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Key industry departments see ministers, deputies changed



Premier Brian Pallister chats with invited guests at the legislature after announcing changes to his cabinet

The Pallister government on Thursday shuffled cabinet ministers in key departments, including the appointment of Ron Schuler as minister of Manitoba Infrastructure.

Schuler, previously in Crown Services, replaces Blaine Pedersen, who moves to Growth, Enterprise and Trade, another department with which the heavy construction industry has routine contact. Cliff Cullen, formerly minister of GET, moves to Crown Services.

As well, Gimli MLA Jeff Wharton was promoted to cabinet as minister of Municipal Relations. He takes over from Eileen Clarke, whose department has been split into two. Clarke remains minister of the Indigenous and (now) Northern Relations.

“Each of these departments has topical issues of real interest to our industry and so we’re keen to work with the ministers in their new responsibilities,” said MHCA President Chris Lorenc.

The MHCA, for example, is working with GET on issues around interprovincial trade and procurement, and with Manitoba Infrastructure on highways investment.

Sustainable Development, now led by Rochelle Squires, is handling the hot topic of carbon taxes. The government is expecting to release details in a white paper on the climate change plan at the end of September, shortly after it gets a legal opinion it has solicited on the federal government’s carbon pricing plan.

Meanwhile, deputy Infrastructure minister Lance Vigfusson is retiring after 30 years in government. He is succeeded by Bram Strain, who years ago worked with infrastructure at the federal level. Lorenc said the MHCA thanks Vigfusson for his years of dedicated work and cooperation with industry.

Reprisal clauses at centre of MHCA-provincial meeting



Photo source: Pexels

The provincial government has agreed to meet with MHCA representatives to discuss the heavy construction industry's growing concern about the use of reprisal clauses in public procurement advertising and contracts.

Reprisal clauses, in use across Canada by public bodies, bar contractors or suppliers from bidding on tenders if they are, or have been, involved in litigation against the public project owner. The MHCA, provincially and also nationally through the Canadian Construction Association, strongly opposes the inclusion of such clauses or practices in procurement policies.

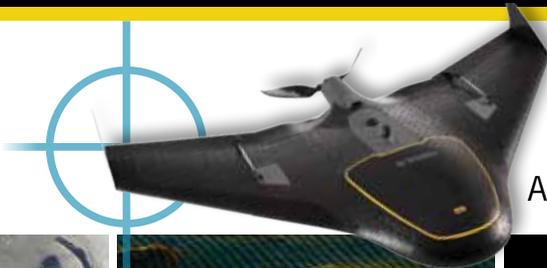
While Manitoba Infrastructure has assured the MHCA it does not include reprisal clauses in its tender rules and contracts, other public entities in Manitoba have used such exclusionary clauses.

"Clauses that impose blanket exclusions upon contractors who may be, or have been, in litigation with a public project owner are offensive," said MHCA President Chris Lorenc. "It is a denial of basic contract law, which provides for legal recourse if unresolvable conflict occurs, and it offends the constitutional right to due process."

While the MHCA recognizes that public entities may exclude bidders who have a demonstrated history of poor performance or who have been shown to be frivolously litigious, the association has strong views that public contract and tender language cannot include blanket reprisal clauses.

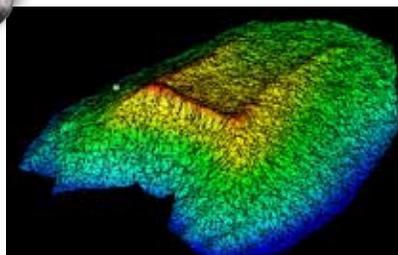
Officials from the provincial Finance department have agreed to meet with the MHCA in the coming week to discuss the association's views, in light of evidence that some public entities have written reprisal clauses into their tenders and advertising.

MHCA will provide updates to members on progress made on the issue.



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**Canadian
Construction
Association**

Keeping worksites safe amid legalized marijuana

Clive Thurston, Daily Commercial News, August 9

There has been much talk and speculation over the coming legalization of marijuana and what its impact on our society will be.

This discussion and the consultations taking place are welcomed, but we have noticed that they fail to include any mention of the serious impact on health and safety in the workplace. Problems already exist due to legalized drugs, including legal medical marijuana, in the workplace.

The Ontario government consultation, in fact, does not even mention the impact that this will have on health and safety in the workplace. This is, in our opinion, a glaring omission.

The challenge in the construction industry is very clear: the employer has the responsibility to employ only workers who are fit for duty. However, they also have the responsibility to accommodate medicine used for medical or other conditions.

How do you confirm the fitness for duty of a person using drugs or with a prescription that impairs their judgment, ability to operate machinery or complete the tasks necessary on a construction site?

The Ontario General Contractors Association (OGCA) has been raising these questions for over a year and so far the answer provided by the government is a non-answer.

Time and again the request for testing has been rejected by the legal system. Often two things are cited: a person's right to privacy and the potential danger to the public.

With the coming legalization of marijuana, what will be the rules? Where we know that a person has a problem, we are required to assist them and we do, but once legalized, what stops workers from stepping off site to have a joint with lunch?

The TTC was able to obtain the right to conduct random testing. A key part of the argument was public safety. That makes sense with buses, subways and street cars on the roads, interacting daily with the general public.

