



## Infrastructure Funding Council Release Final Report

*Provides menu of options to address infrastructure deficit*

The Infrastructure Funding Council (IFC) released their final report, a comprehensive document that outlines an overall infrastructure funding strategy and provides recommendations regarding internal infrastructure funding options within the control of the municipalities, along with recommendations regarding external infrastructure funding options requiring intergovernmental negotiation and approval.

Executive Policy Committee and the AMM is seeking immediate action to:

1. Dedicate infrastructure funding (for all AMM members) equal to 1 point of the existing 7 points of PST over and above 2011 provincial budget allocation;
2. Receive a rebate of the PST paid by municipalities to the Provincial government similar to the rebate of the GST paid by municipalities to the Federal government;
3. Seek permanent and indexed transfers to municipalities of the Federal Gas Tax Fund.

The IFC report outlines a series of recommendations with a three-pronged approach that proposes a 20-year staged in process, from 2011 to 2030, to implement municipal organizational and efficiency gains, generate the revenue needed to address the infrastructure deficit, and gradually develop new funding relationships.

The recommendations are separated into three distinct groups:

1. Recommendations that can be acted upon by municipalities on their own;
2. Recommendations which require provincial agreement, approval and legislation;
3. Recommendations associated with a joint provincial /municipal national strategy to secure the federal government's rightful participation in funding municipal infrastructure investment.

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## IFC Report Released (continued from page 1)

"This is a multi-billion dollar problem which needed to be looked at extensively if we are going to see some real action taken. I am glad to receive the council's final report which I believe will provide us with a wide variety of options to consider," said Winnipeg Mayor Sam Katz. "The City of Winnipeg has a limited revenue base to solve some major problems and deliver the key services our citizens expect. There are some items in the report I believe make tremendous sense to move on immediately and we will be asking the administration to do so and review the full menu."

"Manitoba municipalities face a number of very serious core challenges that affect our ability to create strong, vibrant communities for our citizens," said Doug Dobrowolski, AMM President. "The AMM has been lobbying for some time for a long-term, coordinated plan amongst all three orders of government, along with additional resources dedicated to municipal infrastructure. We are pleased that the recommendations calling for one per cent of the PST over and above current funding and an escalator clause within the Federal Gas Tax fund effectively support our position."

"The IFC has crafted a series of 17 recommendations and revenue transition modeling which form a comprehensive plan for Manitobans to debate, and conclude upon a final strategy to address Manitoba's municipal infrastructure deficit" said Chris Lorenc, Chair of the Infrastructure Council. "Make no mistake; we face a real deficit, with real challenges. The numbers appear daunting, the solutions are challenging. But the problem is not insurmountable."

The final report will be presented to Executive Policy Committee for consideration on June 1st, 2011. The report is currently available online at [www.winnipeg.ca](http://www.winnipeg.ca) and our website at [www.mhca.mb.ca](http://www.mhca.mb.ca)

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## MHCA MEMBERSHIP COMMITTEE MEETING HIGHLIGHTS

The MHCA's Membership Committee convened it's meeting recently on May 17.

- » The committee made revisions and updates to the promo brochure that will be used in mailouts, tradeshow and inserts in renewals.
- » Specific target groups were identified and different methods of approach to get those companies to join the MHCA.
- » The committee was informed of a membership conference that is being developed to take place with the CCA fall meetings in September. Industry associations across Canada are being encouraged to attend. The goal of the 2 day conference is to have it take place every 2 years with the association's key managers in attendance.

The next Membership Committee meeting is scheduled for August 16, 2011.




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## MHCA Welcomes New Member!

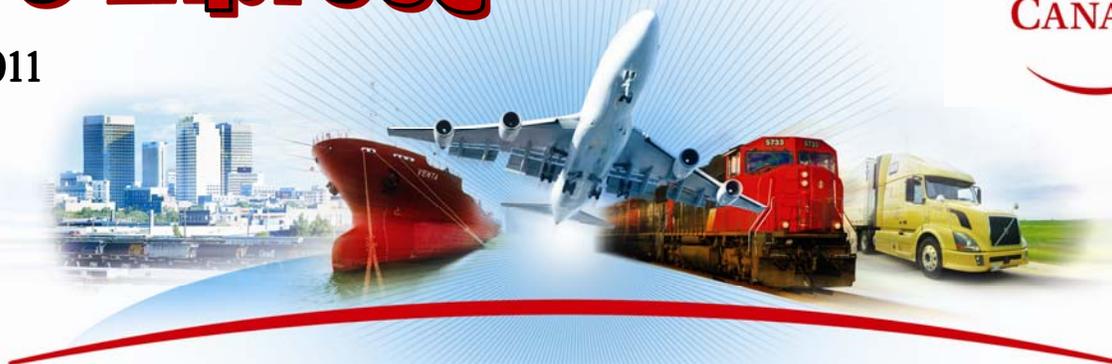
### Bestland Excavation Ltd.

