



Editorial: A Push for Civic Funding

Courtesy of The Winnipeg Free Press

Mayor Sam Katz and the president of the Association of Manitoba Municipalities held a joint press conference on Tuesday to accuse the province of misleading the public about a new provincial funding formula for cities.

In fact, very few people were fooled by the province's suggestion it was meeting the needs of municipalities by dedicating the equivalent of one point of PST for infrastructure funding.

The truth is that the province is replacing one tax-sharing formula with another, which it claims is more lucrative over time. The bottom line is the city's share of PST could be worth a few million more dollars than what it got last year, but it's a far cry from what municipalities need, which is a full point of sales tax on top of what is already earmarked.

Cities across Canada are struggling with the same problem; namely modest revenue growth that is incapable of dealing with an ever-increasing infrastructure deficit, which has been estimated at \$11 billion in Manitoba alone. That's the value of work that needs to be done to repair or replace roads, bridges, sidewalks, community centres, underground pipes and other municipal property.

Some small rural communities are facing the additional expense of providing incentives, such as free homes and other perks, to attract doctors to their communities, according to Doug Dobrowolski, president of the Association of Manitoba Municipalities.

Despite the province's budgetary sleight of hand, the familiar pattern of handouts and welfare for municipalities remains unchanged. The province prefers it that way because it means funding to cities can be reduced in hard times and that grants can be targeted in a manner that is politically advantageous, such as a new community centre to help a promising new candidate.

If unchanged, it means that municipalities will never have stable, predictable funding for long-term planning.

The mayor's press conference didn't produce a lot of new facts, but it showed he and Manitoba's 200 other municipal governments are serious about raising the issue during this fall's provincial election, when all three political parties will have to offer real solutions to reverse the death-by-rot of Manitoba's cities and towns.

In this issue

WORKFORCE Training Summit		2
LEX Corner		5
WORKSAFELY Apparel		8
Safety Talk: Flood Water & Your Health		9

IMPORTANT INVITATION

WORKFORCE/WORKSAFELY Education & Training Summit

“Building a WORKFORCE to support the Heavy Construction Industry in Manitoba”

SUMMIT IMPERATIVES: CONSIDER STRATEGIES TO ATTRACT, TRAIN, EDUCATE, & RETAIN WORKERS

Our industry needs to attract new and retain existing workers. New workers require *industry needs driven education*; existing workers require skills and education upgrading.

THE MHCA INVITES YOU to participate at a heavy construction industry summit to consider strategies to build a skilled *WORKFORCE* with a *WORKSAFELY* attitude to support our growing industry.

WHEN?

- Date: **Tuesday, April 26, 2011**
- Time: 7:30 a.m. – Breakfast | 7:45 a.m. – Program | 10:30 a.m. – Adjournment
- Location: Canad Inn Polo Park, Ambassador Room '2'
- Registration: Confirm attendance with Christal O'Brien-Frejuk at 204.594.9054 or by email: christal@mhca.mb.ca
- Space: Limited so please book your space ASAP
- Registration Fee: *Free* - Breakfast and beverages included

THE SUMMIT PROGRAM

1. Welcome & Introductions
2. Program outline and summit objectives
3. LABOUR MARKET PROJECTIONS, SHORTAGES & RELATED INFORMATION:
 - a. Industry Workforce Development (IWD) , Province of Manitoba
4. AVAILABLE HEAVY CONSTRUCTION TRAINING PROGRAMS:
 - a. Red River College (RRC)
 - b. Manitoba Construction Sector Council (MCSC)
 - c. WORKFORCE
 - d. WORKSAFELY
 - e. GOLD SEAL
5. APPRENTICESHIP Manitoba:
 - a. What is it? What is Certification, Designation, Red Seal?
 - b. How can Apprenticeship Manitoba help?
 - c. Designating trades – compulsory vs. non-compulsory - should we consider this?
6. PROPOSAL FOR ANNUAL:

WORKFORCE/WORKSAFELY Education & Training Conference
“Building a WORKFORCE to support the Heavy Construction Industry in Manitoba”

 - a. Objective to:
 - i. Support the development, promotion and access by the heavy construction industry to skilled labourer, heavy equipment operator, construction management, Gold Seal certification and related vocational training
 - ii. Provide an education and training forum for industry that allows for strengthening the level, skills and knowledge of its workforce through a graduated and structured approach
 - iii. Partner with vocational training providers in support of the primary objective
 - b. Other
7. GENERAL DISCUSSION
8. ADJOURNMENT

Committee Corner

Highlighting recent MHCA Committee Meetings



The WORKFORCE — Education, Training and Gold Seal Committee met on April 15, 2011.



