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WINTER 2016

The quarterly publication of Ontario Road Builders' Association



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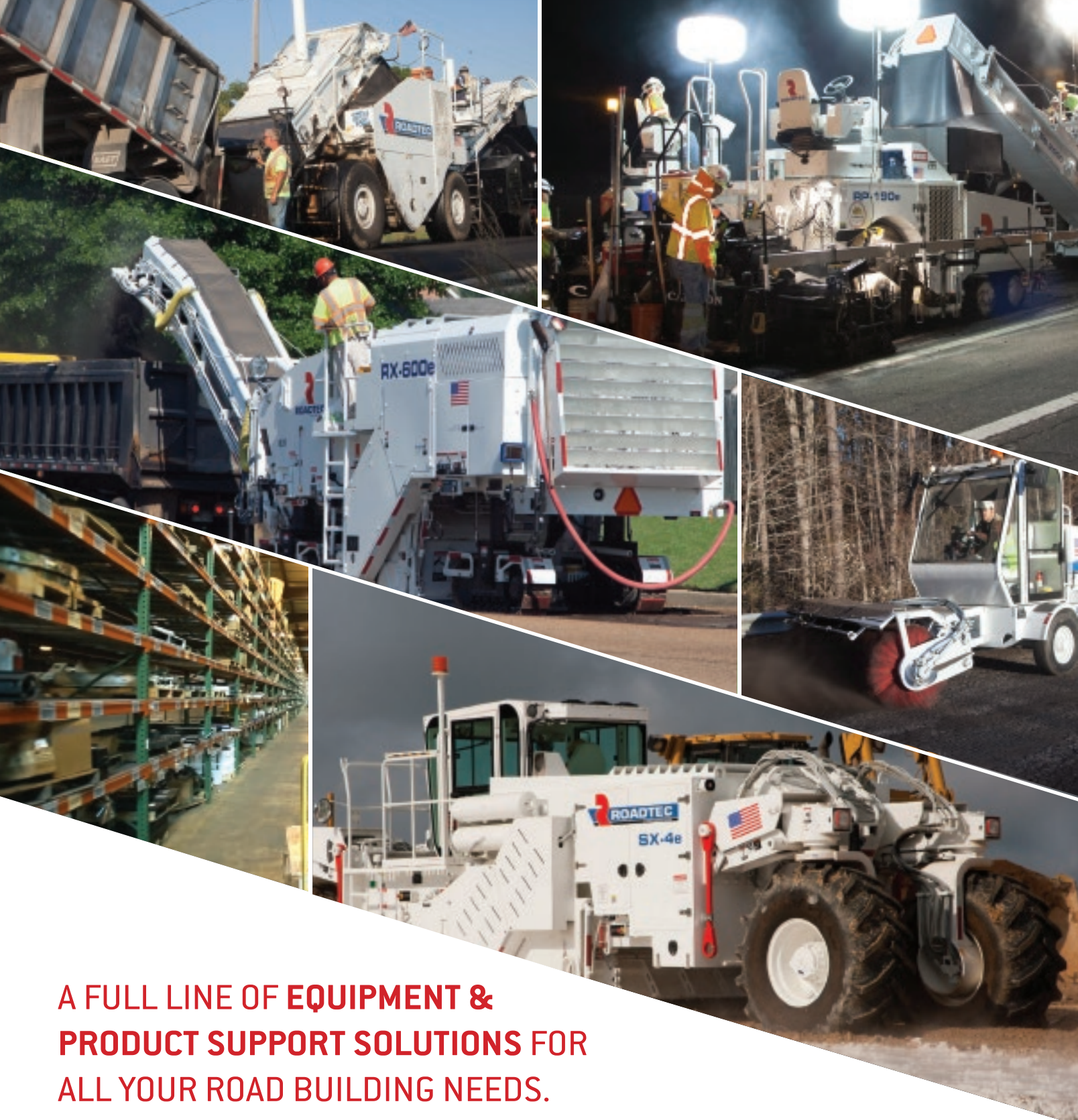


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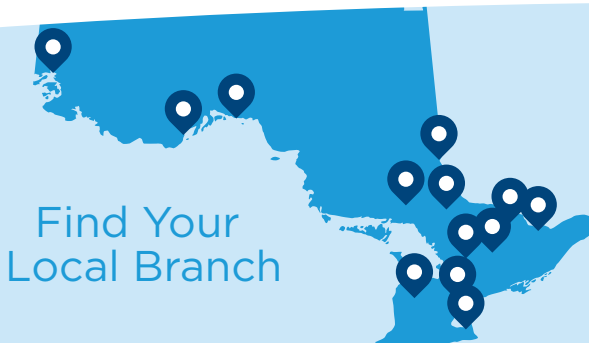
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# EXECUTIVE DIRECTOR'S MESSAGE

## A Year for the Books



by **GEOFF WILKINSON**  
Executive Director

Last year was a contentious one for many, but closer to home, 2016 was among the most important in ORBA's history.

Of course, 2016 was the year that ORBA made its amalgamation with the Ontario Hot Mix Producers Association (OHMPA) official in an overwhelming positive membership vote. Our next steps will be to lay the foundation for that union when our two organizations come together in January 2017. OHMPA's history of excellent work in marketing asphalt, focusing on quality and providing technical expertise, will continue on through the new council structure. As one association we will have a stronger industry voice. Read more about the amalgamation between the two associations in our cover story on page 12.

This past year has also been one for new directions. Our freshly drafted strategic plan outlines six core objectives for the association in the coming years. They include our intent to amalgamate or form partnerships with affiliated associations to more effectively represent the transportation infrastructure industry, grow our memberships and industry coverage, raise the profile of ORBA through broader government advocacy, increase government investment in transportation infrastructure, provide effective and relevant services to our members, and review the roles of board and staff to align with the strategies. We have detailed steps to meet these goals, but they involve an "all hands on deck" approach.

Speaking of new directions, ORBA recently revealed a new logo which better reflects our association's vision and role within the industry. You will start to notice this new logo on our letterhead, website, and other communications.

ORBA's "Site Unseen" campaign won the Canadian Association of Marketing Professionals (CAMP) award and has generated impressive metrics across the board. Winning CAMP's award is an honour, but I'm sure everyone agrees that if the campaign influences driver behaviour enough to save just one life or prevent one injury, that will be the true measure of its success.

