



One per cent solution for infrastructure

By Doug Dobrowolski

Having spent the better part of August touring Manitoba to find out what the major municipal infrastructure issues are, I know first-hand some of the challenges our communities are facing. And it is not simply bumpy streets and broken sidewalks. While the repair and replacement of our streets and roads is the number 1 infrastructure issue facing our municipalities, it is far from the only issue.

I heard stories of 100-year-old water mains actually crumbling under the weight of the dirt they are packed in.

I heard about municipal public works staff responding to eight water main breaks in one day in a town of 5,000 people. This same town is trying to raise funds for a new recreation complex but is being weighed down by the impending cost of new water lines.

I heard some parts of Manitoba still don't have cellular phone service or high-speed Internet.

I heard about people moving to Manitoba to work and contribute to our economy, only to be unable to find adequate housing. One mayor told me in her community, there are 11 people living in less than 800 square feet.

I heard that in Manitoba, in 2011, many citizens do not have access to safe, clean drinking water.

These issues aren't just affecting remote places -- they are affecting communities throughout the province. They are impacting the lives of your neighbours, your friends, and maybe yourselves.

So what is the solution? The solution is to get more money into the hands of municipalities to fix these problems. And it is a solution that all parties running in this election need to address.

Over the past few weeks, 144 Manitoba municipalities -- almost 75 per cent -- have passed resolutions calling on all parties to make a commitment, if elected, to dedicate one percentage point of the provincial sales tax to municipal

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infrastructure. This would provide municipalities with at least an additional \$239 million each year. This figure would grow with the economy, and it would be money well spent. Municipalities are not interested in saving money for a rainy day -- the storm has arrived.

Infrastructure spending does not go into some black hole. In many cases, it creates tangible improvements that positively impact our everyday lives. Your drive to work is quicker and safer, your family has recreation and social opportunities, and your water is clean and safe to drink.

Not only that, infrastructure spending goes directly into our economy. The Federation of Canadian Municipalities has found that every dollar invested in infrastructure grows the economy, giving us more back. A \$1-billion investment would actually grow the economy by \$1.3 billion.

On the other hand, not making these investments has a negative effect. One chamber of commerce president explained it to me this way: "Driving around our community, you'll see many, many streets where it is obvious work needs to be done. It doesn't reflect well when we're trying to draw in business and increase our population."

After all, that is what most people want -- to see their communities grow. Growth signals prosperity; it means we live in a desirable place where others want to live, too. Growth means new opportunities for us today and for our children in the future. But the infrastructure must exist to support it.

Perhaps the mayor of Brandon, Shari Decter-Hirst, said it best. The leader of Manitoba's second-largest city says "infrastructure is the investment we need to increase revenues and fuel our growth."

An investment that will increase revenues and fuel growth in our economy sounds like a good deal. The catch is, one percentage point of the PST for infrastructure is a lot of money, and there is only one taxpayer. Being in government, however, means dealing with conflicting priorities, and infrastructure is already a massive priority that is growing daily.

The alternative is grim. Not investing in municipal infrastructure today will lead to the problem becoming larger, more expensive and more devastating for our children and grandchildren. That was another common theme in the communities I visited. Concern is growing for future generations and the money they will need to sustain our infrastructure.

So when you are opening your door to your candidates this election or attending a debate, find out which party is making a firm commitment to our infrastructure and attaching dollars to their promises.

Which party is pledging to put communities first this election?

Doug Dobrowolski is a councillor for the RM of Macdonald and president of the Association of Manitoba Municipalities.



MHCA Board Meeting Highlights

Winnipeg – The MHCA Board of Directors met on September 12, 2011 at the new MHCA offices. In no particular order of importance, the following is a report highlighting a number of topic areas addressed.

WORKSAFELY™ PROGRAM - PERMANENT OFFICE IN BRANDON

The Director presented an extensive overview of the current training provided by the WORKSAFELY™ Program to industry across the province. There will be demand challenges upon the staff to ramp up to changes introduced by the Province related to COR™ as a Condition of Contract. It is estimated that an additional 350 companies will require COR™ Certification to participate in bidding as either contractor or sub-contractor.

A number of strategic service and staffing changes are to be implemented effective by or before 2012, including a

permanent office and presence in Brandon to better service the Brandon/WestMan region of Manitoba.

