

Construction Legislative Review Committee

Terms of Reference – 2015 – Final Draft

Mission Statement:

As a standing sub-committee of the Provincial Labour Management Health and Safety Committee (PLMHSC), the CLRC will co-ordinate and oversee among construction stakeholders the review and development of changes to the Occupational Health and Safety Act and related Construction regulations with the goal of reducing or eliminating occupational injuries and illnesses.

Operation – General

- 01.** The CLRC will be a Standing Committee of the PLMHSC.
- 02.** The CLRC will operate on a consensus basis between Labour and Management members with input from Ministry of Labour representatives.
- 03.** The Committee will receive, through the PLMHSC, items of a regulatory nature from the Network, Industry or the Ministry of Labour and through discussion and assessment will decide on a course of action.
- 04.** If the course of action is to propose a regulatory change to the Minister of Labour, then the CLRC will strike a Working Group (WG) and appoint the Labour and Management members, canvassing the IHSA Labour-Management Network, Construction Industry and related organizations for volunteers. The MOL will appoint, at its discretion, its representatives to support the Working Group. CLRC will provide the Working Group with a mandate and timeframe within which to proceed with the development of recommendations for regulatory change. The CLRC acknowledges that Working Groups will convene based on priority and availability of members, MOL and IHSA representatives. The CLRC will undertake to ensure the necessary resources are made available to the WG.
- 05.** The CLRC is Bipartite, with representation from Labour and Management. Ministry of Labour provides input to the Labour and Management representatives on the Committee..
- 06.** The Committee shall be co-chaired by the PLMHSC co-chairs representing Labour and Management.
- 07.** The Committee shall meet a minimum of 2 times per year

- O8.** At least 3 representatives from labour, 3 representatives from management and at least 1 representative from the Ministry of Labour shall be required to be present in person or by teleconference to achieve a quorum.
- O9.** Meetings may be called by the co-chairs to address unexpected issues or to address urgent matters

Composition

The composition of the Construction Legislative Review Committee shall be as set out below:

Membership Table

Labour (6 Members)	Management (6 Members)	MOL (non-voting) (2 or 3 Members)	Observer (non-voting)
<ul style="list-style-type: none"> • Labour Co-chair of PLMHSC • 5 Others 	<ul style="list-style-type: none"> • Mgmt Co-Chair of PLMHSC • 5 Nominated by COCA/RESCON/OHBA 	<ul style="list-style-type: none"> • Policy • Operations 	1- Prov. Build. & Const. Trades Council 1- Mgmt 1- IHSA

- C1.** 6 members representing construction management, consisting of the Management Co-chair of the PLMHSC and 5 other voting members representing construction Management nominated by COCA (the Council of Ontario Construction Associations), RESCON (the Residential Construction Council of Ontario), and OHBA (the Ontario Home Builders Association)
- C2.** 6 members representing construction Labour, consisting of the Labour Co-chair of the PLMHSC and 5 other voting members representing construction Labour
- C3.** MOL - up to 3 representatives (non-voting)
- C4.** 1 observer representing the Provincial Building and Construction Trades Council
- C5.** 1 observer representing construction management organizations
- C6.** 1 observer representing IHSA
- C7.** IHSA will act as the secretariat for the committee and provide administrative support, meeting space and a system for communication among the committee, the Network, the Industry and the MOL.
- C8.** Organizations nominating or appointing representatives to the CLRC must be represented at the PLMHSC, however, the persons named to represent them are not required to be members of the PLMHSC.
- C9.** The members representing construction Labour and Management will have terms of 2 years.

- C10.** Each member from both Labour and Management shall appoint an alternate, approved by the body who appointed them, to attend meetings when members are not available. The alternates shall be deemed to make decisions on behalf of their appointing members as if the appointed member were present.
- C11.** There is no limit on the number of terms for which members can be appointed.
- C12.** A member may be removed for cause by resolution of the Committee. “Cause” may include, without limitation, failure to attend at and participate in 50% of the annual schedule of meetings over a 2 year period (sending an Alternates does not constitute “attendance” by the individual) as the Committee, or the appointing body may determine, from time to time, in its discretion. IHSA to notify the offending member and sponsoring organization.