As you'll find in this issue, ORBA also has its sights facing forward. Our 90th Convention kicks off on February 6, 2017, and we have guests and plans that are sure to make this year's attendance numbers eclipse 2016's record head count. We are also working hard on an Alternative Finance Procurement (AFP) symposium, an asphalt quality roundtable, as well as an exciting Road Building Academy.

Last but far from least, the 2017 federal budget is just a few months away. ORBA is advocating strongly to build the government's focus on transportation infrastructure - especially on our highways, roads, and bridges.

A historic year is behind us, but there are plenty more chapters to write. To all those who have joined us for the journey, we thank you and look forward to breaking new ground in 2017.



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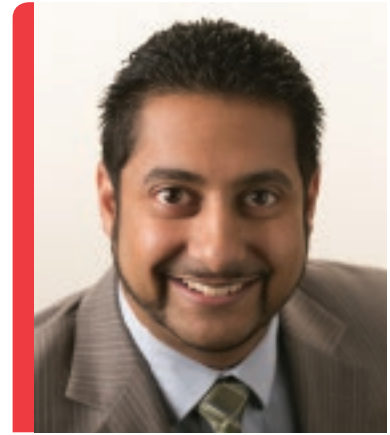
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# AROUND QUEEN'S PARK

**W**ith 2016 behind us, ORBA has been tracking a number of developments that will have an impact on the road building industry for 2017 and beyond.

First are the implications from the Ontario government's fall economic statement, released on November 14 by Finance Minister Charles Sousa. It forecasted an average yearly GDP growth of 2.2 per cent from 2016-2019, claimed balanced budgets for this year and next, and revealed a provincial budget deficit of \$4.3 billion between now and 2017, which Sousa said was in line with the province's 2016 budget forecast.

More relevant to our industry, however, was the statement's assurance that Ontario is on track to meet its \$5.7 billion multi-year asset optimization target. This will include crediting \$3.4 billion to the Trillium Trust from the



by **ASHLEY DE SOUZA**  
Director, Government Relations

net revenue gains from the sale of Hydro One shares in 2015 and sales of the LCBO head office lands in June 2016.

Optimistic as the economic statement appeared, ORBA remains no less aware of the ongoing issues that are making our members feel otherwise. Particularly, we have heard your concerns over industry slowdowns and the lack of tenders coming out for all levels, and recognize this is creating anxiety for industry players. We also know it's not enough to wait until March for answers, which is why we are in conversations with MTO staff and government officials. Our goal is to get clarification on why the slowdown is occurring and take real actions to address it.

## BUDGET 2017

Budget season is also taking up a lot of focus at ORBA's office. Over the next three months, we'll be addressing the MTO's aforementioned underspend and promoting the need for early tender calls in 2017 (look for our advocacy paper on tender calls to be released in January 2017).

We will also be spending the coming weeks making a strong case for infrastructure investments. That means reaching out to like-minded industry stakeholders, conducting group polling, and engaging in meaningful conversations with our municipal partners. We know that phase 2 of the Federal infrastructure program is slated for release in the next budget, and we'll be working to help the government understand the need to invest in our roads, highways, and bridges.

## COLLEGE OF TRADES

This November, the government proposed amendments to the Ontario College of Trades and Apprenticeship Act. They are, in summary:

- The College of Trades Appointments Council is continued as the College of Trades Appointments Council and Classification Roster.
- A classification panel may determine which practices within the scope of practice for a compulsory trade

A yellow advertisement for BEC Equipment. At the top left is the BEC EQUIPMENT logo. To its right is the Wacker Neuson logo with the slogan "all it takes!". Below these are the words "Sales - Parts - Equipment Repairs" and the website "www.becequipment.ca". The main heading is "Wacker Neuson Warranty Centre". Below this is a row of three images: a yellow skid steer loader, a yellow skid steer loader with a bucket, and a yellow excavator. Below the images is the text "Renting Loaders, Skid Steers &amp; Excavators". Underneath that is "Free 5 year warranty on Hydraulics &amp; Powertrain on Excavators" and "In shop or on site service work available". Below that is "Factory trained technicians". At the bottom left is a logo for "We Stock JCB Parts" with "JCB &amp; Case Ase parts &amp; Rebuilding" below it. To the right of this is an image of a yellow JCB part. At the bottom are logos for HONDA ENGINES, ISUZU REDTECH, KOHLER ENGINES, HATZ, Perkins, and YANMAR. At the very bottom is the phone number "(905) 670-7678" and the address "1780 Bonhill Road Mississauga ON".

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should constitute engaging in the practice of the trade for the purpose of enforcing the Act.

- Provisions be set out as to how trades may be referred to a classification panel and the procedures that apply upon a referral and addresses other related matters.
- A new part is added to the Act providing for the issuance of notices of contravention requiring a person to pay an administrative penalty. The Part sets out factors that must be considered before a notice of contravention may be issued, such as the risk of harm to the public and other persons, and the scopes of practice of relevant trades. A person who receives a notice of contravention may apply for a review of the notice by the Ontario Labour Relations Board. Provisions are included regarding the conduct of a review and the enforcement of an administrative penalty.
- Provision that requires that the Ontario College of Trades establish a compliance and enforcement policy and a Compliance and Enforcement Committee to advise the Board on addressing compliance and enforcement issues in respect of matters within the jurisdiction of the College.

## HEALTH AND SAFETY AMENDMENTS

Amendments have also been introduced for the Occupational Health and Safety Act. They propose that the Chief Prevention Officer be given the power to accredit health and safety management systems and to give recognition to employers who use accredited health and safety management systems. The Chief Prevention Officer may also establish standards and criteria that must be met by health and safety management systems or employers in order to receive accreditation or recognition.

## CLEAR AND CONCISE

For 2017, this needs to be the year we break through the rhetoric and enact real change. That means getting to the heart of government announcements, identifying where the money is, where it's being spent, and turning real dollars into real projects. For ORBA, it's also about ramping up our advocacy efforts with public sector owners like the MTO, Metrolinx, and municipalities to meet those objectives.

This drive for clarity will be a central theme at our 90th Convention and Annual General Meeting next month. I will be personally sharing updates on all of these issues, and there are a number of speakers and presenters who are eager to share their own perspectives. We will have plenty to discuss, so I look forward to joining our members in those conversations. ■

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BY RICHARD WOODBURY

# JOINING FORCES

## ORBA AND OHMPA UNIFY TO BENEFIT ALL



**T**he amalgamation of the Ontario Road Builders' Association (ORBA) and the Ontario Hot Mix Producers Association (OHMPA) has long been a popular topic of conversation among members. The idea has been kicked around for more than 20 years, but it wasn't until two years ago that a concrete - or should we say asphalt - action plan began to be put together. Blair MacArthur, ORBA past president, dug into the idea and set the wheels in motion.