Johnny Bestland  
Box 324  
Sanford, MB ROG 2J0

Ph: (204) 736-4793  
Email: [johnny@bestlandexcavation.com](mailto:johnny@bestlandexcavation.com)  
Additional Information: Laser ditching, demolition, trenching, back filling, basement excavations, debris removal, gravel hauling, sewer & water work, excavation work.

# CPC Express

May 2011



## Export Project Launched at CentrePort Canada

**CENTREPORT CANADA** has brought together two Chinese companies, Canadian National Railway and Canadian Pacific Railway in the development of a new containerization project that would increase the export of high-quality Manitoba agricultural products to China.

The partnership, which includes Shanghai Invent Logistic & Technology Co., Minsheng International Freight Co., Canadian Pacific Logistics Solutions and CN Worldwide will involve exporting home-grown food products such as soybeans, green peas and canola meal to Chongqing, China.

“This project will allow us to move premium products from local producer to international marketplace, while maximizing the use of the tremendous rail assets that exist in Winnipeg,” said Diane Gray, president and CEO of CentrePort Canada.

Mathieu Faure, general manager of Canadian Pacific Logistics Solutions, said the extra freight is welcome as it will “create efficiencies for the system” by providing more opportunities to fill empty rail containers.

Sean Goff, the Shanghai-based general manager, Asia, for CN Worldwide said the company is excited about working with “CentrePort and our Chinese partners on an innovative transportation product between Winnipeg and Chongqing.”

Jack Sheng, president of Shanghai Invent Logistic & Technology Co. said the goal is to strengthen ties between the Canadian and Chinese interior and ultimately “realize the seamless connection of the two markets.” Sheng has experience in containerized shipping and is the inventor of the RFID-technology system used in shipping.

Minsheng International Freight Co. is headquartered in Chongqing and is the largest private shipping and logistics company in China, with 40 branches throughout the country.

China is a significant importer of large quantities of canola seeds, soybeans and green peas. Manitoba produced approximately 2.2 million tonnes of canola, 435,400 tonnes of soybeans and 62,600 tonnes of dry peas in 2010.



Signing an agreement to export Manitoba agricultural products to China.



Agriculture, Food and Rural Initiatives Minister Stan Struthers welcomes the effort to find new markets.

## Revitalizing our Cities with Pennies

CALGARY – May 11, 2011. The latest research conducted by the Canada West Foundation shows that a small locally-leveled sales tax, dedicated to municipal infrastructure and implemented only if voters agree in a referendum, would help western Canadian cities close the gap between their huge infrastructure needs and the funding dollars available.

The Penny Tax: A Timely Tax Innovation to Boost our Civic Investments by Casey Vander Ploeg, Senior Policy Analyst, measures the projected infrastructure needs facing western Canadian seven biggest cities over the next ten years at over \$40 billion.

“Our work shows that a small voter-approved penny tax, combined with regular and comprehensive reporting by governments, could be the most visible, transparent and accountable tax in Canada,” author Casey Vander Ploeg explains. “It has so many benefits to recommend it. One that is very important is how the tax would ensure that all individuals coming into a city and use the infrastructure also help pay for it.”

The penny tax would be a tax unlike any other in Canada because of the unique features built into the tax. Such features include a capped rate so the tax cannot be raised, voter-approval for implementing the tax, and dedicating all revenue to specific municipal infrastructure projects that would also be subject to voter-approval.

“The features I like the most in our proposal is the automatic sunset and the refund of excess revenue back to taxpayers,”

said Vander Ploeg. The penny tax could only be used across two municipal election cycles, after which the tax would lapse. For the tax to be used any longer than six years, voters would have to vote the tax back in along with a new set of infrastructure projects. A sales tax can also produce revenues that exceed expectations. This tax revenue could be returned to local taxpayers.

While there are challenges that require further exploration before a penny tax could be implemented, it is clear that this innovative tax option would do much to maintain, renew, and rehabilitate existing infrastructure, as well as invest in new infrastructure. Across the globe, local governments are implementing such innovation tax solutions.

Canada West Foundation is the only think tank dedicated to being the objective, nonpartisan voice for issues of vital concern to western Canadians. For 40 years, through its research and commentary, the Foundation has contributed to better government decisions and a stronger Canadian economy.

This report is part of the Canada West Foundation’s Smart Financing Project, which focuses on innovative solutions to Canadian public financing challenges.