MAJOR TENDERING POLICIES INCLUDING COR™ AS CONDITION OF CONTRACT FOR SUB-CONTRACTORS

A breakfast presentation is scheduled for November 3, 2011 to explain to industry the ramifications of the new Manitoba Tender Policies. Further information will be published in the MHCA Weekly.

WORKSAFELY™ BUDGET 2012

The manager of finance presented the WORKSAFELY™ budget. The President and WORKSAFELY™ Director provided an overview of the program direction. After review and discussion the WORKSAFELY™ 2012 budget was unanimously approved as circulated for presentation to the WCB.

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PR CAMPAIGN 2011

Beginning the week of September 6, 2011, the MHCA launched a public relations campaign for the 2011 Manitoba Provincial Election, urging candidates and party leaders to make municipal infrastructure funding a major focus during their campaign drive. Two Op Eds were submitted to the Winnipeg Free Press and one has already been published.

Watch the Heavy News Weekly for results on the questionnaire sent to all candidates in Manitoba.

MANITOBA BOLD

The MHCA is supporting messaging advanced by MANITOBA BOLD led by the Winnipeg and Manitoba Chambers. Our logo will appear on newsletters and related materials supporting our funding municipal infrastructure message.

THE MANITOBA PROSPERITY REPORT

The MHCA is a member of the Manitoba Employers Council (MEC) and participated in funding the research and writing of the Manitoba Prosperity Report.

The Manitoba Employers Council has shared the Manitoba Prosperity Report with the leaders of the three main political parties and is recommending Manitoba take action on several fronts.

EMERGENCY CHANNEL CONSTRUCTION TO LOWER LAKE MANITOBA

There was considerable concern expressed by a reasonably large number of members related to the sole source awarding of contract related to the captioned project. This results in an exchange of emails with the Deputy Minister and a meeting of the Executive with the Deputy on September 2, 2011.

The Board reviewed the background information and a letter was authorized to be sent to Deputy Minister Doug McNeil expressing the following views:

- '1. Save and except in the context of emergencies, all publicly funded works should be transparently tendered so as to assure the public purse of the test and value of competitive bidding and associated contractual accountability for results;
2. To the extent sole sourcing is considered, the broader the number of contractors so selected the better. This avoids favoritism perceptions, and reduces the potential market distortion impacts. In this instance the scale and scope of the contracts awarded to only three contractors was of some concern to the Board.

The Board certainly appreciates your willingness to have openly shared the information and to have met with the MHCA Executive at its request to discuss the background and the decision making process. It nevertheless feels obliged to express its views as they relate to preferred principles as noted above."

HOURS OF SERVICE (HOS)

The application was filed with Transport Canada in and is still under consideration. A meeting with Transport Canada is to take place the week of September 19, 2011.

HEAVY CONSTRUCTION EXPO - Building WORKFORCE Excellence

This initiative continues to move forward with good industry and stakeholder support. The program template will be finalized by the end of September and extensive marketing will begin in October 2011.

SKILLS TRAINING; NON-COMPULSORY HEAVY CONSTRUCTION TRADE

After extensive discussion, the Board agreed that a letter be sent to Apprenticeship Manitoba requesting that discussion begin related to the following topic areas:

- Skills training for the heavy construction industry which might be available through a collaborative partnership with the Apprenticeship Branch
- Designation of 'Heavy Equipment Operator' as a non-compulsory trade
- Designation of 'Heavy Construction Worker' as a non-compulsory trade

LATE PAYMENT BY GOVERNMENT & AGENCIES

The Board discussed serious concerns raised by industry about the time it takes for government departments, agencies and Crowns to process project progress and final construction project payments. The delays stretch anywhere from between 30 days to five (5) or more months.

The Board directed that requests for assistance to expedite payment be sent to the Treasury Board, MIT, Manitoba Conservation, East Side Road Authority, Manitoba Hydro and Aboriginal & Northern Affairs.

Respectfully submitted,

*Chris Lorenc, B.A., LL.B.,
MHCA President*

New Director Begins at Manitoba Construction Sector Council

We would like to formally introduce Mara Gill as the new Executive Director of the Manitoba Construction Sector Council (MCSC).

Maria comes to the Executive Director position with an extensive background in the development, delivery and management of education and training programs that in many ways parallel the needs and objectives of the MCSC in addressing the various human resource issues facing of our industry.

