

The Heavy News Weekly

Manitoba no-go zone for reprisal or local preference clauses in public tenders: Friesen

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SAFELY AND
PRODUCTIVELY:
BACK TO YOU



Chris Lorenc with Minister of Finance Cameron Friesen

Manitoba Finance Minister Cameron Friesen has given notice that the province has a 0 tolerance policy for obstructionist trade practices, including the use of local preference provisions and reprisal clauses in tender, bidding and contract language.

"Manitoba Finance will be making it clear to public-sector tendering bodies that the use of arbitrary clauses for punitive or spurious reasons in tender invitations is not an accepted practice and should not be used as a bid disqualification rationale in public tendering opportunities," Friesen stated in a letter to MHCA President Chris Lorenc, dated October 12.

The MHCA has worked doggedly to urge the elimination of both pernicious practices within the province and across provincial borders. Recently the Department of Growth, Enterprise and Trade – on MHCA's urging – intervened to push Saskatchewan to ensure that Manitoba contractors and suppliers were recognized as eligible bidders

for contracts tendered by SaskPower. Initial tender documents omitted Manitoba because it believed this province was not yet a signatory to the New West Partnership. That has been corrected, a letter from GET confirmed this summer.

Closer to home, a school division had issued a tender which included a reprisal clause. Reprisal clauses disqualify from bidding any company that is or has recently been involved in legal action against the owner of the project.

Friesen effectively has lowered the boom on such practices, declaring: "We will also clarify that public sector tendering bodies are not to reject any solicitation response (Bid, Proposal) on the basis of the Bidder/Proponent initiating a bid dispute process in accordance with the provisions of the trade agreements that Manitoba is a party to."

The letter was copied to Infrastructure Minister Ron Schuler and Education Minister Ian Wishart.

Lorenc said the association is grateful for the work of the Pallister government on the issue of obstructionist trade practices. Local preference practices have been used in other jurisdictions to give domestic bidders the leg up in bidding for contracts. Typically, local preference assigns points to those bids from companies that can demonstrate having worked with project owners, community groups and suppliers in the jurisdiction, or having experience and knowledge of local conditions, such as the climate and geological features.

"The MHCA has always stood for the principle of open, unfettered and competitive tender and bid processes. It is ultimately in the best interests of the taxpayers who get maximum value from the tender in terms of price and quality," Lorenc added.

He noted that tenders and public project owners always reserve the justified right to exclude bids from companies that have a demonstrated poor work record, or have a history of vexatious litigation.

To read Friesen's letter click [here](#).

Setting a culture of workplace safety – at the top



Janice Harper, vice-president at New Flyer Industries, speaks about the responsibilities of directors regarding workplace safety and health

It is an expectation that reporting of workplace safety indicators – statistics of injuries, for example – come to a board of directors as routine. But how do directors dig deeper into the indicators, get early warning of emerging trends and prepare developing issues?

That requires tapping into what employees deal with daily on the job, not just in avoiding physical injuries but in managing workplace pressures that feed into hazards and sometimes surface as injuries in a variety of ways, a gathering of business professionals and executives heard Wednesday.

Janice Harper, executive vice-president of human resources at New Flyer Industries, said injury statistics are important but they only say so much. A good company should be able to take the pulse at many points of its operational heartbeat.

An emerging issue in the realm of workplace safety and health is the area of psychological hazards, harm and injury, Harper and Jamie Hall, chief operating officer at SAFE Work Manitoba (WCB) explained to the

luncheon sponsored by the Institute of Corporate Directors.

“Typically, we think of physical injury,” said Hall, but increasingly companies are dealing with the issues of harassment injuries. WORK Safe Manitoba launched its psychological safety strategy in May.

Bullying, sexual harassment and passive aggression are all harms with demonstrated injury. But how do directors keep abreast of these behaviours, which can simmer quietly until they take a noticeable toll?

Harper advised that boards can ask for reporting on the number and rate of turnover in a company, the level of absenteeism, short- and long-term disability leaves, harassment complaints, conflicts in the workplace and investigations. Make use of ‘whistle-blowing’ hotlines established for workers to report unethical behaviour and wrongdoing.

But key to supporting a respectful and safe workplace is culture, which must be set at the top, Hall and Harper agreed.

Leaders must set the tone through action that reinforces the talk that employers’ first responsibility is to get their workers home, safe, at the end of their day.