For a copy of *The Penny Tax: A Timely Tax Innovation to Boost our Civic Investments* visit the MHCA website at [www.mhca.mb.ca](http://www.mhca.mb.ca).



### Manitoba Infrastructure & Transportation Workshop

Subject: Full Depth Reclamation Workshop

When: June-08, 2011

Time: 11 10:00 AM - 2:00 PM

Where: CanadInns Polo Park-Ambassador 1 Boardroom

Mike Neil, Manitoba Infrastructure & Transportation (MIT), Director of Construction Support Services invites MHCA members to attend a workshop on Full Depth Reclamation. Presenters are coming from Ontario, with a wealth of experience in this process:

- Chris Thompson (Rotomill)
- Trevor Moore (Miller Paving)
- Reza Namjouy (Miller Paving)

MIT is exploring the opportunity to potentially pilot a project. The workshop has been organized as an opportunity to gain more knowledge in this area. There will be an opportunity for questions and open discussion. An Agenda will be provided.

Please respond ASAP directly to Ballantyne, Sonya (MIT) [Sonya.Ballantyne@gov.mb.ca](mailto:Sonya.Ballantyne@gov.mb.ca) with confirmed attendees.



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:**

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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](mailto: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.

## Arbitration Clauses in Construction Contracts

By Ross McFadyen, Thompson Dorfman Sweatman LLP

As we are all aware, disputes arise from time to time between parties involved in construction projects. In the absence of any agreement between those parties to the contrary, the "default" method for resolving such disputes is litigation before the courts. While Canadian courts continue to deal on a regular basis with construction related disputes, there is an ever-increasing trend for parties involved in construction projects to elect alternative methods of dispute resolution. One of the primary methods used is arbitration, and it is now common to see arbitration clauses in construction contracts (see, for example, the dispute resolution provisions found in the general conditions of the CCDC 2 - Stipulated Price Contract, which allow either party to engage arbitration following unsuccessful attempts to resolve a dispute through mediation).

While the rules applicable to court proceedings are clearly aimed at ensuring a just result between the litigants at the end of the day, they are somewhat rigid and can create inefficiencies. The arbitration process, on the other hand, is more flexible and parties can generally obtain a resolution more quickly than is the case with litigation. Another potential advantage of arbitration is that parties can select an arbitrator who is familiar with the construction industry. While judges of the court are obviously qualified to deal with legal issues in general, they are not always experienced in dealing with the often technical factual issues at play in construction disputes. That said, it remains of importance that arbitrators have the appropriate training to qualify them to deal with the legal aspects of a dispute.

An arbitration clause in a construction contract can take many forms, from a simple statement that the parties agree to refer any dispute arising between them to arbitration, to a detailed clause containing not only the agreement of the parties to arbitrate disputes, but also setting out how the arbitrator is to be appointed and the procedures to be used by the parties in the process.

Where parties have not previously agreed on the method for appointment of an arbitrator, *The Arbitration Act* of Manitoba provides that a party may make an application to court to have a judge appoint an arbitrator after a dispute arises. In terms of the procedure to be used in the arbitration, *The Arbitration Act* also provides that the arbitrator may determine the procedural rules to be followed, subject always to the overriding requirement that the parties to the arbitration must be treated equally and fairly.

It is advisable for parties who have agreed on including an arbitration clause in their contract to provide at least some detail as to how an arbitrator will be selected and the procedures and timelines to be used in the arbitration process. The practical reality is that once a dispute arises, it becomes increasingly difficult for the parties to agree on anything. The benefits of proceeding by arbitration can be compromised where the process for selecting an arbitrator and the rules for the arbitration process have not previously been agreed upon and the parties have to apply to the court to have an arbitrator appointed or have to make repeated arguments before the arbitrator on procedural issues.

There are a variety of written arbitration rules that currently exist, including some specifically developed for use in construction disputes (for example, the Rules for Arbitration of Construction Disputes as provided in CCDC 40). By agreement, parties to a construction contract are free to adopt existing rules entirely or make revisions and adjustments as may be appropriate in the circumstances.

In many cases, arbitration of construction disputes is preferable to litigation. In order to maximize the potential benefits of arbitration, parties to construction contracts should take time at the outset to agree upon the method for appointing an arbitrator and the rules to be used in the arbitration. Failure to deal with such issues at the front end, before a dispute actually arises, can negate some of the advantages that might otherwise be gained through arbitration of a construction dispute.