It's pretty clear there was an appetite for the amalgamation. "It was widely supported, just about unanimous on both sides. I think that speaks to the desire

At back (left to right) Vince Aurilio, OHMPA Executive Director, and Donn Bernal, OHMPA President and General Manager at Yellowline Asphalt Products Ltd.

At front (left to right) Allan West, ORBA President and Vice President at K.J. Beamish Construction Co. Limited; Rick Logozzo, OHMPA Secretary and General Manager, Central Region at Coco Paving; and Geoff Wilkinson, ORBA Executive Director and Secretary.

of the two groups to get together and that it's beneficial for both organizations. It speaks to the willingness to make it happen successfully," says ORBA president Allan West. The amalgamation vote took place on October 31, 2016, while the amalgamation will take effect January 1, 2017.

There are many reasons why unifying ORBA and OHMPA make sense. On a simple level, there's a natural flow between what its members do. While OHMPA members are focused on producing asphalt, ORBA members take that asphalt and build Ontario's roads. As well, both groups are committed to building longer lasting and sustainable roads.

There's also considerable overlap between the membership base of the two groups. As noted in a business plan that was jointly prepared by ORBA and OHMPA, along with the assistance of Collins Barrow LLP, 67 per cent of OHMPA members are also ORBA members. On the flip side, 38 per cent of ORBA members are OHMPA members.

By combining, the groups will have a more unified and stronger voice for the industry as a whole. "I think the outcome is it's going to be a more effective, more efficient, stronger association where we get more done on behalf of our members," says Geoff Wilkinson, ORBA's executive director.

Looking at the value of the merger, West points to an example that was given to him by a consultant who is an expert on association mergers. The consultant said the largest trade group for the restaurant industry in the U.S. meets with the American president on a quarterly basis. "It's clear bigger is better when it comes to being influential," says West.

ORBA is viewed as a leader in government relations and advocacy. Being successful at advocacy and government relations requires an association to set up meetings with politicians, bureaucrats and get the right people in the room to work to resolve issues to resolve issues, challenges and opportunities an industry is facing. "The

"The promotion of quality in asphalt production and paving will lead to higher construction quality and operational efficiencies for ORBA members..."

- ORBA and OHMPA joint business plan



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amalgamated entity will speak for a larger group and more actively advocate for the industry as a whole, resulting in more wins for the industry," says the business plan.

Having this unified voice will also help streamline relations with industry stakeholders. For example, the traditional process regarding specification consultations has been a rather confusing one. While OHMPA deals directly with the Ministry of Transportation (MTO) on this, ORBA is viewed by MTO as the go-to association for specification reviews, changes and contractual matters. OHMPA would work through ORBA to ensure alignment between technical and contractual specifications. "Amalgamation is expected to improve this process enabling OHMPA to address technical and contractual items related to specifications," says the business plan. "Furthermore, ORBA, OHMPA and other associations have not been consulted on some important specification changes where the MTO has inadvertently circumvented this process. Having a formal consistent structure for consultations will also result in better specifications for the industry." Besides provincial authorities, there are also multiple municipalities and federal government ministries and agencies that ORBA must work with.

This streamlined approach should mean that ORBA is able to promptly have discussions with industry stakeholders about any issues that need to be addressed, as well as provide its feedback. "We can get things moving ... much quicker," says Donn Bernal, OHMPA's president.

Better specifications could also lead to more business for ORBA members. "The promotion of quality in asphalt production and paving technique will lead to higher construction quality and operational efficiencies for ORBA members and also potentially provide efficiencies to government operations which in an ideal scenario would allow government to spend savings on maintenance to construction projects," says the business plan.

Given the myriad of stakeholders both ORBA and OHMPA would have met with prior to amalgamation and considering the overlapping membership base between the two groups, West says it was a frequent occurrence that an ORBA delegation would meet with a stakeholder such as MTO and later an OHMPA group would meet with the same stakeholder, or vice versa. He says it was a common occurrence that the same people would be representing the two groups in these meetings. Not only will the amalgamation reduce the number of meetings, it will free up volunteer time for members.

## A merger told through numbers

**\$158,000**

expected operating expense savings generated from the amalgamation.

**\$53,000**

amount of increased revenues expected from expanding the membership base of the combined association.

**10.3%**

amount members will save due to the consolidation of fee structures between ORBA and OHMPA.

**67%**

amount of OHMPA's active members that are also members of ORBA either as contractors, associate members or municipal contractors.

**38%**

amount of ORBA active members that participate in OHMPA as a producer, associate or AC supplier.

**21**

number of committees that ORBA and OHMPA had prior to the amalgamation.

**41%**

amount of committee seats held by companies that are members of both ORBA and OHMPA.

**75%**

ORBA's board of directors is made up of 26 people. About three-quarters of them are also members of OHMPA. Similarly, nearly all of OHMPA's board of directors come from companies that are also members of ORBA.

Source for all stats: The Proposed Amalgamation of Ontario Road Builders Association and Ontario Hot Mix Producers Association Preliminary Business Plan.  
Author: Collins Barrow LLP.



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The existing level of cooperation ORBA and OHMPA have enjoyed shows off the strong relationship the groups have long had. "With the road builders, we're almost like brothers already," says Bernal. He says the amalgamation will allow for increased government relations and advocacy work with municipalities that should result in more wins for the industry and more municipal contractor members.

Another benefit of amalgamation will be reduced overlap. For example, prior to amalgamation, both ORBA and OHMPA each had a technical committee, environment committee and membership committee. Not only that, but many members of both organizations sat on the same committees for both organizations. "Ultimately, there's a lot of duplication between

the two groups. A lot of our members are also ORBA members. We wanted to avoid some of that duplication in work and level of effort at various levels like committees," says Vince Aurilio, OHMPA's executive director.

The amalgamation will also result in expanded programming, events and activities. This will mean more education and networking opportunities, including a summer social, golf tournament and convention. Besides forming tighter bonds with colleagues, it should also be good for the bottom lines of member companies. "They're going to have a broader group of members that they can share their expertise and company with," says Bernal.