City receives industry report on new snow clearing policy

The MHCA/industry snow clearing committee has completed its work in reviewing potential improvements to the City of Winnipeg snow clearing policy. The recommendations are intended to both retain current and attract new bidders for area-clearing contracts.

The committee, chaired by MHCA board member Nicole Chabot, has been working through the year to revise the current contract provisions and requirements. The committee on October 16 finalized its report and presented it to the City of Winnipeg Public Works Department.

Items recommended for revision included the duration of contract terms for area clearing; standard complement of equipment; new bid-price guarantee; attention to prompt payment; and, better public awareness of the process for filing damage reports.

The suggestions are to be considered by the administration as it prepares a report to be submitted for information, at a future meeting of the Infrastructure Renewal and Public Works committee of city council.

“The industry committee, which included representatives from a cross-section of the snow-clearing contractors, worked diligently and co-operatively to hammer out what I think would be sensible, workable improvements to the city’s current policies,” MHCA President Chris Lorenc said. “We want to thank the City of Winnipeg for working with us on this important issue. We want to ensure good, competitive bidding from the heavy construction sector to see maximum value in service and budget for Winnipeggers.”

Lorenc noted that the level of snow clearing service provided in Winnipeg is higher than in other major Canadian cities. Most other cities do not clear residential sidewalks, for example.

Civic Leaders Dinner

Thursday, November 16
6:00pm - 9:00 pm
The Fairmont Winnipeg

Proudly sponsored by:



Upcoming MHCA Meetings

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

SAFE Roads
MHCA Office
October 27 - 12:00-1:30 PM

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

WORKSAFELY Committee
Brandt Tractor Ltd.
November 8 - 9:30am-10:30am

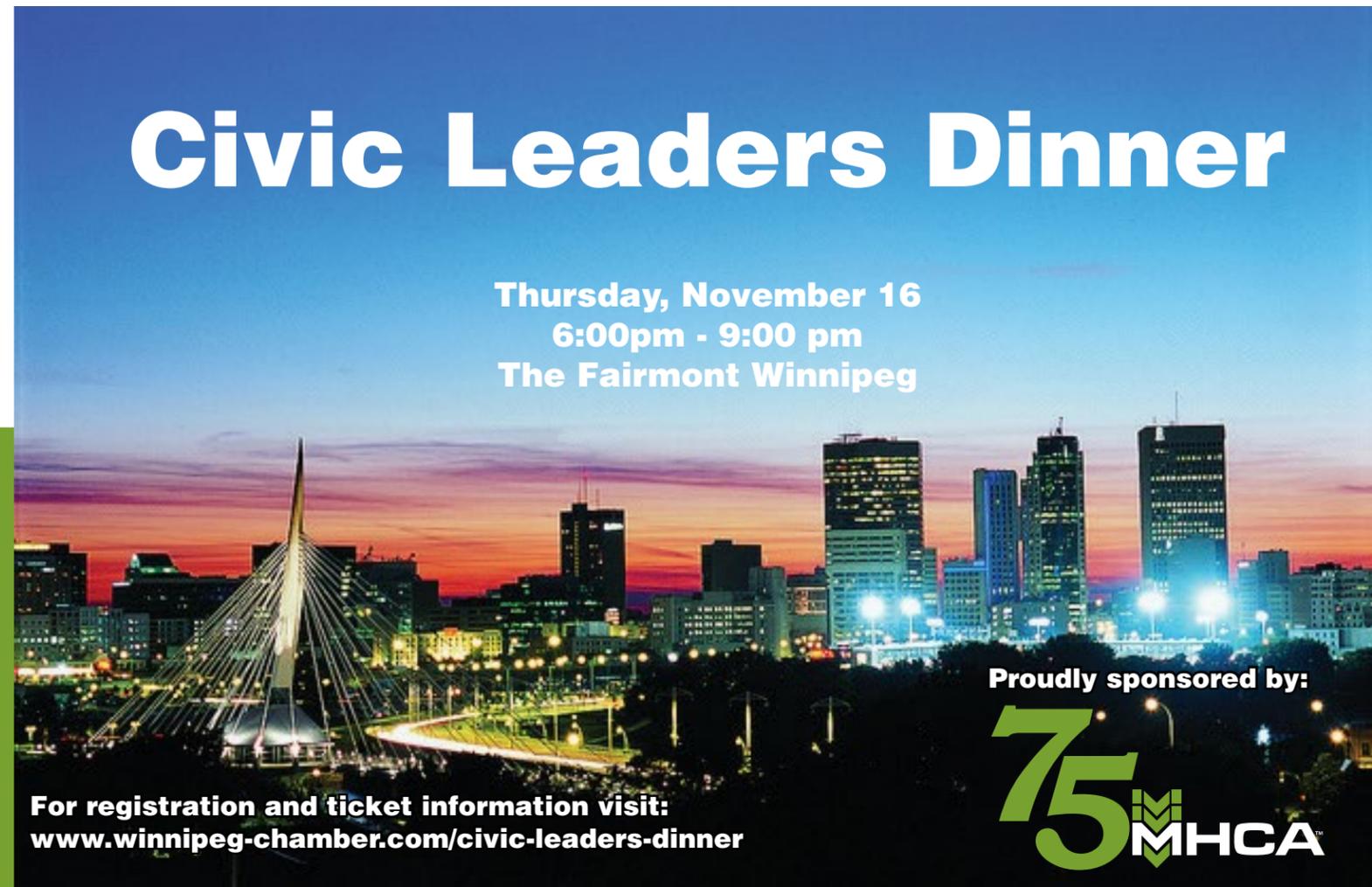
MHCA Board of Directors
RBC Convention Centre
November 17 - 10:00am - 12:00

