

INSIDE:

2

PROVINCE
RELEASES

BASELINE COUNT
OF REGULATORY
REQUIREMENTS
ACROSS
GOVERNMENT

4

MHCA WELCOMES
NEW MEMBER

5

ADDRESSING
SUBSTANCE
ABUSE IN THE
WORKPLACE:
BACK TO YOU

MHCA presents: Addressing substance abuse in the workplace

Register to take a primer to prepare for legalized marijuana at November workshops



pixabay.com

The MHCA has been hearing about the concerns of heavy construction industry employers regarding the federal government's plan to legalize marijuana. This industry works hard to keep its workers and job sites safe from risks that can be, and are, presented by any form of impairment on the job.

The Trudeau government's plan to legalize recreational marijuana by July, 2018, is a workplace safety and health

issue, and the MHCA has been working to understand the implications for employers and safety leaders.

To assist business owners, managers and workplace safety leaders, the MHCA is holding two information sessions – for company owners/senior managers on November 1, and for human resources/safety managers on November 6 – to provide an overview of how legalized marijuana fits into good human resources policies that help prevent or deal with risks to workers due to impairment.

"We understand the concerns of our members, especially the need for good, concise information about how legalized recreational marijuana heightens the importance and necessity of strong policies regarding impairment – of any kind – while at work, at a construction site or in the office," said Don Hurst, MHCA's director of WORKSAFELY™, education and training. (See Hurst's *Back to You* on Page 8 for more detail.)

"We have lined up knowledgeable professionals who are authorities on the legal aspects of employer responsibilities, and the practical awareness and skill-set employers and managers need, to be able to detect and deal with substance abuse and impairment when it arises in the workplace."

Session space is limited, so don't delay in reserving a spot. For more information or to register for the sessions, please contact Kristen Ranson at 204-947-1379 or Kristen@mhca.mb.ca

Province releases baseline count of regulatory requirements across government

Government of Manitoba, September 19



The baseline count of regulatory requirements across government has now been completed, Finance Minister Cameron Friesen announced this week during his keynote address at the Manitoba Chambers of Commerce 'MBIZ Breakfast Series' event.

"When we formed government, the simple question of 'how many regulatory requirements exist' could not be answered," said Friesen. "This is why we introduced

legislation that requires government to maintain a comprehensive inventory of the number of regulatory requirements that exist and to publicly release those numbers on an annual basis."

Regulatory requirements are actions or steps a government requires of non-profits, businesses, municipalities and private citizens in order to access government programs or services, participate in regulated activities, or conduct business in the province. This new legislation, The Regulatory Accountability Act, requires that a comprehensive baseline count be completed and maintained across government including departments, Crown corporations, the Workers Compensation Board, and most agencies and boards.

The first step to managing regulatory requirements is to determine exactly how many exist and where they are. The minister announced today that after the completion of a government-wide count, a total of 906,824 regulatory requirements have been identified in 12,393 documents across government.

"Under the previous administration, Manitoba was the provincial laggard on regulatory accountability," said Friesen. "Our government is committed to improving the quality of public services by creating an effective, efficient and transparent regulatory system. Our goal is to be Canada's most improved province for regulatory accountability by 2020."



THE SAFETYS

A Celebration of Workplace Safety

WEDNESDAY, SEPTEMBER 27, 2017

WWW.THESAFETYS.CA

Fast, flexible financing available – up to 100%, \$0 down*



2007 Caterpillar TL943



1 of 3 – Sterling LT8513 w/McNeilus Mixer



Caterpillar 973C



Samsung SL120-2



2008 Hitachi ZX270LC-3



1 of 3 – 2013 Bobcat T770



2000 Vibromax 1105

Winnipeg, Manitoba

October 5 (Thursday) 9 am

Equipment includes

Excavators, crawler loaders, wheel loaders, multi terrain loaders, vibratory smooth drum rollers, mixer trucks & much more

Bid in person or online

- ▶ No minimum bids or reserve prices
- ▶ Test and inspect on-site
- ▶ Open to the public, free registration

Location

Assiniboia Downs 3975 Portage Ave,
Winnipeg, MB

On-site inspection hours

Mon–Fri, 8 am–5 pm

Financing & leasing available

Up to 100% financing,
with no money down.