Maria has spent the last 10 years as the Associate Director for the Center for Education and Work (CEW), an innovative, project based, not for profit educational and e-learning organization. As Associate and co-founder of the CEW she was instrumental in the research, training, curriculum development, administration and leadership on a variety of projects that served clients both provincially and nationally. She has a lengthy association with several of Manitoba's post secondary educational institutions including the U of W, Winnipeg Technical College and the University College of the

North. She served as a Board member of the University of Winnipeg's Board of Regents.

Maria has worked extensively with project partners from a variety of sector organizations including Aboriginal (MKO, Native Clan), Disabilities (Manitoba Civil Service Commission), immigrants and industry sectors (aerospace, manufacturing, hospitality) and with youth. She worked for many years at Red River College (RRC) in the design and development of new programs including those in construction trades, and more recently was the consultant on the redesign of the Pre-Employment Carpentry Course. She has also worked with the Apprenticeship Branch on curriculum design and special projects, including developing a health and Safety Course with RCC.

Please welcome Maria Gill as the new Executive Director of the MCSC!

Gord Lee, P.ENG, GSC

Acting Chair for the MCSC Board of Directors

Please join us at the Grand Opening of Your Association Office!

Wednesday, September 28th, 2011

1:00 - 5:00pm

Unit 3 -1680 Ellice Avenue

Winnipeg, Manitoba

RSVP by September 23rd to:

204.947.1379 or email info@mhca.mb.ca

Snacks and refreshments provided

Brief Program at 1:30pm

AMPLE PARKING AVAILABLE IN SOUTH PARKING LOT

Groundbreaking 

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.

Environment Act Amendments Create New Obligations, Powers

by John Stefaniuk, Partner, Thompson Dorfman Sweatman LLP

Few business operators are aware of the increased permitting and spill reporting obligations imposed by amendments to *The Environment Act* that came into effect December 1, 2009. The amendments to the *Act* also created new powers for Manitoba Conservation to issue environmental protection orders in circumstances where pollutants are being released and where there is or there has been an adverse effect on the environment.

Permit Requirements and Spill Reporting

The *Act* now states, as one of its main purposes, prohibiting the "unauthorized release of pollutants having a significant adverse effect on the environment." Under the *Act* a "pollutant" can be any individual or combination of solid, liquid, gas, smoke, waste, odour, heat, sound, vibration, radiation, that is foreign to or in excess of the natural constituents of the environment.

Any release of any pollutant in an amount or concentration that causes or may cause "impairment of or damage to the environment, including a negative effect on human health or safety" (defined under the *Act* as an "adverse effect") is prohibited unless there is a licence or permit or the release is otherwise permitted by law. "Release" is broadly defined to include "spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, pour, empty, throw, dump, place and exhaust, and to cause or allow to leak, seep or emit." So, for example, emitting even odour or noise could require a licence.

Before the amendments there was (and continues to be) an obligation to report spills of reportable quantities of contaminants, but there was no general obligation in Manitoba to report the mere presence of pollution, including historic spills. Now, anyone who is responsible for the release of a pollutant that may cause an adverse effect **and** the owner of the pollutant **and** any person having charge, management and control of the pollutant **must** report the release to Manitoba Conservation in accordance with the regulations. The obligation appears to extend to prior releases that have caused an adverse effect.

Environmental Protection Orders

The *Act* now permits Manitoba Conservation to issue an environmental protection order (EPO) against a person responsible for a pollutant if the director believes that a pollutant may be released, is being released, or has been released and the release may cause, is causing or has caused an adverse effect on the environment. Before the change such orders could only be issued in an emergency situation.

An EPO may require investigations, monitoring and clean-up of the affected property. The EPO may be issued to the landowner and to any "person responsible for the pollutant." If that person fails to comply, Manitoba Conservation may carry out the work and charge the costs back to the responsible parties.

An EPO may be appealed to the Minister within 30 days. An appeal does not suspend the operation of the EPO unless a stay of the EPO is requested and is granted by the Minister. Given that compliance with an EPO can cost hundreds of thousands of dollars and shut down business operations, and that non-compliance creates potential liability for stiff fines and imprisonment and other direct government action, this can put a business in a difficult spot.

Manitoba Conservation has already used these powers for such broad measures as the suppression of nuisance odours in response to public complaints. This is a significant change in the way in which Manitoba Conservation carries out its mandate and signals the arrival of much more vigorous departmental enforcement.

The best advice is to maintain a good working relationship with Manitoba Conservation and, if faced with a licensing question, spill reporting situation or environmental protection order, seek the immediate assistance of your trusted professional advisors.