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

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

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

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



For registration and ticket information visit:
www.winnipeg-chamber.com/civic-leaders-dinner

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Mayor Bowman confirms he will attend Civic Leaders Dinner



The MHCA is continuing its engagement with leading Manitoba business organizations as title sponsor of the Winnipeg Chamber of Commerce's Civic Leaders Dinner on November 16. The Chamber has published its list of confirmed guests: all of city council, including Mayor Brian Bowman, will attend, along with CAO Doug McNeil and senior administrators.

MHCA President Chris Lorenc will address the dinner, highlighting the association's priorities to grow the city and provincial economy, which includes working with the city to improve procurement for maximum budget value from Winnipeg's local and regional streets program.

MHCA members interested in attending the dinner at the Fairmont Winnipeg are encouraged to go to the Winnipeg Chamber of Commerce website and click the "Events" tab, where tickets can be purchased online, or call 204-944-8484.

Click [here](#) to see the list of confirmed City of Winnipeg guests.

LEGALIZED MARIJUANA ARE YOU READY?

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.

Legalized Marijuana Workshop

FOR COMPANY OWNERS AND SENIOR MANAGERS

Nov. 1 – MHCA Office
12:00 – 2:30 PM

FOR HR/SAFETY PROFESSIONALS/
SUPERVISORS

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

To register contact Kristen Ranson at
204-947-1379.

WORKSAFELY MHCA



**Canadian
Construction
Association**

Mary Van Buren starts as CCA president

OTTAWA, Monday October 16, 2017 — Mary Van Buren, a bilingual marketing, strategy and digital expert, started as the Canadian Construction Association (CCA) president today.

Mary Van Buren has worked in the private, public, and not-for-profit sectors and has held executive roles at leading associations and not-for-profits, including the Canadian Medical Association's subsidiary, MD Financial Management, and Export Development Canada. In her most recent role as vice-president of marketing and IT at the Canadian Real Estate Association, Mary led a team of 60 to grow its premier services, REALTOR.ca and WEBForms® in the double digits.

Mary holds an MBA in international business from McGill and a B. Com from the University of Ottawa and is a Certified Association Executive.

Marketing expertise and bilingualism assets

CCA is celebrating its centennial in 2018 and currently going through a strategic planning exercise. "Mary's background in strategy and marketing will be an asset shaping the plan for the next five years and communicating our new priorities and initiatives to our partner associations and members," said Chris McNally, CCA chair.

Most construction associations in Quebec are now CCA partner associations. CCA's materials and newsletters are published in both official languages and simultaneous translation has been added for the board meetings and some conference sessions. "Having a bilingual president will further strengthen our capabilities and ties with the Quebec-based partner associations," remarked Chris.

I'm thrilled and honored

"It's an exciting time to join CCA and the construction industry. I'm thrilled and honored to work with our executive committee, CCA board and our partner associations to improve the value of the association and to advance the interests of the construction industry, a cornerstone of the Canadian economy," said Mary.

Thanking retiring president, Michael Atkinson

Michael Atkinson, who first joined CCA in 1981, has held CCA president's position since 1993. "Michael has been absolutely instrumental to CCA's success for several decades," said Chris. "We all wish him happy retirement."