One can see the logic of such a point.

Yet those thousands of men and women who work on construction sites everyday should not be afforded the same level of protection. Why?

Look at the massive infrastructure work underway across the province, many being carried out in tight confines within cities. Our sites are dangerous and we work hard to make them as safe as we can. But now, the powers that be feel that we don't count somehow when it comes to protecting our people from the impact of unknown or recreational drug use.

Coroner's juries in Ontario and other studies have found that about 35 to 40 per cent of fatal workplace incidents have impairing substances.

Once these changes come into place, one has to fear these numbers will go up.

Legalization of cannabis is coming, so now is the time for a serious discussion on how to deal with the problem. It is time that the rights of the many, in this case, supersede the rights of the few.

Construction sites must be a no-go place for any kind of impairment due to drugs or other intoxicants and the tools to ensure that must be given to the industry.

At present, there are no roadside detection devices that can effectively measure marijuana impairment, and no legal marijuana impairment threshold. The same problem will exist on our construction sites unless other tools are made available.

The well-being of our workers is paramount. Failure to address this makes a mockery of all the efforts put forward to ensure our sites are safe and healthy places to work.

The OGCA will be submitting a paper to the provincial consultation but stronger leadership is needed here before the usual suspects try to derail any reasonable measures needed to protect workers.

Clive Thurston is the president of the OGCA.



Impairment in the workplace: detect to protect

WORKSAFELY™ Back to You with Don Hurst

Impairment due to alcohol and other drugs is a threat to the safety and health of workers in the construction and many other industries. This week's Heavy News Weekly features an article by Clive Thurston of the Ontario General Contractors Association about concerns there regarding the impending legalization of marijuana and implications for safety in the

workplace.

The article raises a number of questions that we have heard on this topic from our own contractors here in Manitoba. How will this affect our industry? How should I prepare? What should I be doing now, to ensure I know if a worker is impaired and to protect my employees from the risks that would present? We at WORKSAFELY™ are working on arranging a workshop for owners and managers where legal and human resource professionals with background in this area can help answer your questions, including about the legalization of pot.

Stay tuned for an announcement on the workshop date. If you have any questions on this or any other safety topic, please contact us at 204-947-1379.

KNOW YOUR WORKSAFELY™ TEAM

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To contact your WORKSAFELY™ advisor assigned to your area, please see mhca.mb.ca/worksafely/know-your-advisor



SAFETY TALK

Distracted driving

Any time you take your eyes off the road, your hands off the wheel, or your mind off driving you are distracted from driving safely. In 80% of collisions and 65% of near crashes, driver inattention was a factor.

What's the danger

There are three types of distractions that cause potential hazards:

- Visual – taking your eyes off the road
- Cognitive – taking your mind off driving
- Manual – taking your hands off the wheel

Using a cell phone, texting, and eating are examples of things that distract you from driving safely. In-vehicle technologies (like a GPS) can also be sources of distraction. Texting is especially dangerous because it combines all three types of distraction.

How to protect yourself

Understand, reduce and eliminate distractions that your employees may face on the road.

Create a policy – set out requirements on the use of mobile devices and other potential distractions

Communicate the policy – to your managers, workers and contractors

Support your workers – do not accept calls or texts while driving; have workers create an “I’m behind the wheel” voice message

Set an example – never touch a device while driving

Elements to consider for your policy:

- Banning employees from using cell phones and other technology while driving
- Requiring employees to pull over to the side of the road at a safe area if there is a need to use a cell phone
- Banning the use of headphones to listen to music on mobile device
- Having employees make adjustments to the vehicle prior to starting to drive – for example, programming GPS and adjusting mirrors

Print and review this talk with your staff, sign off and file for COR™ / SECOR audit purposes.

Date: _____

Performed by: _____

Concerns:

Employee Name:

Supervisor: _____

Location: _____

Corrective Actions:

Employee Signature:

Training Schedule

**WINNIPEG - MHCA Office
3-1680 Ellice Ave.**

August 2017

- 21-22 **COR™ Leadership in Safety Excellence**
- 23 **COR™ Principles of Health & Safety Management**
- 24-25 **COR™ Auditor**
- 30 **Train the Trainer**

September 2017

- 12 **Flagperson 1/2 day AM**
- 12 **Committee/Representative training 1/2 day PM**
- 14-15 **Traffic Control Coordinator**
- 18-19 **COR™ Leadership in Safety Excellence**
- 20 **COR™ Principles of Health & Safety Management**
- 21-22 **COR™ Auditor**
- 25 **Excavating and Trenching 1/2 day AM**
- 25 **COR™ Auditor Refresher (no charge) 1/2 day PM**

-  Leadership Certificate Program/Gold Seal
-  e-COR™ training and information session

MHCA SUMMER OFFICE HOURS

Effective May 15 until September 1, 2017

Monday: 7:45 am - 4:30 pm
(lunch 12:00 pm-12:30 pm)

Tuesday: 7:45 am - 4:30 pm
(lunch 12:00 pm-12:30 pm)

Wednesday: 7:45 am - 4:30 pm
(lunch 12:00 pm-12:30 pm)

Thursday: 7:45 am - 4:30 pm
(lunch 12:00 pm-12:30 pm)

Friday: 7:30 am - 12:00 pm

Closed Saturday and Sunday