Decision-making

- D1.** The Construction Legislative Review Committee will normally operate on the basis of consensus between Labour and Management representatives. For the purposes of this committee, consensus is defined as no member opposes a final decision of the committee.
- D2.** The committee may establish Working Groups if directed by the Ministry to consider or develop proposed regulatory changes or health and safety recommendations.

Role of Provincial Labour Management Health and Safety Committee (PLMHSC)

- P1.** Retains Section 21 committee status.
- P2.** Ensures that submissions for regulatory change emerging from the Network are supported by needs analyses and other information as required by the CLRC.
- P3.** Forwards to the CLRC all completed submissions received. If a proposal is being re-submitted to the PLMHSC **within** 24 months of being rejected, the submission must include and identify substantive change to merit a new review. If a proposal is re-submitted **after** 24 months of being rejected, it could be forwarded to CLRC without further changes.
- P4.** Communicates to the Network the CLRC’s recommendations, as supported by PLMHSC, regarding the Network’s submissions for regulatory change.
- P5.** Where PLMHSC agrees with CLRC recommendations to form WGs, the PLMHSC will notify the Network to seek volunteers to participate on the WGs.

- P6.** Maintains a register of the status of the issues being handled through the CLRC and shares it with MOL.
- P7.** Receives from the CLRC proposed draft regulatory changes developed by a CLRC-WG and sends them to the Network for review and comment, if appropriate. Collects the comments from the Network and provides them to the CLRC, for consideration by the CLRC-WG.
- P8.** Receives from the CLRC a copy of any finalized proposed regulatory changes (incorporating the Network's review and comments) with the CLRC's consensus endorsement, and forwards them to the Network for its information. Forwards decision or status of specific comments to those who submitted comments.
- P9.** Reviews and if supported by its members, endorses the CLRC's finalized proposed regulatory changes and forwards them, under signature of the PLMHSC as a section 21 committee, to the Minister of Labour for consideration of implementation.

Role of CLRC (Bipartite – Labour, Management) Standing Committee of the PLMHSC

- CLRC 1.** CLRC reviews and develops recommendations for occupational health and safety requirements for consideration by the PLMHSC. It undertakes review of Needs Analysis submissions and makes recommendations to move proposals forward to a Working Group, reject proposals, request further information from submitter(s), or accept change as received (where simple regulation change requested).
- CLRC 2.** In consultation with the PLMHSC and other organizations, establishes priorities on regulatory submissions.
- CLRC 3.** Oversight of Working Groups:
- Ensures adequate and appropriate representation on Working Groups, through appointment from the Network and Industry as required.
 - Provides list of WG members to the PLMHSC for review
 - Reviews the output of the WGs to ensure they work within their mandate and keep on track to achieve the assigned goal within the established timeframe.
 - Ensures the Network and Industry resources are engaged throughout the regulatory change development process.
 - Ensures the CLRC-WG's product in the development stage goes to the Network via the PLMHSC for comments at the appropriate time and that comments from the Network go to the CLRC-WG.

- Ensures that comments resulting from the Network's review are addressed and documented by the CLRC-WG.
- Provides status reports to the PLMHSC regarding issues being addressed by the CLRC and WGs.
- Receives and reviews the CLRC-WG's finalized proposed regulatory changes and where possible, provides consensus approval.

CLRC 4. Upon reaching consensus on the CLRC-WG's finalized proposal and ensuring all the Network's comments have been addressed and documented, forwards a copy of the finalized proposed regulatory changes to the PLMHSC for their consideration and furtherance to the MOL. Additionally, CLRC will provide a list of outstanding issues not incorporated into the final proposal, together with the rationale for their exclusion, to the PLMHSC for its consideration. Once approved by consensus, the PLMHSC will forward the finalized proposal to the Minister of Labour for consideration under section 21 and to the Network for information.