John's practice is largely focused on environmental law, real estate and development law, natural resources and energy, commercial law and municipal law matters. He can be reached at 204.934.259 or by email at jds@tdslaw.com.

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Despite Disorder, Orders Are Up

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

Demand for tranquilizers is up again. Worry about economic deceleration is rising, and with it, fears of a double-dip recession. Forecasts are being revised down. Markets remain volatile, and additional bad news out of Europe is not helping. In the confusion, it is unclear whether the summer slowdown was temporary, or a more serious setback. Are all the indicators pointing south?

Lots are. And when there are manifold dramatic risks in the global arena, the downside story can be very compelling. One key clue to near-term performance is the number of knocks that businesses are getting on the front door. Economic indicators and general perceptions of activity would suggest there's much less of that welcome sound these days – strangely, the data beg to differ.

Businesses measure those knocks on the door in orders received. It is common among many countries to track orders as a gauge of coming production. In the US, the pace of orders slowed in the spring, but has since regained strength, and thus far in the year is up by an impressive 15 per cent at annual rates. Exclude the defence sector, and the numbers are even higher. Strip out transportation manufacturing, and growth is still 10 per cent. Orders are up smartly on a broad base of industries.

Is it just a US phenomenon? Surely Western Europe, with all its woes, is in much worse shape. Not so. German orders are volatile, but on the whole are up 11 per cent since the beginning of the year. Ah, but isn't Germany an anomaly on the continent? Negative. France is up smartly, thanks to surging orders for heavy transportation equipment. It has struggled in other industries, but even they turned the corner during the summer. Italy is also in the game – price-adjusted orders are up an annualized 18 per cent so far this year, and going strong. Not to be outdone, Spain is on an uptrend and tops the rest with annual average growth of 19.5 per cent. It's hard not to cheer at these figures.

The situation is less clear in Japan, where the earthquake and tsunami disrupted supply chains, and interrupted flows of machinery and electronic goods. To date, orders have yet to resume an up-trend.

In spite of the hot currency, the world is also knocking on Canada's door. Data released last week show that new orders are up 12 per cent on an annualized basis since



January, and growth was particularly strong in June and July. Moreover, businesses are finding it hard to keep pace – the book of unfilled orders has surged by over 30 per cent this year, suggesting that manufacturers will be working hard in the coming months to reduce the growing pile in their in-boxes.

It's hard to argue against such a bevy of data. Clearly, this measure of activity is picking up on a broad regional base, in spite of the general mayhem in markets and currency fluctuations. Past data suggest that economic growth originates from activity like this, and then spreads to the rest of the economy. If the momentum in orders is sustained, we could be in for a pleasant near-term surprise.

The bottom line? Many economic indicators can be going in the wrong direction, but rising orders trump a lot of them. They are probably the best indication we have of production in the coming weeks and months, and they suggest we are in for decent growth. It's nice to get good news for a change, and in all likelihood, there is more to come. Among myriad data series, orders are one to watch.



WORKSAFELY MHCA

News Weekly

Construction Safety Excellence™

Safety Program Supports Over 1,000 Worksites

For the last six years, the WCB and its partners have been supporting and promoting safety in the construction sector through the SAFE on Site program.

As part of the program, graduates from Red River College's Occupational Health and Safety Course visit worksites over the summer and fall to provide safety and prevention support.

This year, Eric Hakansson, Daniel Walker, Sean Stabner and Tom Gillies have been working with the Construction Safety Association of Manitoba and the WORK SAFELY Manitoba Heavy Construction Association, to help improve construction safety practices.

"The goal of SAFE on Site is to provide contractors with safety awareness and to actively assist in understanding and

implementing a positive safety culture," says Sue Roth, SAFE Work Coordinator at the WCB.

The day-to-day activities of a SAFE on site representative range from conducting workplace assessments and identifying hazards to providing information on legislation. The real draw for construction companies is that the representative offers this service at the actual worksite and works with both employers and workers to help improve safety practices on the spot.

With the support of our partners, the Construction Safety Association of Manitoba and the WORK SAFELY Manitoba Heavy Construction Association, the SAFE on Site program has visited over 1,000 worksites since 2006 and has expanded from two to four practitioners.

Another Record Low for Manitoba Workplace Injury Rate

The Manitoba time loss injury rate fell once again in 2010 to end the year at a record low of 3.3 injuries per 100 full-time workers. This is down from a rate of 3.5 in 2009 and represents an overall drop of 41.1 per cent since 2000.