*Ross's practice is largely focused on civil litigation and dispute resolution for commercial clients, including a number involved in the construction industry. He can be reached at 204.934.2378 or by email at ram@tdslaw.com.*

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**DATE: Saturday, June 4<sup>th</sup>**  
**TIME: 9:00AM - 4:00PM**

**Hitrac**<sup>(1974)</sup>

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**CASE**  
CONSTRUCTION

# The Diversification Dividend

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

As the next growth cycle approaches, Canada faces a daunting list of challenges. An aging population. Unfunded pension liabilities. Ballooning health care costs. The sustainability of public finances. Poor productivity growth. A lack of innovation. An irrepressible currency. High consumer debt loads. The list goes on. When world growth revives, will we join in or get left behind?

Add up our fundamentals, and model-based studies project future potential growth well below the roughly 3% annual pace we saw in the last growth cycle. Push out a few years, and annual increases in GDP look more like 2%, and go as low as 1.5% annually. Discouraging, to say the least.

Canada's challenges threaten our international trade prospects. That hurts, because we are a trading nation, and world trade is on a roll. Trade has been outpacing GDP growth for over a quarter-century, rocketing the share of trade to GDP from 40% to over 60%. As we move into the next growth cycle, the globalization juggernaut is expected to resume. Where does this leave Canada?

For a while, we were globalizing at a furious pace. Trade as a share of our GDP increased from 50% in 1987, to 85% in 2000. But since then, we've slipped. By 2008, the share had fallen back to 70%. What happened? We had long counted on an eroding currency, but things got a lot harder when the loonie flipped, rising on average by a margin-melting 8-9% annually from 2002-2007 that levelled average annual export growth to the US to just 0.7%. A pre-recession crisis for Canadian exporters.

This was a wake-up call. Faced with a desperate situation, exporters got creative. With their backs against the wall,

Canadian exporters began to practice what has been preached for generations: diversification of trade. In contrast to US shipments, pre-recession sales to emerging markets – a long list of them – were clocking in at an impressive annual pace of over 12%.

Assume that the same trends persist in the coming cycle. By the time we reach 2016, emerging markets would account for 20% of total merchandise exports, and almost 30% by 2020. The natural shift in trade shares over this brief time would be enough to double total annual export growth. Then suppose the trend caught on in a big way, pushing sales to emerging markets up by 3% more each year. In this scenario, emerging markets would account for 50% of Canada's total merchandise trade by 2025, and annual export growth would be 3.5 times the current pace. A pretty radical shift.

What makes this story most exciting is that it's already underway – to benefit from this shift in trade, all we have to do is keep it going. What's more, data indicate that diversification is occurring across Canada's provinces, and is being felt across the industrial spectrum. At the current rate, it stands to transform not only Canada's trade, but the economy's potential growth as well. The competitive advantage afforded to Canadians by our strong financial institutions, healthier public policy framework and resilient domestic economy should help to further Canadian gains on the trade front.

The bottom line? Canada has a long list of supply-side concerns that we love to brood on. But in spite of these challenges, Canadian exporters are taking advantage of demand-side opportunities in non-traditional markets. If this trend continues, it has the potential to transform our economic landscape.



## UPCOMING COMMITTEE MEETINGS:

Northern & Aboriginal Affairs Sub-Committee | Tuesday May 24, 2011 | 12 Noon | MHCA Boardroom

Northern & Aboriginal Affairs Committee | Tuesday May 31, 2011 | 12 Noon | MHCA Boardroom

Aggregates Committee | Tuesday June 21, 2011 | 12:00 noon | CanadInns Polo Park

Membership Committee | Tuesday August 16, 2011 | MHCA Boardroom (3 – 1680 Ellice Ave)



# WORKSAFELY MHCA

## Construction Safety Excellence™

FOR IMMEDIATE RELEASE – May 18, 2011

### STEPS FOR LIFE RAISES MORE THAN \$22,000 Hundreds walk to support victims of workplace tragedies

WINNIPEG – More than \$22,000 was raised in honour of victims of workplace tragedies on Saturday, May 14, at the 3<sup>rd</sup> Annual Steps for Life Walk.

Some 250 people turned out for the walk, which was postponed from Sunday, May 1, due to snowy weather and icy paths. They raised over \$12,000 in pledges and donations. All proceeds will go to Threads of Life – the national advocacy and support organization that aims to reduce the impact of workplace tragedy on its victims.

The Honourable Jennifer Howard, Minister of Labour and Immigration, announced a \$10,000 grant to support Threads of Life programming for Manitoba families.

“The Province is committed to supporting families who have lost a loved one in a senseless workplace tragedy,” said Howard. “While the government is taking action to prevent workplace tragedies from happening in the first place, it’s so important to have programs like Threads of Life in place to provide support when the unthinkable happens.”