CLRC 5. If consensus has not been achieved at the CLRC, the matter shall be forwarded to the PLMHSC for further deliberation and direction including details on issues preventing consensus.

Role of Ministry of Labour

- MOL 1.** Provides resources and personnel to participate on the CLRC and, at the Ministry of Labour's discretion, to WGs.
- MOL 2.** Presents proposals for regulatory change or proposed regulatory amendments for review by the PLMHSC
- MOL 3.** Provides policy, operational and technical support and guidance to the CLRC, WGs and PLMHSC during the development of draft regulatory proposals at the MOL's discretion.
- MOL 4.** May provide data support, where possible, to the CLRC and WG.
- MOL 5.** Provides input to the CLRC on composition of Working Groups, organizations/stakeholders to be consulted in priority setting, and review of proposed regulatory changes.
- MOL 6.** Communicates its support or concerns regarding WG proposals for consideration by the PLMHSC and Network as appropriate.

CLRC Working Group (Bipartite – Labour, Management) plus other resources as required, e.g. technical experts such as engineers).
(Sub-Committee(s) of the CLRC)

- WG1.** Appointed by the CLRC for a term as required to complete the task.
- WG2.** Reviews and provides industry input into proposals for regulatory change according to the CLRC's directions.
- WG3.** Improvement to worker health and safety is the primary focus of the Working Group
- WG4.** When reviewing proposals for regulatory change from Needs Analysis submissions, the WG shall consider the subject of change and suggested means of accomplishing improvements, however, it is not strictly bound to the recommendations outlined in the proposal to accomplish the improvement(s)
- WG5.** Creates a work plan to complete review and recommendations on proposals within 12 months of being assigned the task. If further time is required, WG shall provide CLRC with amended workplan to complete task.
- WG6.** During review of proposals and development of recommendations, WG members shall maintain confidentiality of member discussions and positions to promote open and engaged members. Members shall conduct themselves in a professional manner and respect the opinions of other members.
- WG7.** If WG determines it needs to go beyond original scope of the needs analysis, it must seek approval from the CLRC of the variance. The intent is for the CLRC to clearly understand any implications and be provided the rationale for going beyond the scope.
- WG8.** Engages the Network
- Since most, if not all, members come from the Network, a WG contains the intelligence of the network or, where necessary, will seek out the required information.
 - Meets with key Network committees, if necessary,
 - Documents key input comments from the Network and tracks why they were/were not incorporated into the draft regulatory changes.
 - Ensures the Network and Construction industry resources are engaged throughout the regulatory change development process.
 - Liaises/communicates with the CLRC through periodic reports.
 - Makes available WG members to present consensus proposal to CLRC in advance of moving proposal to PLMHSC for Network review.

- WG9.** End product is a draft regulatory proposal (in regulatory language or in plain language indicating intent of change) suitable for submission to the Minister of Labour for consideration and is forwarded to the CLRC for final review, together with the Network's documented comments. Where the WG feels means other than regulatory changes are recommended to accomplish the improvement to worker and workplace health and safety, it shall provide the recommendations to the CLRC.

Labour Management Network (Network)

- LM 1.** On an ongoing basis, assesses items of regulatory issue and forwards to the PLMHSC, complete with "needs analysis" documentation, for consideration by the CLRC.
- LM 2.** Potential source of membership for the CLRC working Groups.
- LM 3.** Provides review & comment on draft regulatory proposal when requested.
- LM 4.** Provides, as a resource Trade and Regional H&S committee(s) time to review regulatory change with WG.
- LM 5.** Receives from the PLMHSC status reports on the CLRC's activity and progress.
- LM 6.** Receives from the PLMHSC for information, the finalized proposed draft regulatory changes that were forwarded to the Minister of Labour for consideration.
- LM 7.** Reports to its stakeholders on activity and progress of the CLRC.