The Workers Compensation Board of Manitoba (WCB) recently confirmed these figures, which demonstrate that prevention awareness in the province is helping to build a culture of safety and health across all sectors.

"The WCB continues to work tenaciously with our partners to promote the prevention of workplace injuries," says WCB President and CEO Doug Sexsmith. "These injury rates mean that our efforts – as well as those of the Workplace Safety and Health Division, workers and employers – are yielding results; and most importantly, year after year, thousands more workers are coming home safely."

Most industry sectors across the province also saw their time loss injury rate decrease in 2010 and all industries experienced a reduction in injury rates since 2000.

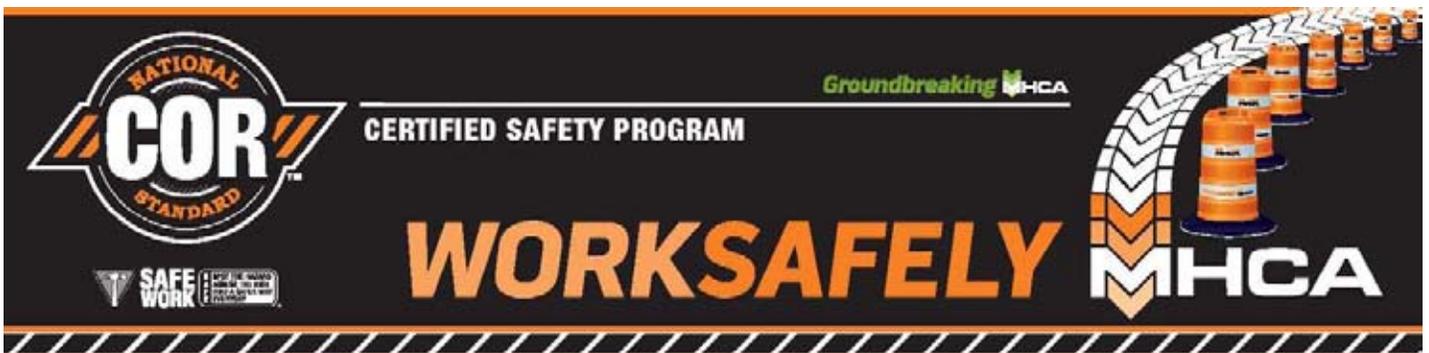
Of all industry sectors, manufacturing has experienced the largest reduction in both the number of injuries and in the time loss injury rate since 2000, with the time loss rate falling 64 per cent from 2000 to 2010. This has been a major influence in the overall trend to a lower injury rate.

The complete 2010 injury report is now available online on the SAFE Manitoba website - www.safemanitoba.com.



WORKSAFELY COR™ Certificates Have Arrived!

WORKSAFELY Advisors now have new COR™ certificates to distribute to certified companies, showcasing their hard work and achievement of a successful, COR™ certified safety program! Contact your advisor today at 204-947-1379 for more information. Also, inquire about how to receive a set of site signs and COR™ banner!



WORKSAFELY MHCA

Construction Safety Excellence™

Training Schedule



Register by:

- » Email: Denine Rodrigues 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.

SEPTEMBER 2011	
September 12	COR™ Leadership
September 14	COR™ Principles
September 15	COR™ Auditor
September 19	Train the Trainer
September 21	WHMIS (1/2 day AM)/ TDG (1/2 Day PM)
September 22	COR™ Auditor Refresher (1/2 day AM)
September 23	Excavating & Trenching (1/2 day AM)
September 23	Flagperson (1/2 day PM)
September 23	First Aid 1 - CPR

Construction Safety Officer	
October 7	CSO Prep Course
October 28	CSO Exam

OCTOBER 2011	
October 3-4	COR™ Leadership
October 5	COR™ Principles
October 6-7	COR™ Auditor
October 11	Safe Work Procedures
October 12	Prime Contractor
October 13	Back Injury Prevention (1/2 day AM)
October 13	Fatigue Management (1/2 day PM)
October 14	Safety Administration (1/2 day AM)
October 14	Toolbox Talks
October 17-18	Train the Trainer
October 19	WHMIS (1/2 day AM)/ TDG (1/2 day PM)
October 20	COR™ Auditor Refresher (1/2 day AM)
October 21	Excavating & Trenching (1/2 day AM)
October 21	Flagperson (1/2 day PM)
October 21	First Aid 1 - CPR

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.