“It’s great to see such passionate community support for safety on the job and for those affected when things go wrong,” says Judy Murphy, President and CEO of Safety Services Manitoba, one of the local event hosts. “Threads of Life does important work, helping victims of workplace tragedy and spreading the word about occupational safety in the community. The money raised today will make sure those efforts continue.”

Lynda Kolly, whose son Burton Reimer was killed on the job near Gimli in 1999, organized a team of walkers, as she has done every year for the walk. She is encouraged to see the growing support for Threads of Life in Manitoba.

“I didn’t have Threads of Life when Burton died. I know how much they could have helped me because I see how much they help others,” Kolly says. “I feel so strongly that we need to support Threads of Life and make sure it can keep growing and reaching out to families who have lost loved ones.”

Approximately three Canadians died every day as a result of workplace injuries and illness in 2009. Threads of Life funds many programs for victims’ families, including family support programs, peer support, links to community support services, advisory support for investigations and inquests, and injury prevention and awareness initiatives.

Steps for Life took place in 38 communities across Canada this year. In 2010, 28 communities raised more than \$260,000.



Elaine Alvis, WORKSAFELY Safety Advisor & Steps for Life Partner

## WORKSAFELY Multi-Form Record

The Multi – Form Record book at WORKSAFELY is an effective means of identifying, communicating and controlling safety and health information. The Multi – Form Record book serves dual purpose by meeting the Workplace Safety and Health Act W210 and the Manitoba Regulation MR217/2006 requirements for documentation to support a safety and health management system. It also meets the requirements for COR/SECOR certification.

This is done by incorporating hazard assessments, inspections and toolbox talk records on one form. The form is easy to use and the pages are carbon copied to distribute or post.

**WORKSAFELY Multi-Form Record is available for \$10.00. To place an order, contact the WORKSAFELY office at 204-947-1379 or email [safety@mhca.mb.ca](mailto:safety@mhca.mb.ca) .**



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).

## Traffic Control Devices

### Road Zone Safety

Workplace Safety and Health Act

20.5(2) "Without limiting subsection (1), if vehicular traffic creates a risk to the safety or health of a worker, an employer must ensure that one or more of the following are used to protect the worker:

- (a) warning signs;
- (b) barriers;
- (c) lane control devices;
- (d) flashing lights;
- (e) flares;
- (f) conspicuously identified pilot vehicles;
- (g) automatic or remote controlled traffic control systems;
- (h) speed restrictions;
- (i) one or more workers who are designated and act as flagpersons, in accordance with section 20.6.

During road construction and maintenance, drivers must be made aware of specific hazards they may encounter while the project is underway. Companies may be subject to liabilities if the proper traffic management plans are not in place.

There are several traffic control devices that can be used. A traffic control device is any device placed upon, over or adjacent to a roadway that is intended

to regulate, warn or guide motorists and provide for the orderly movement of traffic. They are used to ensure safe passage for the travelling public through or around the work area, and to safeguard the personnel involved in the work.

Traffic control devices include

- Warning Signs
- Delineators
- Channelizers
- Barricades
- Pavement markings
- Lighting devices
- Sequential flashers
- Jersey barriers

Any other device placed upon a public roadway which warns motorists of dangerous conditions or provide for the safe movement of traffic.

### HAZARDS

Hazards of not having the above traffic control devices installed on a site are:

- Motorists are unaware they are in a construction zone and maintain high speeds, causing danger or fatality to workers
- Motorists are unaware of the appropriate road to take, creating danger for themselves and other motorists

Hazards of setting up traffic control devices improperly include:

- Motorists may become confused
- Motorists may disregard rules and cause an incident or accident with contractors, people or equipment.

### PREVENTION

- Ensure workers wear appropriate PPE (personal protective equipment): hard hat, high visibility vest, steel toed boots
- Ensure signs are set up in the proper places
- Communicate escape plan/route to workers in case of an unexpected motorist reaction
- Provide employees with 2-way radios where required
- Prohibit the use of worker's personal cell phone and text messaging while on duty
- Prohibit use of personal listening devices such as iPods





# 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.

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

JUNE 2011	
June 6-7	COR™ Leadership
June 8	COR™ Principles
June 9-10	COR™ Auditor
June 13-14	Train the Trainer
June 15	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
June 16	COR™ Auditor Refresher (1/2 day AM)
June 17	First Aid 1 — CPR
June 17	Excavating & Trenching (1/2 day AM)
June 17	Flagperson (1/2 day PM)

COR™ TRAINING — Brandon	
May 30-31	COR™ Leadership
June 1	COR™ Principles
June 2-3	COR™ Auditor

### 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.