry group and Insurance Industry group and can be reached at 204.934.2573 or by e-mail at [mlg@tdslaw.com](mailto:mlg@tdslaw.com).*

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## CEM Young Professionals Event Announcement: A Night on the Ice

What: Night with the Moose (Dinner & Hockey Game)  
 When: Wednesday March 30, 2011; 5:30 – 10:30 PM  
 Where: MTS Centre  
 Cost: \$25 (includes dinner with pop and 100 level ticket; alcoholic drinks extra)



The Moose are playing their rivals, the Rochester Americans, in the final of eight home games for the Moose at a critical time for playoff positioning in the North division. Admission includes a pre-game meal on the third floor.

The CEM YP are dedicated to helping Young Professionals within the Winnipeg engineering community network and develop productive, professional relationships. A Young Professional is any engineer, geologist, geoscientist, technician, or technologist with ten years or less experience in their field. We hope you will come join us for a fun evening of networking with YPs from across the city and industry!

Please register by emailing [cemca@shaw.ca](mailto:cemca@shaw.ca) with ‘Night on Ice’ in the subject line by Tuesday, March 15. Payment, by cheque, is due on Tuesday, March 22. For questions, please contact [cemca@shaw.ca](mailto:cemca@shaw.ca) or phone 774-5258.

**WE WELCOME YOUR FEEDBACK. IF YOU HAVE ANY COMMENTS OR IDEAS FOR THE HEAVY NEWS WEEKLY, FEEL FREE TO CONTACT US AND LET YOUR VOICE BE HEARD!**

**Contact Jason Rosin at 947-1379 or [jason@mhca.mb.ca](mailto:jason@mhca.mb.ca) to submit your feedback.**

# YOUR SOURCE. YOUR RESOURCE.

## FLOOD PROTECTION 2011

### Proven Results with SYN-TEX

The winter of 1997 saw a record snowfall which led to fast spring melt and the Red River to overflow its banks. Syn-Tex provided what people were referring to as “super sand bags” that could be used as a unique form of prefabricated diking. These 3000 pound bags were used in numerous locations throughout Southern Manitoba and Winnipeg. In particular, they played a major part in the infamous “Z” dike near Brunkild, Manitoba which was constructed in an amazing 3 days from start to finish and extended some 15 full miles. These “super sand bag” walls could withstand the intense water weights and levels that this Flood of the Century had to offer.



#### Why Muscle Wall?

1. A very cost-effective solution
2. Sustainable, reusable & versatile
3. Easy to deploy, take down & clean up

Muscle Wall is an effective, sustainable and diverse tool for use in oil and gas containment, storm water management and erosion control, and with flood control scenarios. The Muscle Wall barricades can help organizations meet regulatory requirements in both storm water management and oil and gas containment.



RIBS™ (Rapid Installation Barrier System) makes for an ideal, quickly assembled barricade against floods, water retention, and various threats of encroaching waters. The unique, patented trapezoidal design of RIBS bags, unlike standard rectangular sandbags, employs gravity in creating downward pressure to form a tight seal.

Because the RIBS bags are held in place by the RIBS unit and filled with a large bucket machine like a backhoe, the system uses just a fraction of the time and manpower needed to fill traditional sandbags.

**Contact Garry McFarlane at 204-791-2596 or [gmcfarlane@brockwhite.com](mailto:gmcfarlane@brockwhite.com)!**



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**APRIL 4 - 8**  
**BRANDON, MB**



**WORKSAFELY**



To Register e-mail: [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca)  
[www.mhca.mb.ca](http://www.mhca.mb.ca)



# Westman Region Safety Conference

## REGISTRATION FORM



**April 4 - 8, 2011** ST. JOHNS AMBULANCE - SHOPPER'S MALL  
BRANDON, MANITOBA

Registration fee for members:  
Half-day \$60.00 plus GST  
Full-Day \$110.00 plus GST