Export outlook by industry: global growth is back

Peter G. Hall, Vice President and Chief Economist

Last week's commentary launching EDC's Global Economic Outlook emphasized that current or prospective exporters are at a decision point. In spite of continued geopolitical risks – including here in North America – and lingering structural weaknesses, our position is that a true global recovery is underway. And, if we've got it right, the conditions are ripe for these companies to seize some of these nascent opportunities. EDC's Global Export Forecast provides a sector-by-sector glimpse into where these opportunities might exist.

First the growth story. After two years of moderating growth, the global economy will post a stronger showing in 2017-2018. Developed markets (DM) have turned a corner with the majors (US, Japan, Euro Area) all posting stronger performances. More promising for Canada's exporters is that the US will accelerate further into 2018. In the emerging market (EM) space, we see an even stronger outlook. Of note in 2017 both Brazil and Russia are forecast to resume growth following two years of recession.

So, with both the developed and the emerging worlds expanding, what impact will this have on Canadian exports? 2017 was a remarkable year with 8% export growth, led by massive gains in the commodity space. Growth will taper off somewhat in 2018. Service exports growth will be more balanced, at 6% each year. The vast majority of Canada's goods exports (88%) continues to be destined for developed markets. As such, the DM growth story, led by the US, is critical to Canada's near-term exports of goods. While a much smaller 12% share, EM exports will nonetheless post very impressive 12% growth in 2017 before settling in at just 3% next year.

Now let's take it down to the sector-level as this growth won't mean the same thing for all sectors of exports. Standing at CAD 77 billion and forecast to grow by an astounding 31%, energy had by far the greatest impact on the value of Canada's exports in 2017. The intense growth will be short-lived as growth flatlines in 2018. While Alberta will experience the bulk of this growth, Newfoundland and Labrador will also reap the benefits of the Hebron project coming online.

Not to be outdone, the ores and metals sector boasts double-digit growth in 2017, propelled by stronger iron ore prices, before coming back down to earth in 2018. Canada's gold exports see good growth over the forecast period owing to increased production. Ongoing geopolitical risks, often driving up demand for gold as a 'safe haven asset', provides a boost to prices.

The only other sector group seeing double-digit growth in 2017 is Industrial Machinery and Equipment. The driving force behind this growth story is the US, which might seem surprising given many of the signals coming out of the US recently (e.g. policy uncertainty, NAFTA renegotiation, etc.). However, in spite of much of the hubbub surrounding the US, we are seeing recovering US business investment really starting to take off and this is playing out in Industrial Machinery and Equipment export numbers. Much of this momentum carries forward into 2018.

2017 will see aerospace exports climb back into positive territory with 4% growth. The sector has recently received considerable attention with the US Commerce Department imposing preliminary duties against certain Canadian aerospace exports to the US. While this decision has raised concerns within Canada (with Quebec being particularly perturbed) a final ruling is not expected until 2018. In any event, our forecast is that aerospace exports will continue growing into 2018.

The forestry sector will see export growth slowing in 2017 and 2018. On the one hand the sector is benefiting from demand coming from the US as housing starts continue climbing as economic growth gains momentum. Countering this is the ongoing softwood lumber dispute between Canada and the US which will adversely impact Canadian exports, largely from British Columbia, until a settlement is reached.

The bottom line: It's been a long time coming, but as presented in our Global Economic Outlook, global growth is back. Canada's exporters are set to continue gaining from this growth throughout 2017 and 2018. The opportunities vary sector by sector and there are many variables to consider and risks to mitigate. Our Global Export Forecast is but one tool in the Canadian exporter toolkit to provide insight and guidance and help our companies when it comes time to make those decisions

75 in 2018

For the last 75 years, the members of MHCA have played a very important role in shaping our province. Help us in celebrating this commemorative anniversary by sharing your company photos and stories. History is meant to be shared, so let us highlight your company's key memories.

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





Returning the injured to work, safely and productively

WORKSAFELY™ Back to You with Don Hurst

The heavy construction industry has seen continued success in recent years in reducing the frequency of injuries. In fact, the time-loss injury rate for our industry has dropped from 4.8% per 100 workers in 2015, to 3.3% so far in 2017.

Despite the reduction in the overall time-loss injury rate, we are seeing longer-term injuries persist, resulting in a higher average of days lost per injury.