There are also financial benefits behind the amalgamation, both for members and the association. For

most members, amalgamation will result in a consolidated base fee that will allow them to save up 10 per cent on fees. For the association as a whole, savings of \$158,000 for operating expenses are expected, while revenue is expected to increase by \$53,000 due to an expanded membership base that will be able to take part in more events, the business plan predicts.

Despite the similarities between ORBA and OHMPA, the amalgamation will respect their differences. "OHMPA members made it clear they wanted to keep a certain amount of autonomy, to continue to promote the value of asphalt and that's something through the discussions around amalgamation we were able to carve out," says Wilkinson.

The two organizations are amalgamating via an incorporation

## Finding inspiration in another amalgamation

Before the amalgamation vote on Oct. 31, 2016, a lot of ground work was laid to get ready for this day. One of the key things that had to be done was to determine what the amalgamation between ORBA and OHMPA should look like.

Luckily, there was a model that was discovered that could be looked at with interesting similarities, that of the New York Construction Materials Association (NYMaterials). According to its website, this trade association represents the business and regulatory interests of member companies, which are producers of hot mix asphalt and ready mix concrete and construction aggregate (sand, gravel and crushed stone).

In 1999, NYMaterials was formed through a consolidation of the Empire State Concrete and Aggregate Producers Association and the New York State Asphalt Pavement Association.

Fast forward to about two years ago and former ORBA president Blair MacArthur spent time speaking to the president of NYMaterials about how that amalgamation was implemented to get an understanding of what it would take to unite ORBA and

OHMPA. These efforts by MacArthur helped pave the way.

From there, both ORBA and OHMPA sought the advice of independent legal counsel. Both parties also jointly retained Collins Barrow LLP as a strategic consultant to help prepare a business plan for the amalgamated company that explained the rationale behind an amalgamation.

"The mission, vision, and strategic priorities of both associations are complementary - whereby the growth of the road and transportation infrastructure construction sector including in the form of new projects and revenue opportunities will lead to more business opportunities for members of ORBA and OHMPA," says the business plan. "Conversely, the promotion of quality in asphalt production and paving techniques will lead to higher construction quality and operational efficiencies for ORBA members and also potentially provide efficiencies to government operations, which in an ideal scenario would allow government to spend savings on maintenance to construction projects."



model where OHMPA amalgamates into ORBA, but OHMPA retains a certain amount of independence as a separate council.

Bernal says it was important that OHMPA not lose its voice by joining the larger ORBA. "It's going to be a great benefit for us. I look forward to working with them."

The governance structure will be set up so that Ontario Hot Mix Producers Council will report to the ORBA board.

As a road-building organization that is not exclusive to working with just one type of material, Wilkinson says ORBA will be maintaining its relationship with Concrete Ontario. "ORBA values the relationship that we have with Concrete Ontario and their participation in our Structures committee. The framework we have in place and the work we do with our various committees will continue."

With its unified, stronger voice, ORBA will be able to better communicate the value its contractors and suppliers provide to the economy. Some of the benefits of investing in infrastructure like roads are that it reduces commuting times, makes businesses more competitive, encourages job creation and strengthens trade corridors, which is especially relevant given the amount of cross-border trade that occurs each day with the U.S.

For now, the organization will maintain the ORBA name and brand. Changing these things is something that will be looked at down the road, especially if ORBA continues to grow through partnerships and amalgamations. "Our members have said they'd like to have more amalgamation within our industry where there continues to be synergies and opportunities for creating a stronger voice," says Wilkinson.

Aurilio says that as other groups in the road building industry look at this merger unfold and see the positive impact it's having, they may be interested in jumping on board with ORBA. "This may be step one of the road builders taking on a different place in our industry. We could possibly see another council or two in the future emerge out of this," he says ■



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# WELCOME TO ORBA

## CHRISTINA JANNETTA PLANS TO MAKE HER MARK

BY HOLLI MONCRIEFF



**O**RBA's new Director of Member Engagement has taken a long and winding road to her position with ORBA. A native Torontonian, Christina Jannetta has a wealth of experience in marketing communications, project management, and event programming and planning. Her past event planning work includes Construct Canada, PM Expo, the Microsoft Dealer Conference, and Shoppers Drug Mart's National Conferences, just to name a few.

In her new role, she'll focus on supporting ORBA's membership while overseeing the annual Convention, Road Building Academy, and networking events such as Ladies Evening, President's Tour and Summer Round Up.

It's her goal to grow the membership by seeking out thriving new businesses that can have a positive impact on ORBA and the industry at large. Christina juggles both work and school while managing the four men in her life: husband Frank, sons Julian and Nicholas, and their golden retriever Tucker.

### **Q. What first appealed to you about this role?**

**A.** The main appeal is the diversity that the role demands, working for an industry and organization that is constantly changing and growing is exciting and invigorating. Being able to share my experience in event planning, marketing communications and developing educational workshops and seminars is my passion. This new role will challenge me to draw on these areas and use them to help drive the industry.

### **Q. What are some of the most urgent tasks on your to-do list?**

**A.** My main goal is to provide more strategic planning and support by engaging our members through events, networking opportunities and education. As well as growing our membership. Another goal is to create operational programming that streamlines and incorporates new technology to support the growth. By developing a strategic plan for next year – I want to be able to measure our growth and success.



**Q. What sort of networking opportunities are you hoping to offer?**

**A.** I hope to enhance this year's Summer Round Up with a sports theme and continue with the popular and informative President's Tour. As well at this year's Convention, we're hosting a Super Bowl night and Contractor's Round Up, which is our annual premier networking event.

**Q. Why do you feel you're the right person for the job?**

**A.** The value I bring to this role is my ability to connect with our members and programs while engaging and implementing efficiencies and processes that will help position ORBA as an industry association leader.

**Q. What do you think ORBA already has going for it?**

**A.** We have a very active and engaged board of directors who are passionate about our industry. This year ORBA celebrates its 90th Anniversary. This milestone has been achieved through the vision, dedication and spirit of our members

**Q. What's something unusual about you that people don't know?**

**A.** Before embarking in a career in marketing and communications, I trained as an interior designer, which continues to serve and help me in my event production planning today. I would also consider myself to be a professional student. I enjoy and thrive on continuous improvement, taking classes that will push me and bring value to my career. I currently hold a Project Management Professional (PMP) designation and working towards my CMP (Certified Meeting Planner) designation through my industry association PMI. Complacency is not in my vocabulary.

