

## **Presentation to the WHSCC Independent Review Panel**

The Construction Association of New Brunswick (CANB) is a federation of the province's six industrial, commercial and institutional (ICI) construction associations. They are:

The Moncton Northeast Construction Association

The Saint John Construction Information Centre

The Fredericton Northwest Construction Association

The Electrical Contractors Association of New Brunswick

The New Brunswick Roofing Contractors Association

The Mechanical Contractors Association of New Brunswick

With some 600 contractors, suppliers and associate members, CANB is the construction industry's largest association, and also represents a far greater percentage of its sector of the industry than any similar association.

CANB wishes to begin by stating its belief that New Brunswick's WHSCC is one of the best run commissions in all of Canada. Rather than require significant changes, only slight modifications are recommended to insure that New Brunswick retains this distinction.

### **Improving Construction Safety**

Construction set the safety ideal for all other provincial industries when it established the NB Construction Safety Association (NBCSA). In its few years of existence it has issued over 60,000 certifications to industry workers and managers; making it the industry's greatest success story. The Construction Association of New Brunswick and its 6 member associations would like to raise the safety bar even higher by carrying out a review of the Occupational Health and Safety Act with the goal of recommending changes that would make it more applicable to construction. Currently, the Act is more suitable for the manufacturing sector and has some flaws when applied to construction.

It is our belief that CANB and the NBCSA can work together to produce a set of recommendations which will increase safety in the unique environment of the construction site. We are not asking for any WHSCC resources to carry this out; only for your approval to initiate the exercise.

### **Statistical Analysis**

The Construction Association has addressed this concern before, but little progress has been made in providing the industry with the statistics it needs to better target its safety initiatives and

training. It has long been our contention that a better reporting relationship would improve safety and enable the industry and the WHSCC to further raise the safety bar. Take for instance the recent dispute over the fall arrest legislation. If the WHSCC had provided information on the number and types of roofing accidents, this Association believes it would have been easier to achieve industry acceptance.

CANB also suspects that, if the WHSCC collected more detailed statistics on construction accidents, they would show that the residential sector has a significantly higher rate of accidents. This is important because, if the residential sector is having more frequent accidents, while ignoring safety training, then they are keeping the assessment rates higher than they should be. In fact, of the 60,000 certifications issued by the NBCSA we believe less than 60 (0.01%) have gone to this sector. Construction workers know whether they were injured on a residential, commercial or industrial site and could easily provide that information.

By collecting and maintaining more detailed statistics, the WHSCC would benefit by better knowing where to place its education, public relations and enforcement activities. For example, why send thousands of dollars running a TV commercial showing accidents on industrial and commercial construction sites, if most of the accidents are happening in the residential sector?

### **Enforcement Activities**

The WHSCC must better target its enforcement activities on the sector of the construction industry which is having the most accidents. It is no coincidence that this is the same sector which is refusing to take part in safety training.

Actually, current WHSCC enforcement activities seem to run in direct opposition to what is taking place with safety training. The industrial sector of construction has embraced safety training to the greatest degree and yet has the most frequent inspections; and the commercial sector has the second highest concentration of safety training and is the next focus of enforcement activities. Finally, you have the residential sector which is virtually ignoring safety training and yet these contractors seldom if ever see a WHSCC inspector.

CANB understands that a pilot inspection program was targeted at the residential sector this year and that the single inspector hired could not keep up with the volume of infractions which were witnessed. It is our understanding that the inspector recommended more attention be given to resident inspections and we fully support that action. It is unfortunate, but also apparent, that enforcement is directly linked to the amount of safety training and the only way to encourage safety training in the residential sector is to increase the frequency of inspections.

### **Appeals Tribunal Concerns**

The primary concern of the Association deals with the timeframes for hearing appeals. In our opinion, they need to be shortened and this can best be accomplished by increasing the number of hearings and recruiting the necessary adjudicators.

The Construction Association applauds the Tribunal's efforts to ensure that the adjudicators are both neutral and impartial; however, it believes their training on how to apply the policies of the WHSCC needs to be increased. CANB also believes that the selection of these panellists should be solely between industry and the WHSCC, without any political input.

### **Consultation Process**

The Construction Association has been pleased to supply volunteers to WHSCC technical committees, but has a concern over the consultation process. What has been reported to the Association is that these technical committees produce a set of recommendations that are sometimes modified, by either the WHSCC Board or staff, and that after these changes are made they are often not shared with the original committee. This leaves the technical volunteers in the awkward position of not being able to accurately report back to their associations the final results of their work. Unfortunately, there have also been occasions when these changes are counterproductive in that they are not functional in certain industries or the true goal of the recommendation was clouded by wording more familiar to lawyers than to the average employer.

The Construction Association would like to recommend that the technical committees complete their work and those recommendations be reviewed by the Board & staff. If changes are then made, those changes are then shared with the Technical committee and if they have any concerns those are reported to the Board. Then the recommendations should be drafted into legislative language and finally, this final product be shared with the stakeholders. If after the stakeholders meetings, there are any changes required then these changes are again taken to the Technical committee and finally back to the Board.

### **SIC Codes**

The SIC codes for construction companies need to be reviewed and determinations made as to whether a company truly qualifies for that code. The process to accomplish this may require tightening of code criteria, but should be beneficial to all parties on the long-term.

### **Lead by Example**

The Construction Association constantly delivers the message that it is important to use contractors with WHSCC coverage and the Commission should be duplicating this effort. Instead, the WHSCC allows its injured clients to hire contractors without coverage for their workers. Most of the work maybe small jobs like wheelchair ramps, but the WHSCC is providing the direct reimbursement.

This industry is one of the largest contributors to the WHSCC and, in the opinion of contractors, they help pay for these ramps and other renovations. It is therefore difficult for them to accept that the WHSCC is fostering the growth of the underground construction economy. It also seems to them to be in direct conflict with the goals of the WHSCC.