More items added daily

Call about selling: 306.933.9333

See complete listings at rbauction.com

MHCA welcomes new member

The MHCA is pleased to welcome its newest member **Potzus Paving & Road Maintenance Ltd.**

Potzus Paving & Road Maintenance Ltd. is based out of Yorkton, SK, specializing in road construction, crushing, aggregate material, site excavation, preparation, asphalt paving, aggregate hauling, and equipment rental.

Potzus Paving & Road Maintenance Ltd. can be contacted at:

Linton Potzus
PO Box 909
Yorkton, SK S3N 2X1
Ph: 306-782-7423
C: 306-621-1892
F: 306-786-6909
E: info@potzus.com
www.potzus.com



Save the Date

MHCA Annual General Meeting
& Chairman's Gala

Friday November 17, 2017

RBC Convention Centre, Winnipeg

Upcoming MHCA Meetings

Rental Rates Committee
MHCA Office
October 6 - 12:00-2:30

MHCA Board of Directors
RBC Convention Centre
November 17 - 10:00-12:00 Noon

MHCA Executive Committee
MHCA Office
January 17, 2018 - 12:00-4:00 PM

MHCA Executive Committee
MHCA Office
October 25 - 12:00-4:00 PM

MHCA Executive Committee
MHCA Office
November 21 - 12:00-4:00 PM

MHCA Board of Directors
Location TBD
January 24, 2017 - 12:00-4:00 PM

Rental Rates Committee
MHCA Office
November 3 - 12:00-2:30 PM

Rental Rates Committee
MHCA Office
December 1 - 12:00-2:30

THIS COULD BE YOUR AD

Advertising in the Heavy News Weekly gets your message out to our powerful and influential audience in the heavy construction industry across Manitoba

Contact
Katie Pfeiffer
for advertising
options and rates at
katherine@mhca.mb.ca

We offer special advertising rates for members





Procurement Perspectives: Bid rigging could be costing the public billions

Stephen Bauld, September 19

There is good reason to fear bid rigging in the public procurement field, as it's not only pervasive but it could be costing the public billions.

For instance, even as far back as 1986, the Florida attorney general's department became concerned with suspicious-looking bid patterns in relation to the supply of milk to public school districts in that state.

The department contacted the Department of Justice Antitrust Division's Atlanta field office and requested an investigation.

This led to the discovery of a state-wide conspiracy to rig the supply of dairy products as well as evidence of similar conspiracies in Georgia, Virginia and other states. Ultimately, 109 milk bid rigging cases involving 61 corporations and 68 individuals were uncovered, leading to eventual fines of more than \$53.7 million as well as the imposition of custodial sentences on 26 individuals. Nor, as this paragraph might suggest, is it likely that the problem is confined to isolated types of supply such as school milk.

Indeed, apparently, the mere fact that bid rigging may endanger national security is no reason for business not to avail itself of the opportunity to profit by cheating the tender system.

While in the United States, the antitrust division has pursued the problem of price-fixing vigorously, in Canada the corresponding efforts have been far more limited in scope and smaller in scale. Moreover, even in the United States, recovery of the damages suffered by the public sector has been far from exemplary.

For instance, as a result of its action in relation to the Florida milk bid rigging scandal, the antitrust division obtained civil recovery in the range of \$8 million.

One study of the effect of bid rigging on school milk prices in Ohio found that the price increase resulted from the rigging scheme was as much as 11.3 per cent in any given year and averaged 6.5 per cent over the scheme's lifespan.

A 1989 study of the effect of bid rigging in sewer construction found price increases of "at least 36 per cent."