**Q. How can ORBA members support you in your new role?**

**A.** One of my often-used expressions is, "I don't know what I don't know". I look to my members, our board of directors, my team and ORBA's staff to guide me. I ask that our members participate in our focus groups and surveys to provide us with valuable feedback—I'd like for them to tell me what they need from their association and what it is that will help drive their businesses.

**Q. Is there anything else you'd like ORBA members to know?**

**A.** There is definitely a learning curve ahead for me. Our members are business owners who have a personal stake in everything that's done. I'm keenly aware of this and will do my very best to see that ORBA and its members thrive. ■

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# ORBA CORNER



## ALLAN WEST WRAPS UP A WHIRLWIND PRESIDENT'S TOUR



Over 260 registered guests attended the fall 2016 President's Tour that stopped in Ottawa, Mississauga, Sudbury, and Kitchener.

ORBA President Allan West provided an update about ORBA's recent initiatives, objectives, and the top five priority industry issues. Highlights of his speech are outlined below.

### TOP FIVE PRIORITY ISSUES

ORBA has advocated for early tender calls with the Ministry of Transportation (MTO), who have responded over the last two construction seasons. ORBA will continue to provide its comments to the Ministry on maintaining budgets and overall commitments for work planned for the industry.

The challenges with the winter maintenance industry have been a recent focus. ORBA and MTO are working together, and ORBA looks forward to a reformatted winter maintenance industry.

The focus on Alternative Delivery Models (ADM) has seen the birth of joint committee meetings with Infrastructure Ontario (IO). An Infrastructure Ontario Procurement Symposium is planned for later this year.

ORBA is developing as an influential municipal advocate through its annual Convention, Municipal Affairs Council and in its involvement with the CAA Worst Roads Campaign. The participation of municipalities has become a permanent fixture at the Convention with

presentations from over 24 municipalities across Ontario.

Claims and disputes continue to be a top five priority. A survey will be sent out to members in the new year to solicit industry concerns. ORBA will monitor the implementation of the new Infractions and Claims process, and track the experiences the industry is having to ensure the fair resolution of claims.

### OPEN FOR BUSINESS ROUNDTABLE

The very successful Open for Business Roundtable, where government and industry collaborate, has resulted in significant positive change this year. Areas of process improvement include: Oversize/Overweight Permit applications, Species-at-Risk information sharing and contract compensation, a streamlined Permit-to-Take-Water self-registration process, and Recycled Aggregates promotion.

### ONGOING INDUSTRY TOPICS

There are many other topics of industry discussion. Some of the over 60 additional industry topics being focused on include: Construction and equipment rental rates (127 rates), Commercial Vehicle Operator's Registration (CVOR), College of Trades, excess soils, utility locates, WSIB Rate Framework Review, Certificate of Recognition (COR), Construction Lien Act Review, reversing in work zones, weekend certification process, axle weights review, Book 7, photo radar, drug and alcohol abuse, and crash truck safety.

### HEALTH AND SAFETY

Through West's inaugural speech at the 2016 ORBA Convention, he

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spoke of ORBA's founding principles and objectives. Prominent on all members' minds is the topic of health and safety. ORBA's 2016 "Site Unseen" safety campaign was nominated for three Canadian Association of Marketing Professionals (CAMP) awards, winning the "Integration Award," which recognizes success in integrating categories from digital to traditional marketing. The compelling video ads have garnered staggering statistics including three million views on Facebook.

#### ORBA/OHMPA AMALGAMATION

This past October saw the amalgamation of ORBA and the Ontario Hot Mix Producers Association (OHMPA). Based on the successful operation of the amalgamated associations, ORBA plans to continue to strengthen its organization by aligning with and joining forces with related industry associations.

#### MTO ANNIVERSARY

This year was the 100th anniversary of the MTO. Maintaining a good relationship with the Ministry is important to ORBA's mission and objectives. "We will always seek an understanding of our issues in the spirit of good will, regardless of the seriousness of the issues," said West.

#### STRATEGIC PLAN

In July 2016, ORBA's Board of Directors undertook a facilitated review of ORBA's strategic plan. The vision statement of the association was updated to highlight ORBA's role as the leading advocate of Ontario's transportation infrastructure industry. The strategic plan can be found at [orba.org/strategic-objectives](http://orba.org/strategic-objectives).

#### NEW LOGO

ORBA recently unveiled a new, modern logo, which better reflects ORBA within today's industry. ORBA's existing logo was introduced in 1990 under the leadership of then president Leo McArthur. In 2015, Leo's son, past-president, Blair McArthur, championed this latest change.

#### GROWTH OF ORBA

West's one-year term as ORBA president has gone by quickly and he reflects on the association and how it's grown greatly in the past 90 years. "Our forefathers realized it made sense to speak collectively on topics of

common concern. As ORBA grew and the issues became more complex, staff was brought in to help manage the growing operation," said West. "It is important to note that the continuity of our messaging and efforts is supported by the ORBA team, who are the backbone of our association." He added that he and the ORBA team will continue to focus on ORBA's role as the leading advocate for Ontario's transportation infrastructure industry.

#### PRESIDENT'S TOUR PRESENTATIONS

Each stop on the President's Tour included a presentation by MTO highlighting statistics of the work tendered and completed through the Ministry's calendar year. IO also gave a presentation at the Mississauga event, encouraging the road building industry to participate in upcoming rail-related projects. The MTO President's Tour presentations are available for members on the ORBA website at [orba.org/presidentstour](http://orba.org/presidentstour). ■