Registration includes course materials, coffee & lunch

Register at:  
[www.mhca.mb.ca](http://www.mhca.mb.ca)  
[safety@mhca.mb.ca](mailto:safety@mhca.mb.ca)

### COURSES

#### Monday - April 4, 2011

- Investigations - morning session
- Inspections - afternoon session
- Fall Protection - full day

#### Tuesday - April 5, 2011

- COR™ Principles of Health & Safety Mgmt. (PHSM)-full day
- Fall Protection - full day

#### Wednesday - April 6, 2011

- Blueprint Reading - morning session
- Excavation & Trenching - morning session
- Flagging - afternoon session
- COR™ Auditor Refresher - afternoon session

#### Thursday - April 7, 2011

- WHMIS - morning session
- TDG - morning session
- Emergency Response - afternoon session
- Worker Rep/Committee - afternoon session

#### Friday - April 8, 2011

- WS&H Violence and Harassment - morning session
- WCB - Return to Work (RTW) - full day

Name \_\_\_\_\_

Company / Firm \_\_\_\_\_

Address \_\_\_\_\_

City / Town \_\_\_\_\_ Postal Code \_\_\_\_\_

E-mail \_\_\_\_\_

Fax \_\_\_\_\_ Phone # \_\_\_\_\_

#### Additional Information:

P: 204.947.1379 F: 204.943.2279  
E: [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca) W: <http://www.mhca.mb.ca>

Register at: [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca) or [www.mhca.mb.ca](http://www.mhca.mb.ca)  
Fax completed registrations to: 1.204.943.2279

Please complete a separate registration form for each person attending.

### Payment Options:

1) Cheque: please make cheque payable to

MHCA Safety Program  
1236 Ellice Avenue  
Winnipeg, MB R3G 0E7

2) Card Holder: \_\_\_\_\_

Card: \_\_\_\_\_ Number: \_\_\_\_\_

Expiry Date: \_\_\_\_\_



WORKSAFELY

MHCA



## Construction Safety Excellence™

### COR™ Training



#### PARKLAND REGION – SWAN RIVER, MB

March 28-April 1, 2011

Veterans Community Hall, 119 6th Ave. North

March 28-29	March 30	March 31-April 1
<b>COR™ Leadership</b>	<b>COR™ Principles</b>	<b>COR™ Auditor</b>



**INSTRUCTOR:**  
**ELAINE ALVIS**  
**SAFETY ADVISOR**

#### CENTRAL REGION – WINNIPEG, MB

March 28-April 1, 2011

St. John Ambulance, 1 St. John Ambulance Way

March 28-29	March 30	March 31-April 1
<b>COR™ Leadership</b>	<b>COR™ Principles</b>	<b>COR™ Auditor</b>



**INSTRUCTOR:**  
**DENINE RODRIGUES**  
**SAFETY ADVISOR**

#### INTERLAKE REGION – GIMLI, MB

March 28-April 1, 2011

Lakeview Hotel, 10 Center Street

March 28-29	March 30	March 31-April 1
<b>COR™ Leadership</b>	<b>COR™ Principles</b>	<b>COR™ Auditor</b>



**INSTRUCTOR:**  
**PHIL MCDANIEL**  
**SAFETY ADVISOR**

#### WESTMAN REGION – BRANDON, MB

April 11-15, 2011

St. John Ambulance, 2nd floor Shoppers Mall

April 11-12	April 13	April 14-15
<b>COR™ Leadership</b>	<b>COR™ Principles</b>	<b>COR™ Auditor</b>



**INSTRUCTOR:**  
**ELAINE ALVIS**  
**SAFETY ADVISOR**

### Coming Soon: New WORKSAFELY COR Banners!

Watch for the new WORKSAFELY COR Banners coming soon, and make sure to get your FREE banner for your company worksite. Watch the Heavy News Weekly for details on when the banners will be available.

This Safety Talk is intended to bring awareness of workplace incidents and the measures to take to prevent recurrence. Print and review this talk with your staff, sign-off and post on a bulletin board. File for audit purposes (COR™ - Element #8 Training & Communications).