A 1992 comparative study of the effect of bid rigging on highway construction has found an increase of 18 per cent in North Carolina and an increase of 6.5 per cent in South Dakota.

A 1993 study on the supply of frozen fish to the United States Defense Department found that prices increased by 23 to 30 per cent over the life of the scheme.

Similar effects have been identified when public authorities auction off their surplus assets.

For instance, a 1993 study of the effect of bid rigging on auctions of used police cars found a 17 to 28 per cent decrease in the prices received, while a study on real estate auctions found a decrease of 32 per cent in price.

The limited information available in relation to Canadian bid rigging suggests a similar impact here.

Even the criminal fines for bid rigging appear ridiculously low in comparison to the damage caused.

Although prosecution in Canada is isolated, fines imposed in Canada compare to those in America. In contrast, European fines tend to be much lower.

The United States Sentencing Commission's Sentencing Guidelines direct that: "In selecting a fine for an organization within the guideline fine range, the court should consider both the gain to the organization from the offence and the loss caused by the organization. It is estimated that the average gain from price-fixing is 10 per cent of the selling price. The loss from price-fixing exceeds the gain because, among other things, injury is inflicted upon consumers who are unable or for other reasons do not buy the product at the higher prices. Because the loss from price-fixing exceeds the gain, subsection (d)(1) provides that 20 per cent of the volume of affected commerce is to be used in lieu of the pecuniary loss under 8C2.4(a)(3)."



Global risk environment remains strained

Peter Whelan, Manager, Economic & Political Intel Centre

There is no shortage of country risk developments around the world at the moment. Our most comprehensive analysis of such risks is found in our *Top 10 political and economic risks* piece. EDC has also carried out extensive analysis of Canada-US trade relations and the ongoing NAFTA renegotiations. In order to cover new territory, the focus here will be on developments away from the Western Hemisphere. Below are a few country risk issues that we will be monitoring in the coming months.

On the Korean Peninsula, as both the rhetoric and missile tests continue in the coming months, look for the international community to work to de-escalate tensions. While our baseline scenario is a continuation of the status quo, the probability of a limited conflict developing is rising. Any such conflict would have major implications for South Korea, Canada's sixth largest export destination, and Japan, the world's third largest economy. China, considered North Korea's closest ally, also has a stake in the game, wanting to avoid any major volatility in the region.

Elsewhere in Asia, the Chinese Communist Party's 19th Congress will take place in October, ushering in a transition in leadership positions at all levels of government. These congresses occur every five years and while they don't garner much international attention, they are China's most important political events. Although there is lots of intrigue into the rise and fall in power of particular individuals or factions, overall we expect policy continuity to be preserved following the Congress.

In Africa, the Kenyan Supreme Court's decision to nullify the August election results was the first time in African history that an election result was overturned following an opposition party court challenge. The court decision is significant for several reasons. Firstly, this ruling sets a precedent as groups contesting electoral results might be more inclined to challenge results in the courts instead of resorting only to street protests. Secondly, the ruling is an indication of the growing independence of Kenya's judiciary. Kenya is worth keeping an eye on as it will be logistically challenging for the country to hold fresh elections within 60 days, and tensions between the two main political parties have only intensified following the ruling; election-related violence still remains a possibility.

There have also been major developments in Africa's two largest oil-producing countries. Angola experienced its first transfer of power in almost four decades as President Dos Santos stepped down. Given the ruling party's dominant position, the election and transfer of power occurred without any significant volatility. Going forward, it will be interesting to watch how the new President puts his own mark on the presidency given the Dos Santos family's continued influential position within the country.

In Nigeria, following a three-month absence for medical reasons, President Buhari returned home in August. The President was the underdog winner of the 2015 elections but to date his presidency has been challenged by low oil prices, his extended absences from the country and a lack of progress on structural economic reforms. It remains to be seen whether Buhari's return will allow faster movement on economic policy changes. Two positive signs: the recession that Nigeria has experienced since 2015 came to an end in Q2 2017 and the availability of U.S. dollars is improving due to a loosening of the exchange regime.