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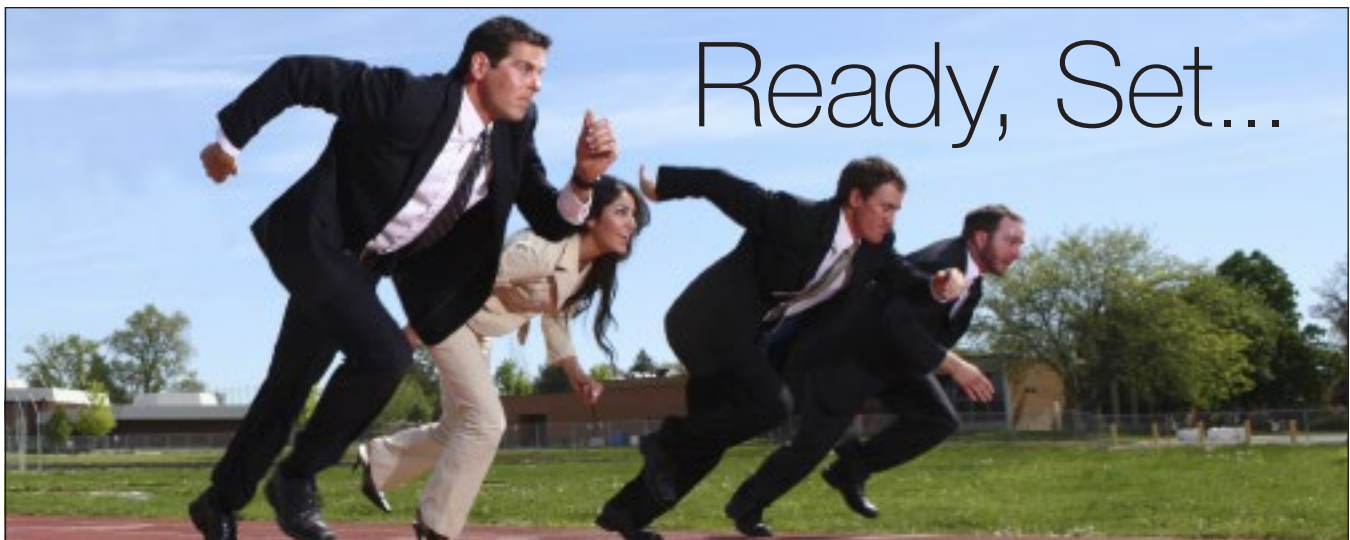
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# THE CHANGING WORKPLACES REVIEW & THE ONTARIO COLLEGE OF TRADES

## LOOKING FORWARD TO 2017

BY ANDREW BROWN AND MATTHEW BADROV

As 2016 draws to a close, it is important for construction employers to appreciate how pending changes to Ontario's employment and labour laws may impact operations. Specifically, we want to draw your attention to The Changing Workplaces Review, and Bill 70, *Building Ontario Up for Everyone Act (Budget Measures), 2016* ("Bill 70").

### THE CHANGING WORKPLACES REVIEW

In February of 2015, the Government of Ontario announced it would undertake "The Changing Workplaces Review" to examine issues and trends affecting workers and employers in the modern workplace, and determine how to "better protect workers while supporting business in our changing economy." Two Special Advisors were appointed to review the *Employment Standards Act, 2000* ("ESA") and the *Labour Relations Act, 1995* ("LRA").

On July 27, 2016, the Special Advisors released an Interim Report identifying **approximately 50 issues and more than 225 options** to amend the *ESA* and *LRA*.

Some of the proposed *ESA* amendments include:

- Repealing key overtime exemptions and special rules to increase the number of employees eligible for overtime pay (e.g., removing the managerial and supervisory exemption to overtime pay).
- Expanding the scope of the term "employee" to extend *ESA* benefits and protections to independent contractors and temporary help agency workers.
- Mandating a timeline within which an employer must post an employee's schedule (e.g., an employee's schedule must be posted two weeks in advance).

Some of the proposed *LRA* amendments include:

- Banning replacement workers in the event of a strike or lock-out.
- Expanding the definition of an "employer" to extend collective bargaining and labour related liability to a wider scope of entities (e.g., making a general contractor responsible for the employees of its sub-contractors).
- Requiring an employer to provide to a union that has obtained signed union cards from a certain percentage of eligible employees (e.g., 20%) with an employee list and employee contract information, in advance of the filing of an application for certification.

The Changing Workplaces Review does not propose direct amendment to the construction industry provisions of the *LRA*. However, many of the proposed changes to the *LRA* and *ESA*, if implemented, would significantly impact construction employers.

Initially, the Special Advisors were expected to release their Final Report on or before December 31, 2016. However, it looks as though the release date may be delayed until early in the new year. Regardless, we expect the Government of Ontario will act swiftly on the recommendations, which could be implemented as early as the Legislature's sitting in Spring 2017.

### ONTARIO COLLEGE OF TRADES – BILL 70

The Ontario College of Trades (the "College") is a provincial body which regulates, promotes and modernizes skilled trades in Ontario. The College has approximately 327,000 active members across 156 trades in four sectors: construction, industrial, motive power, and service.

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On November 16, 2016, the Government of Ontario introduced Bill 70 which proposes amendments to several pieces of provincial legislation including the *Ontario College of Trades and Apprenticeship Act, 2009* (“OCTAA”). Bill 70 also proposes a change to the mandate and structure of the College itself.

The proposed changes which impact construction employers fall into four broad categories:

1. *Scope of Practice*: The Board of Governors of the College (the “Board”) must develop a policy for the review of current Scopes of Practice (“SoPs”) for each trade, and a policy for the establishment of SoPs for new trades.
2. *Trade Classification*: The current Appointments Council will be replaced by an Appointments Council *and* a Classification Roster. The Classification Roster will determine a trade, or part thereof, is voluntary or compulsory.
3. *Administrative Penalties and Appeals to the OLRB*: A fine for an offence under the OCTAA will be classified as an “administrative penalty” and appeals will proceed before the Ontario Labour Relations Board (the “OLRB”) which will have the power to: settle the matter; rescind the penalty; find the OCTAA to have been breached but not order a penalty; lower the penalty; or affirm it. The decision of the OLRB will be final and binding. However, a party may seek judicial review of the decision on the grounds the decision is unreasonable.
4. *Enforcement*: With a renewed focus on “risk of harm”, the College must develop a compliance and enforcement policy to: 1. Specifically describe what constitutes a “risk of harm” and how such risk will be addressed for the purposes of enforcement; and 2. Establish an “annual identification of risks that will be the enforcement focus for a compulsory trade for the year.”

Bill 70 is welcome news to stakeholders who have been advocating and waiting for meaningful change to the College and its processes. Unfortunately, given the amount of legislative and regulatory drafting still come, it could be well into 2017 or even 2018 until some of the proposed amendments take effect.

The Interim Report (300 pages) and Sherrard Kuzz’s Executive Summary (30 pages) can be found on the Sherrard Kuzz LLP website at [www.sherrardkuzz.com](http://www.sherrardkuzz.com).

Andrew Brown and Matthew Badrov are lawyers with Sherrard Kuzz LLP, one of Canada’s leading employment and labour law firms, representing management. Andrew and Matthew can be reached at (416) 603-0700 (Main), (416) 420-0738 (24 Hour) or by visiting [www.sherrardkuzz.com](http://www.sherrardkuzz.com).