The SAFE Roads Committee met on April 19, 2011. The campaign launches on May 16, 2011.

UPCOMING MEETINGS:

Highways Committee | Monday, May 9, 2011 | 12:00 noon | CanadInns Polo Park
Aggregates Committee | Thursday, May 26, 2011 | 12:00 noon | MHCA Boardroom



Multicrete Systems Inc. Job Opportunities

Multicrete is looking for four, great people to fill these full-time and permanent positions at our Thompson, MB location:

- Concrete Boom-Pump Operator (\$20 per hour)
- Heavy Duty Ready-Mix Truck Mechanic (\$24 per hour)
- Two positions available: Ready-Mix Truck Drivers (\$20 per hour)

To view a full job description for each position, visit www.ppghr.com.

If you fit these qualifications and want to join our team, send your resume to hr@ppghr.com. We thank you for applying.



Manitoba Heavy Construction Association's Annual

Spring Mixer



Wednesday June 8, 2011 | Assiniboia Downs

Reception – 5:30pm

Dinner – 6:00pm

Live Racing – 7:00pm

Tickets: \$70.00 +GST/person

****Seating is limited. To order tickets, fax form back to 943-2279:**

Company: _____

Number of tickets (tables of 8): _____ Contact person: _____

Payment Options:

Invoice: _____ Visa/MC/AMX #: _____ Exp: _____

Signature: _____

For more information please contact Christine at the MHCA office @
phone: 947-1379, fax: 943-2279 or by email at christine@mhca.mb.ca

*As per MHCA Board Policy, only registrations cancelled 72 hours prior to
the commencement of this event will be refunded.*



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.

Flooding and *Force Majeure* Clauses

By Jon Woolley, Thompson Dorfman Sweatman LLP

In Manitoba, the start of spring after a long cold winter is traditionally a welcome event. However, in recent years, the start of spring has become synonymous with another, less welcome event: flood season.

This spring, several areas of Manitoba are dealing with record high water levels and many areas of the Province have faced difficulties with flooding.

For the construction industry, flooding and other adverse weather events may have severe impacts on project schedules and costs. If you're faced with a situation where your work will be impacted by causes outside of your control, you will want to consult the *force majeure* provisions in your contract.

So what is *force majeure*?

The direct translation of *force majeure* is "greater force", or in other words a force that is out of the hands of any party to the contract. Typically, these clauses are inserted into contracts to excuse a party from liability if an event which could not be foreseen prevents that party from fulfilling its contractual obligations. Examples of typical *force majeure* events include natural disasters, insurrections, war or "Acts of God". The Supreme Court of Canada has indicated that a *force majeure* event is one that is "...unexpected, something beyond reasonable foresight and skill."

Aside from being an occurrence which is truly unforeseen, a *force majeure* event must be of such significance that the failure to perform in accordance with the contract could not be overcome by the reasonable efforts of the party claiming relief.

The essential purpose of the *force majeure* clause is to allocate the risk for unexpected events between the owner and contractor (or contractor and sub-contractor or supplier). Generally speaking, an owner will want a tightly worded *force majeure* clause which limits the events considered to be *force majeure* to specifically enumerated events like natural disasters and wars. On the other hand, a contractor will generally be looking for a more inclusive (or loosely worded) clause which would leave the definition of *force majeure* open to other events, including the failure of third parties to perform services or supply materials.



Apart from the issue of agreeing as to what constitutes a *force majeure* event, parties to a contract should also ensure that their agreement includes specific provisions on what happens if a *force majeure* event occurs. Is the contractor entitled to an extension of time and additional costs? Just an extension of time - or just additional costs? If an extension of time and/or additional costs are to be awarded, do the parties use a change order procedure or is there a separate procedure to account for these claims? Are there specific notice requirements for a party advancing a *force majeure* claim? All of these questions should be answered in a good *force majeure* clause.

Parties should be aware that even where a *force majeure* event occurs, parties are not released from their obligations completely - they remain under a positive duty to take reasonable steps to mitigate the damage caused by the event.