In Europe, elections in Italy will be the latest to see EU membership as a key election issue. While municipal elections in mid-2017 have provided insight of voter intentions, the political landscape remains fluid. Should a coalition of anti-EU parties, including the Five Star Movement, succeed in uniting, the ruling Democratic Party could face a very serious challenge to its position. A victory by an anti-establishment coalition would raise questions around Italy's future position within the EU.

The bottom line? There are several events on the horizon that present country risks to Canadian exporters and investors. With events in North America dominating the news coverage, it's important to keep an eye on developments further afield to remain aware of potential risks, and opportunities, stemming from country developments across the world.

Addressing substance abuse in the workplace

WORKSAFELY™ Back to You with Don Hurst

How are you dealing with employee impairment?

The impending legalization of marijuana in 2018 has generated many questions about how this may affect the construction industry and the safety of workers in our workplaces.

Regardless of the move to legalize recreational use of pot, substance abuse on the job is a concern of many companies in our industry.

WORKSAFELY™ has enlisted the help of two respected experts in the fields of law and substance-abuse counselling to offer information sessions on impairment on the job. We aim to create a forum to address concerns such as how to recognize substance abuse, and what employers legally can and must do to address the problem.

Jamie Jurczak will lead the discussion on the legal responsibilities of employers. Jurczak, a partner with Taylor McCaffrey LLP, specializes in labour and employment law and civil litigation. She is experienced in all facets of labour and employment law, and advises on a wide range of workplace matters including employee discipline, human rights and wrongful dismissals. Her practice has a special focus on occupational health and safety legislation.

Joel Gervais brings a wide spectrum of knowledge regarding mental health and addictions. Gervais has worked in the private and public sectors in this area for over 25 years and, currently, is an addictions and training specialist with Vital Life Inc. Vital Life provides addictions-management services, drug testing and substance abuse training to large and small organizations.

The best protection against risk presented in the workplace by the use of any drug – legal or not – is now and always will be a strong policy on impairment of any kind, and good health and safety training for staff. Our workshop leaders will address the specifics on these dates:

Addressing substance abuse in the workplace
COMPANY OWNERS/SENIOR MANAGERS
Nov. 1, noon – 2:30
MHCA Office

Addressing substance abuse in the workplace
HR/SAFETY PROFESSIONALS/SENIOR MANAGEMENT
Nov. 6, 8:30 am – noon
Holiday Inn Airport – Polo Park

To register for the WORKSAFELY™ information sessions, please contact Kristen Ranson at 204-947-1379, or kristen@mhca.mb.ca.



HOW IS YOUR WORKPLACE DEALING WITH SUBSTANCE ABUSE?

WORKSAFELY™ will be hosting two seminars on substance abuse in the workplace.

Recreational marijuana will be legal next year across Canada. This heightens the need for strong workplace policies on impairment on the job.

Led by experts in the fields of labour law and substance abuse, these seminars will answer your questions.

Addressing substance abuse in the workplace

FOR COMPANY OWNERS AND SENIOR MANAGERS

Nov. 1 – MHCA Office
12:00 - 2:30 PM

FOR HR/SAFETY PROFESSIONALS/ SENIOR MANAGEMENT

Nov. 6 – Holiday Inn Airport-Polo Park
8:30 AM - 12:00 PM

Registration opens September 22. Contact Kristen Ranson at 204-947-1379.

WORKSAFELY 

KNOW YOUR WORKSAFELY™ TEAM

Don Hurst, B.A., M.A. (Econ.)

Director, WORKSAFELY™ Education and Training
E: don@mhca.mb.ca T: 204-594-9051 C: 204-291-4740

Ed Gregory, NCSO, OH&S Cert.