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# CASH FLOW MANAGEMENT IS KEY TO A SUCCESSFUL BUSINESS

BY SCOTT BEITEL AND CHARLES QUENNEVILLE

Ontario's construction industry is in constant change, where the only certainty is uncertainty. Today's business owner faces disproportionately increased risks for their returns. Domestic and international competition, labour shortages, complex procurement, and downloaded contractual risks are among a short list of competitive pressures.

Cash is King. As a business owner, there are few phrases which are more recognizable. When it comes to managing these competitive pressures, cash provides the ultimate flexibility for making business decisions and protecting against possible downturns in operations. Maintaining cash is a simple concept in principle, anything but simple in practice.

### CASH FLOW THEORY

Managing cash flow efficiently is a key determinant of success and longevity in business. Alternatively, lack of control of cash flow is consistently one of the key factors contributing to contractor insolvency.

Cash flow management involves the transition of cash investment through operations to accounts receivable and

back to cash. Those who most efficiently compress this cycle are typically more successful in managing working capital and leverage, as compared to their peer group.

### CASH FLOW ENHANCEMENT

Effectual project planning, monitoring, inventory management, supplier terms, accounts receivable turnover, project close-out, and holdback collection are among a list of many items that can improve overall cash flow. In many cases, improved technology, software, or internal process can assist with these areas.

Additionally, there are some unique ways in which contractors can enhance cash flow:

- Negotiated *material purchase terms and discounts*, with products available in the marketplace to assist in this cash outlay requirement;
- *Financing or structured payment plans* for insurance and surety premiums, in certain cases at 0% rates, creates flexibility for a contractor to redeploy capital and enhance cash flow;
- Efficient collection of holdbacks is an ongoing concern for many construc-

tion business owners. Receiving early or partial release of holdbacks can significantly improve cash flow. Among the tools to do so are Holdback Release Bonds, issued by a surety company to release your cash while still maintaining statutory holdback obligations under the Ontario Construction Lien Act (CLA). Although traditionally reserved for the strongest balance sheets, these products have evolved and become more accessible to contractors. The recent CLA Expert Review Report includes specific recommendations with respect to Holdback Repayment Bonds and for implementing phased release of holdback where the contract provides for the same.

Any combination of these strategies can contribute to your competitive advantage. It is in your best interest to educate yourself on these options and include them in your ongoing cash flow management planning. ■



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## FOCUSING ON THE FUTURE

AT ORBA'S 90TH CONVENTION AND ANNUAL GENERAL MEETING

BY MATTHEW BRADFORD

The future of road building will assume the spotlight during ORBA's 90th Convention and Annual General Meeting. Set for February 6-7, 2017, at Toronto's Fairmont Royal York Hotel, this milestone event will unite industry innovators, business leaders, government representatives, and association partners for what is slated to be ORBA's largest convention yet.

"Our Convention is continuously growing and this year is no exception," says Christina Jannetta, ORBA's Director of Member Engagement. "Each year, we surpass the attendance numbers from the previous year, and thanks to our recent amalgamation with Ontario Hot Mix Producers Association (OHMPA) and interest from a number of outside companies and organizations, we're expecting record numbers again."

This year's theme, Roadmap to Excellence: Leading the Future of Transportation Infrastructure, will set the

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tone for the two-day gala. Day one, Innovation Day, will feature a keynote address from former Canadian Prime Minister Jean Chrétien on the need for stronger infrastructure investments and the vital role road builders play now and in the years ahead.

The day's programming will also include sessions on smart roads, the evolution of construction drones and earth moving GPS, indigenous engagement and partnerships, and a host of technological topics. They will be presented by leaders across the industry, including representatives from the Canadian Automated Vehicle Centre of Excellence, the University of Virginia Tech, and Caterpillar, who will be on hand to give members a sneak peek at the automated trucks and road building equipment on their way in.

Additionally, ORBA's stage will be dedicated to presentations from OHMPA and industry partners like the Ontario Stone, Sand, and Gravel Association (OSSGA), the Ontario Sewer and Watermain Construction Association (OSWCA), and Concrete Ontario.

"That first day is really going to be focused on where we are today, where we're headed, and how we're aligning with like-minded organizations," offers Jannetta, adding, "It's also going to let members get a closer look at game-changing technologies and discover how they're going to improve their businesses and efficiencies."

ORBA Contractor's Round-Up is also making a return on Monday night. The popular meet-and-greet will take over the Royal York Hotel's Canadian room and welcome all guests for an evening of live music, refreshments, and networking opportunities.

"This year's Contractor's Round Up will be bigger than ever. We've extended the hours and changed the location to accommodate a larger group. This will give members greater opportunities to network and develop industry relationships," explains Janetta.

Day Two, Transportation Infrastructure Day, will build on those connections by putting attendees in front of the Ministry of Transportation (MTO) and representatives from the federal, provincial, and municipal governments for a deep dive into the future of Ontario road building. It will also feature an ORBA Awards Break-

fast, which will celebrate individual, company, and project achievements from 2016.

"We've brought on a new staging and audio and visual company, so we're planning to take events like our Awards Banquet to the next level," notes Jannetta, explaining, "For example, this year we'll be showing short videos of each of our winning candidates to bring greater attention to the work that's being done by our members."

With plans to go bigger, better, and bolder for its 90th Convention, ORBA

hopes to set a new path for future shows and leave attendees with a better idea of what's to come.

"We're hoping this show will set the tone for the next 10 years when we celebrate our 100th convention," says Jannetta. "There's so much innovation that's going to be available to our members over the next five years alone, and it's anyone's guess as to how that's going to change our roadways. What this convention is all about is giving members a glimpse into that future so they know what to expect and have the time to prepare." ■

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The Ontario Road Builders' Association's Road Building Academy week is five days of specialized courses hand-picked to meet its members' needs. This year's Academy will be held from February 27 to March 3, 2017.

"It's a designated one-week period where we put specific educational programs together for our members. Before we choose the courses, we always want to know what our members think are good courses for us to offer, and what will benefit our membership," explains Stacey-Lee Wright, ORBA Education and Member Services Coordinator. "What issues are our members dealing with right now?"

This year the association hosted a focus group and worked closely with the Education Committee to ensure the Academy is customized to its members.

"We reached out to people who had been to the Academy before. They were very excited to participate and contribute," Wright says. "Every year we add a few more courses to enhance our members' skills, and we look at the demand for each course."