So if you find yourself on the wrong side of Mother Nature this spring and need guidance as to whether you've got a valid claim for additional time and/or costs, look to the *force majeure* provisions of your contract.

As always, if you've got questions, we'd be happy to talk with you.

Jon's practice is largely focused on construction law, providing litigation, dispute resolution and advisory services. He can be reached at 204.934.2367 or by email at jmw@tdslaw.com.

This article is presented for informational purposes only. The content does not constitute legal advice or solicitation and does not create a solicitor-client relationship. The views expressed are solely those of the author(s) and should not be attributed to any other party, including Thompson Dorfman Sweatman LLP (TDS), its affiliate companies or its clients. The author(s) make no guarantees regarding the accuracy or adequacy of the information contained herein or linked to via this article. The author(s) are not able to provide free legal advice. If you are seeking advice on specific matters, please contact Don Douglas, CEO & Managing Partner at dgd@tdslaw.com, or 204.934.2466 but please be aware that any unsolicited information sent to the author(s) cannot be considered to be solicitor-client privileged.

WE'RE MOVING! (but just down the street...)

THE MCHA is moving to a new location. After over 21 years in our current building, we are out of space (as some of you might have noticed)!

Effective July 1st, 2011 our new address will be:

Unit 3 — 1680 Ellice Avenue

The building is located at the corner of Ellice Avenue and Century Street. The new location will benefit our members with an in-house training facility, expanded meeting spaces, and ample parking.

Watch the Heavy News Weekly for construction updates and other related announcements.

Map: (A) Current MHCA Office (B) New Location of MHCA Office



MHCA Welcomes a New Member!

Spence Construction & Transport

Edward Spence
Box 196 Waskada, MB
ROM 2E0
Ph: (204) 673-2447

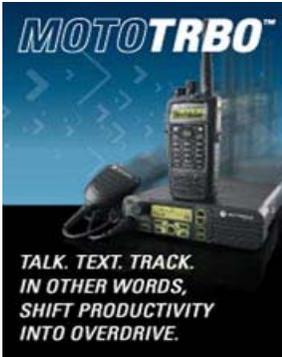
Fax: (204) 673-2633

Email: edspence@inetbiz.ca

Additional Information: Specializes in gravel trucks, water trucks (pressure testing), graders, bulldozers, snow removal, and work for oil companies.



**The Construction Workplace Provides Many Challenges
Motorola Two-Way Radios Provide the Solutions**



The MOTOTRBO Professional Digital Two-Way Radio System is ready to help you respond to those challenges with a remarkably cost-effective solution.

ALCOM OFFERS A FULL RANGE OF ENTERPRISE MOBILITY SOLUTIONS:

- Complete line of **Motorola two-way radios, accessories and service department**
- **Radio rental** option on Alcom's privately owned **city-wide radio network**
- **Lease financing** available – ask about the comprehensive 'no surprises' service plan
- Rugged hand-held **Motorola mobile computers**

Recent Worker Safety Product Additions:

- **Satellite phones/radios** – Iridium phone, IsatPhone and MSAT radio
- **Emergency Man Down/Lone Worker solutions** - for Motorola radio users

For details visit our website and call to speak with an Alcom sales representative

www.alcom.ca

(204) 237-9099



FYI:

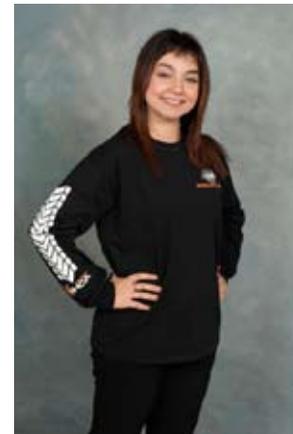
THE MANITOBA HEAVY CONTRUCTION ASSOCIATION 2011 ANNUAL DIRECTORY IS CURRENTY AT THE PRINTER AND WILL BE MAILED TO ALL MEMBERS THE WEEK OF APRIL 18, 2011.

Contact Jason Rosin at 947-1379 or jason@mhca.mb.ca for any questions.



Work Shirts available in:

- Black w/orange-white
- Grey w/orange-black
- Navy w/black-white



Contact your **WORKSAFELY** Safety Advisor for more details.



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).

Flood Water & Your Health

FOR MORE SAFETY INFORMATION:

For information on drinking water from private wells affected by floods, visit the Flooding and Well-Water Safety page of the province of Manitoba website:

<http://manitoba.ca/flooding/factsheets.html>

This is a very useful site to obtain important safety information .