To see the rate of days lost per injury go down, we need to be diligent as an industry in preventing longer-term disability injuries and focus further on our "back to work" procedures and programs. A well-developed return-to-work program helps injured workers stay at work, or to return to safe and productive employment as soon as health permits after an injury. The Workers Compensation Board offers information and workshops for employers wanting to develop or enhance a return-to-work program. For more information on WCB Return to Work workshops please visit <https://www.wbc.mb.ca/return-to-work-employer-info>.

Additionally, WORKSAFELY™ is working on a training workshop specific to our industry and return to work, to add to our course offerings.

KNOW YOUR WORKSAFELY™ TEAM

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

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



Lockout/tag out

Every year, workers in Manitoba are killed or seriously injured because machinery or equipment was not properly locked out.

What's the danger

Some of the most common hazards are:

- Sudden movement of machine parts
- Electric shock
- Release of pressure

How to protect yourself

Lockout is the use of a lock or locks to render machinery or equipment inoperable or to isolate an energy source.

There are four basic actions in any lockout:

- Identify all energy sources connected with the work
- De-energize, disable, redirect, or stop all energy from doing what it normally does
- Confirm that you have reached a zero energy state
- Apply restraint devices to keep the system from starting up while being repaired

Tag out is a labeling process that is always used when lockout is required.

This involves attaching or using an indicator that includes the following information:

- Name of authorized person who attached the tag and lock to system
- Authorized person's place of employment
- Why the machine or system is locked out – repair/maintenance
- Date of when the lock/tag was applied

An organization will have a lockout program and as many sets of work instructions as required depending on the number of systems that require lockout.

Remember...

Don't take chances. When in doubt, lock it out.

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

TO REGISTER,
PLEASE CONTACT:
Kristen Ranson
kristen@mhca.mb.ca

WINNIPEG - MHCA Office 3-1680 Ellice Ave.

October 2017

- 16-17 COR™ Leadership in Safety Excellence
- 18 COR™ Principles of Health & Safety Management
- 19-20 COR™ Auditor
- 23 Excavating and Trenching 1/2 day AM

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 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
- 18 COR™ Auditor Refresher 1/2 day AM

BRANDON - St. John Ambulance Shoppers Mall, 1570 18th St.

October 2017

There is no training for this month

November 2017

- 23 Flagperson 1/2 day AM
- 23 Committee/Representative 1/2 day PM
- 27-28 Traffic Control Coordinator
- 29 Train the Trainer

December 2017

- 4-5 COR™ Leadership in Safety Excellence
- 6 COR™ Principles of Health & Safety Management
- 7-8 COR™ Auditor



You're invited to attend
our next COR™ meeting!

AGENDA:

- WORKSAFELY™ Update:
 - substance abuse in the workplace
 - WSH Act/Regulation review
 - COR™ as a condition of contract
- Workplace Safety & Health Update
- SAFE Work Update

DATE: November 8, 2017
WHEN: 8:00 am - 9:30 am
WHERE: Brandt Tractor Ltd
 3700 McGillivray Blvd, Winnipeg,
 Manitoba

Please RSVP on or before November 1 to
Kristen Ranson; kristen@mhca.mb.ca



A newsletter for contractors
and safety supervisors
in the heavy construction
industry.

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Construction Safety Excellence™



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Awards Breakfast & Annual General Meeting

Sponsored by: Manitoba Infrastructure



Friday, November 17, 2017 8 am - 11:30 pm
RBC Convention Centre, York Ballroom 2

Minister's Greeting: Honourable Ron Schuler,
Minister, Manitoba Infrastructure

Tickets: \$49 +GST (per person)

Awards, Year in Review, Membership and Future Priorities presentations

No. of tickets: _____

Annual Chairman's Gala

Friday, November 17, 2017

An Enchanted Forest

RBC Convention Centre – York Ballroom

Cocktails 6:30 pm

Dinner 7:30 pm

All Inclusive Tickets \$210 ^{+GST} per person

Winnipeg

Tickets available as individual or tables of 10

No. of tickets: _____

Company: _____

Contact Person: _____

Phone: _____

Please Invoice: _____

Credit Card #: _____

Exp. Date: _____ **3-Digit Security Code:** _____

Card Holder Name: _____

Signature: _____

Delta Winnipeg, reservations: 1-844-294-7309 - room rates starting at \$135

Quote: Manitoba Heavy Construction Association

Fill out this form in full and fax to Christine Miller at the MHCA office at 204-943-2279 or email christine@mhca.mb.ca. To request a special meal, to accommodate any food allergies and/or dietary restrictions, please call or email Christine at 204-947-1379.