"All of our courses are Gold Seal certified. To our contractors, Gold Seal credits are quite important," says Wright. "We're also finding that Certificate of Recognition (COR)<sup>TM</sup> certification is being asked for more and more; therefore, we have incorporated CPR focusing on safety and due diligence."

Along with popular existing courses, ORBA is pleased to offer several new courses to its members in 2017. "A course we're very excited about is Emotional Intelligence, which was recommended by members who found it very helpful," Wright says. "We think it's important to build good relationships—not only within your own company, but with the municipalities and the Ministry as well. This course details strategies for building good relationships in the industry in general."

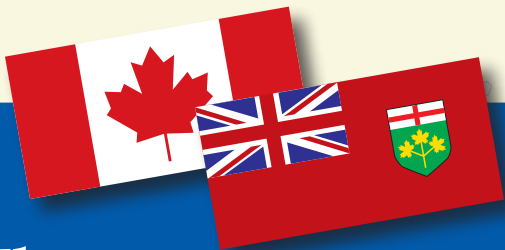
The Academy will also feature a strong project management component next year. "Project management offers great value to our members, since a large majority are project managers. We want the course to offer a good overall picture of the industry, and help our members with their day-to-day business," says Wright.

Academy courses provide practical concepts and solutions, which can be immediately implemented to drive success. Courses are either new or have updated content. Between 350 and 400 people attend the training sessions over the five days.

Wright says the Academy uses an interactive approach that provides an excellent forum for discussions and learning from industry peers. "Everybody has different training needs, and we really want to help our members the best we can," she says. "We want to improve their ability to do their jobs, making it a better work environment for them."

This year ORBA will be hosting the Academy at the Institute for Learning in Scarborough, which offers a buffet lunch, nourishment hubs, free Wi-Fi, and classrooms designed for optimum learning. ■

For more information on the Road Building Academy, please contact Stacey-Lee Wright, ORBA Education and Member Services Coordinator, at 905-507-1107, ext. 222 or [stacey@orba.org](mailto:stacey@orba.org).



## The Canada-Ontario Job Grant program:

The Canada-Ontario Job Grant program provides direct financial support to employers wishing to purchase training for their employees. The program funds two-thirds of a worker's eligible training costs, up to a maximum of \$10,000. All Academy courses are eligible for funding, but meeting eligibility requirements does not necessarily guarantee funding.

"This process is something you need to start sooner rather than later," says Wright. "ORBA members can phone Member Services and I can give them an application form and walk them through the next steps they need to take."



## REGISTRATION IS NOW AVAILABLE FOR THE 2017 ROAD BUILDING ACADEMY!

<b>COURSE</b>	<b>DATE</b>
7 HABITS OF HIGHLY EFFECTIVE CONSTRUCTION LEADERS	FEBRUARY 27-28
NEW DISPUTE RESOLUTION IN THE MTO	FEBRUARY 27
EMOTIONAL INTELLIGENCE	FEBRUARY 27
OCCUPATIONAL HEALTH AND SAFETY FOR SUPERVISORS	FEBRUARY 27
CONSTRUCTION DISPUTES AND CLAIMS	FEBRUARY 28
PURE SELLING	FEBRUARY 28
PRACTICAL SOLUTIONS IN ENVIRONMENTAL CHALLENGES	FEBRUARY 28
DRIVING ACCOUNTABILITY	MARCH 1
COR – GETTING THROUGH AN AUDIT IN ONTARIO	MARCH 1
PRACTICAL SOLUTIONS IN HOT MIX	MARCH 1- 2
ESTIMATING: METHODS AND CHALLENGES	MARCH 1
FINANCE AND ACCOUNTING FOR NON-FINANCIAL MANAGERS	MARCH 2-3
CONSTRUCTION LAW AND CONTRACTS 2.0	MARCH 2-3
MASTERING THE ESSENTIALS OF PROJECT MANAGEMENT	MARCH 2-3
BUILDING RELATIONSHIPS IN CONSTRUCTION – NETWORKING FOR PROFESSIONAL SUCCESS	MARCH 3

[ORBA.ORG/ACADEMY](http://ORBA.ORG/ACADEMY)

FOR MORE INFORMATION ON THESE COURSES, PLEASE CONTACT STACEY-LEE WRIGHT  
AT 905-507-1107, EXT 222 OR [STACEY@ORBA.ORG](mailto:STACEY@ORBA.ORG).

## ON THE ROAD

### ORBA/OHMPA AMALGAMATION SIGNING

OCTOBER 31, 2016  
TORONTO, ON

It was an exciting day for the industry as ORBA and OHMPA joined together to become a stronger voice for the industry. Pictured (left to right) are Vince Aurilio, OHMPA Executive Director; Rick Logozzo, OHMPA Secretary, General Manager, Central Region, Coco Paving; and Geoff Wilkinson, ORBA Executive Director and Secretary. For more information about the amalgamation, read the article featured in this issue on page 12.



### ORBA SITE UNSEEN CAMPAIGN RECEIVES AWARD OF MERIT

OCTOBER 26, 2016  
TORONTO, ON



Geoff Wilkinson, Executive Director, ORBA, at the Canadian Society of Association Executives (CSAE) conference where ORBA received the Award of Merit for the "Site Unseen" campaign. The campaign was developed to create greater awareness with Ontario drivers, helping them understand that construction sites are workplaces and to act safely.  
Photo Credit: CSAE

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## 2016 PRESIDENT'S TOUR

OCTOBER-NOVEMBER 2016  
OTTAWA, SUDBURY, KITCHENER  
AND MISSISSAUGA

This year's President's Tour was another successful event that took ORBA and President Allan West across the province. Each stop included an evening filled with informative presentations from MTO and a valuable networking opportunity for members and stakeholders in the industry. For highlights from the tour stops, read the recap article by Allan West featured in this issue on page 22.



## LADIES' EVENING

OCTOBER 15, 2016  
TORONTO, ON

President Allan West welcomed ORBA members to the 2016 Ladies' Evening held at The Ritz-Carlton hotel. The annual couple's dinner/dance was created many years ago, as a way of saying thank you for time spent away from the home during busy construction periods.



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LIUNA represents more than 80,000 members in all sectors of the construction industry in Ontario including; industrial, commercial and institutional (ICI), residential, roads, gas pipeline, sewer and watermain, electrical power systems, demolition, utilities and heavy engineering.

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