WORKSAFELY™ Safety Advisor, Southern Region
E: ed@mhca.mb.ca T: 204-594-9058 C: 204-227-6932

Randy Olynick, CRSP

WORKSAFELY™ Safety Advisor, Eastern Region
E: randy@mhca.mb.ca T: 204-594-9057 C: 204-295-3876

Trevor Shwaluk, B.P.E

WORKSAFELY™ Safety Advisor, Central Region
E: trevor@mhca.mb.ca T: 204-594-9061 C: 204-871-0812

Dave McPherson

WORKSAFELY™ Safety Advisor, Northern Region
E: dave@mhca.mb.ca C: 204-271-2088

Phil McDaniel, OH&S Cert., P. GSC, NCSO, CRM

COR™ Program Development & Quality Control Advisor
E: phil@mhca.mb.ca T: 204-594-9059 C: 204-997-5205

Jackie Jones, CAE

WORKSAFELY™ COR™ Program, Education and Training Advisor
E: jackie@mhca.mb.ca T: 204-594-9054 C: 204-509-0384

Sarah Craig, OH&S Cert.

WORKSAFELY™ Client Services Advisor
E: sarah@mhca.mb.ca T: 204-594-9060 C: 204-979-3971

Kristen Ranson

WORKSAFELY™ Administrative Assistant
E: kristen@mhca.mb.ca T: 204-594-9056 C: 204-330-3520

Gerry McCombie

WORKSAFELY™ Safety Advisor, Western Region
E: gerry@mhca.mb.ca C: 204-720-3362

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



SAFETY TALK

Fatigue awareness

As we near the end of the construction season, crews may be working longer hours and fatigue can lead to accidents and injuries.

What's the danger?

Immediate symptoms of fatigue:

- Tiredness
- Memory lapses
- Difficulty concentrating
- Slower reaction times

Fatigue is hazardous; it impairs:

- Ability to make decisions
- Communication skills
- Ability to stay focused
- Reaction time
- Performance and productivity

How to protect yourself

Tips for workers

At work:

- Vary routine work tasks so you stay alert
- Take small breaks
- Tell your supervisor if you're feeling fatigued
- Work with your employer to manage fatigue-related risks in the workplace

Outside of work:

- Make sleep a priority
- Eat light, nutritious meals, drink plenty of water and limit your caffeine and alcohol intake
- Watch for the warning signs of fatigue in yourself

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.

September 2017

27 Train the Trainer

October 2017

12 Flagperson 1/2 day AM
12 Committee/Representative training 1/2 day PM
13 Excavation and Trenching 1/2 day AM
13 Transportation of Dangerous Goods 1/2 day PM
16-17 COR™ Leadership in Safety Excellence
18 COR™ Principles of Health & Safety Management
19-20 COR™ Auditor
24-25 Traffic Control Coordinator

November 2017

2 Winter Roads Safety 1/2 day AM
2 Environmental Awareness 1/2 day PM
7 Flagperson 1/2 day AM
7 Safety Committee/Representative 1/2 day PM
8 Excavating and Trenching 1/2 day AM
8 Auditor Refresher (no charge) 1/2 day PM
9 Train the Trainer
13-14 Traffic Control Coordinator
20-21 COR™ Leadership in Safety Excellence
22 COR™ Principles of Health & Safety Management
23-24 COR™ Auditor

December 2017

4 Flagperson 1/2 day AM
4 Safety Committee/Representative 1/2 day PM
7-8 Traffic Control Coordinator
11-12 COR™ Leadership in Safety Excellence
13 COR™ Principles of Health & Safety Management
14-15 COR™ Auditor

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

Construction Safety Excellence™



75 in 2018

The MHCA is turning 75 in 2018 and we're telling our story. The heavy construction industry has helped build this province, its economy and foundational infrastructure: roads, highways, bridges, and water/sewer. As part of the commemoration, which will include celebratory features throughout 2018, we are asking for your memories, your photos or any archived materials that can help tell this tale in displays at our marquee events next year.

Do you have something to share? Please email Katie Pfeiffer at katherine@mhca.mb.ca

Thank you,

Greg Orbanski
Chair, MHCA

Chris Lorenc
President, MHCA