## Equipment Mounting and Dismounting

List Equipment that requires 3 point contact

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Adapt your safety meeting to the particular equipment hazards that are common to your work crew and site. Identify common areas of concern during spring melt and address them.

Serious injuries can occur when mounting or dismounting the cab area of heavy equipment.

During spring weather conditions, snow, ice and mud can collect on access ladders and in equipment parking areas—creating slip, trip and fall hazards for operators.

### HAZARDS

- Musculoskeletal injuries, such as sprained ankles, or rotator-cuff injuries can occur due to mounting and dismounting incorrectly.
- Serious head injuries can take place if an operator falls from equipment and strikes head against the machine or ground.

- Inspect all surface areas for slip or trip hazards.
- Slips can occur if ladders or handrails are missing or in poor condition.
- Injuries can occur if the landing areas are obstructed, slippery, or uneven.

### PREVENTION

- Ensure steps and handrails are properly secured and free of defects and debris.
- Ensure landing areas are equipped with adequate lighting.
- Use 3 point contact—either two hands and one foot, or one hand and two feet when mounting and dismounting equipment.

- Keep hands free of tools or other devices when making three points of contact.
- Maintain traction by ensuring footwear is free of potential hazards such as dirt, oil, and grease.
- Use ropes and pails to lift or lower tools and other objects, allowing you to keep hands free for 3 point contact.
- Always face equipment when mounting or dismounting.
- Always use the access provided by the manufacturer.
- Park on even ground and remove obstructions such as rocks, which can cause ankle injuries.

## Test Your Knowledge

- It is important to inspect ladders and handrails for defects  
 True  False
- Park equipment on even surfaces to prevent falling when dismounting.  
 True  False
- Use \_\_\_\_\_ when mounting and dismounting equipment.
- List 3 hazards when getting on and off equipment. \_\_\_\_\_
- Carry tools and other devices in your hands when climbing ladders to the cab.  True  False

3 Point Contact





# WORKSAFELY MHCA

Construction Safety Excellence™

## Training Schedule



### Register by:

- » Email: Heather DeJaegher at [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca)
- » Fax: 204-943-2279

### Cancellation Policy:

The *WORKSAFELY* policy states cancellation must be made at least two business days in advance, otherwise full course fee charge will apply.

**REMINDER:**  
*WORKSAFELY* requires  
at least six people  
registered to deliver the  
course.

MARCH 2011	
March 7-8	COR™ Supervisory Leadership
March 9	COR™ Principles
March 10-11	COR™ Auditor
March 14	Excavating & Trenching (1/2 day AM)
March 14	Flagperson (1/2 day PM)
March 15	Prime Contractor
March 15	COR™ Auditor Refresher (1/2 day AM)
March 16	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
March 17-18	Train the Trainer
March 18	First Aid 1 — CPR
March 29-30	Confined Space Entry Level 2
March 25	Safe Work Procedures
March 28-29	COR™ Leadership
March 30	COR™ Principles
March 31 - Apr. 1	COR™ Auditor

APRIL 2011	
April 8	COR™ Auditor Refresher
April 12-13	Train the Trainer
April 14	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
April 15	Excavating & Trenching (1/2 day AM)
April 15	Flagperson (1/2 day PM)
April 18	Safety Administrator
April 18	First Aid 1 — CPR
April 19-20	Confined Space Entry Level 2
April 20	Back Injury Prevention
April 20	Fatigue Management
April 21	Toolbox Talks
April 25-26	COR™ Leadership
April 27	COR™ Principles
April 28-29	COR™ Auditor

UPCOMING COR™ TRAINING	
March 7-11	Thompson, MB
March 28 - April 1	Swan River, MB
March 28 - April 1	Gimli, MB
April 11-15	Brandon, MB

Customized training is available for your specific requirements.

Call the *WORKSAFELY* Office at (204) 947-1379 for more information.