Drinking water wells can become contaminated with bacteria during events where water systems, whether deep or shallow, are overcome during floods.

Most municipal water supplies will not be affected by flooding. Where concerns are raised over the quality of water from a municipal water supply, a boil water advisory will be issued.

Tap water from flood-affected wells can be used for laundry, bathing, washing dishes, but avoid swallowing the water during bathing.

HAZARDS

These types of activities can expose you to contaminated flood waters:

- Sandbagging
- Contact with floodwater

- Handling garbage or debris contaminated with flood water
- Handling animal waste or animals in flood affected areas.
- Floodwater contains micro-organisms, bacteria, viruses and parasites that can make you ill.
- The most common flood-related illnesses are gastrointestinal infections. This type of infection is caused by drinking water from a contaminated source or eating food that has been in contact with contaminated water.
- Stomach symptoms include: stomach ache, fever, vomiting and diarrhea.
- Skin with cuts or sores can become infected if it comes into contact with floodwater.
- Floodwater passes over farm yards, sewage lagoons, fields, yards and other areas that can contaminate the water.
- Dead birds or animals carry bacteria so avoid picking them up with bare hands.
- If you have a deep wound that is exposed to floodwater or if you develop intestinal symptoms after working in a flood affected area, get medical help and tell your doctor you have been in contact with floodwater.

PREVENTION

- Wash cuts and sores with soap and water, apply antibiotic ointment to avoid infection and cover with clean gauze or bandages.
- Wear protective clothing - gloves, boots, overalls in flood affected areas.
- Wash hands with soap and warm, running water for at least 15 seconds.
- If soap and water are not available and hands are visibly soiled, use an alcohol-based product or commercial hand sanitizer to clean hands.
- If eyes come in contact with flood water, rinse with large amounts of clean water to avoid infection.
- If you accidentally get drops of floodwater in your mouth, spit it out immediately and rinse and spit several times.





Construction Safety Excellence™

Manitoba Quit Smoking contest - Over \$10,000 in prizes

The Lung Association has launched Manitoba's first-ever quit smoking contest, Manitoba Quits. Over \$10,000 in prizes!

This is an excellent opportunity for anyone who has been thinking about quitting. Participants enter on-line at www.manitobaquits.ca and pledge to remain smoke-free for the contest period, from May 4 to 31. On June 1 we will draw three potential winners. If these potential winners have remained smoke-free during the quit period, and after we chemically validate this with a urine test and carbon monoxide breathalyzer test, they will be declared the winners. If the potential winners did not remain smoke-free, we will continue to draw names until we have three winners. All the rules are explained at www.manitobaquits.ca

Each registrant is required to register with a buddy, smoker or non-smoker, who will assist them in their quit attempt. The buddies of our three winners will also receive prizes. There will also be early bird prizes just for registering!

The registration period is from March 31 at noon until 11:59 p.m. on May 3, 2011. The contest is open to residents of Manitoba, age 18 and up, who have smoked for at least one year. It is also open to anyone who has quit since August 1, 2010.

We would appreciate it if you could print and display the attached poster. Anything else you can do to promote our contest would be great – thanks!

Grand Prize!

YOUR LUNGS

SECOND PRIZE: \$5,000 CASH

QUIT & Win A SMOKE-FREE LIFE!

OVER \$10,000 IN PRIZES!

Enter at ManitobaQuits.ca or 1-888-566-5864

ManitobaQuits.ca

THE LUNG ASSOCIATION™
Manitoba

McNeil
Pharmaceuticals
A Division of Pharmacia Corporation

Manitoba 

WORKSAFELY MHCA

Construction Safety Excellence™

Training Schedule



Register by:

- » Email: Heather DeJaegher at 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.

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 15	First Aid 1 — CPR
April 18	Safety Administrator
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

MAY 2011	
May 9-10	Train the Trainer
May 9-11	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
May 12	COR™ Auditor Refresher (1/2 day AM)
May 13	Excavating & Trenching (1/2 day AM)
May 13	Flagperson (1/2 day PM)
May 16-17	COR™ Leadership
May 18	COR™ Principles
May 19-20	COR™ Auditor
May 20	First Aid 1 — CPR

CSO EXAM SCHEDULE	
April 29 (Exam)	MHCA Office

REMINDER:

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

Customized training is available for your specific requirements.

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