



Northumberland County Council Resolution

SENT VIA EMAIL

February 22, 2024

Honourable Doug Ford, Premier of Ontario
Honorable David Piccini, Minister of Labour, Immigration, Training and Skills Development
Honorable Paul Calandra, Minister of Municipal Affairs and Housing
All Ontario Municipalities

**Re: Northumberland County Resolution –
'Support for Amendment to the Occupational Health and Safety Act to Clarify
the Definition of Employer'**

At a meeting held on February 21, 2024 Northumberland County Council approved the following Council Resolution # 2024-02-21-109 adopting the below recommendation from the February 6, 2024 Corporate Support Committee meeting.

Moved by: Councillor Lucas Cleveland
Seconded by: Deputy Warden Olena Hankivsky

"**That** the Corporate Support Committee, having considered correspondence from the Town of Plympton-Wyoming and Township of Larder Lake regarding 'Support for Amendment to the Occupational Health and Safety Act to Clarify the Definition of Employer', recommend that County Council support this correspondence and attached motion from the City of Greater Sudbury; and

Further That the Committee recommend that County Council direct staff to send a copy of this resolution to the Honourable Doug Ford (Premier of Ontario), the Honorable David Piccini (Minister of Labour, Immigration, Training and Skills Development), and the Honorable Paul Calandra (Minister of Municipal Affairs and Housing), and all Ontario Municipalities.

Council Resolution # 2024-02-21-109

Carried

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at matherm@northumberland.ca or by telephone at 905-372-3329 ext. 2238.



**The Corporation of the
County of Northumberland**

555 Courthouse Road
Cobourg, ON, K9A 5J6

Sincerely,
Maddison Mather

A handwritten signature in blue ink that reads "M. Mather".

Manager of Legislative Services / Clerk
Northumberland County

Council Resolution

Moved By L. Cleveland Agenda Item 10 Resolution Number 2024-02-21- 109
 Seconded By O. Anhwidye

Council Date: February 21, 2024

"That Council adopt all recommendations from the four Standing Committees, as contained within the Committee Minutes (meetings held February 6 and 7), with the exception of the following items (referenced from the Standing Committee Minutes), that will be held for discussion:

Committee Name	Item #	Description	Held By
		- Social Services Committee, Item 7.a, 'Correspondence, '310 Division Street, Cobourg' – Held by Councillor Cleveland	

And Further That the items listed above and held for separate discussion each require a separate resolution."

Recorded Vote Requested by _____
 Councillor's Name

Deferred _____
 Warden's Signature

Carried 
 Warden's Signature

Defeated _____
 Warden's Signature

Corporate Support Committee Resolution

Committee Meeting Date: February 6, 2024

Agenda Item: 7.b

Resolution Number: 2024-02-06-077

Moved by: S. Dibb

Seconded by: B. Ostrander

Council Meeting Date: February 21, 2024

"**That** the Corporate Support Committee, having considered correspondence from the Town of Plympton-Wyoming and Township of Larder Lake regarding 'Support for Amendment to the Occupational Health and Safety Act to Clarify the Definition of Employer', recommend that County Council support this correspondence and attached motion from the City of Greater Sudbury; and

Further That the Committee recommend that County Council direct staff to send a copy of this resolution to the Honourable Doug Ford (Premier of Ontario), the Honorable David Piccini (Minister of Labour, Immigration, Training and Skills Development), and the Honorable Paul Calandra (Minister of Municipal Affairs and Housing), and all Ontario Municipalities.

Carried  _____
Committee Chair's Signature

Defeated _____
Committee Chair's Signature

Deferred _____
Committee Chair's Signature



The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca
DELIVERED VIA EMAIL

January 15th 2024

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of 'Employer'

Dear Premier Ford,

Please be advised that at the Regular Council Meeting on January 10th 2024, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Motion 14

Moved by Councillor Bob Woolvett

Seconded by Councillor Kristen Rodrigues

That Council support item 'L' of correspondence from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development
Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Bob Bailey, MPP – Sarnia-Lambton
Association of Municipal Affairs and Housing
Ontario's Big City Mayors
Mayors and Regional Chairs of Ontario
Council of Ontario Construction Associations
Ontario Chamber of Commerce
All Ontario Municipalities

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

CP 5000 SUCC A
200, RUE BRADY
SUDBURY ON P3A 5P3

705.671.2489

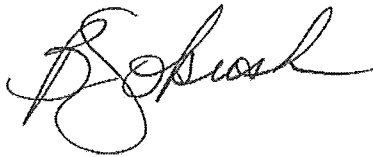
www.greatersudbury.ca
www.grandsudbury.ca

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', written in a cursive style.

Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk



THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE
69 FOURTH AVENUE, P. O. BOX 40, LARDER LAKE, ON P0K 1L0
PH: 705-643-2158 FAX: 705-643-2311
LARDERLAKE.CA

January 11th, 2024

Sent Via Email

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

Please be advised that at the Township of Larder Lake Regular Council Meeting held Tuesday, January 9th, 2024, the following resolution of support was adopted:

Resolution: 4

Moved by: Councillor Kelly

Seconded by: Mayor Quinn

BE IT RESOLVED, that Larder Lake Council hereby supports the City of Greater Sudbury regarding an amendment to the Occupational Health and Safety Act to clarify the definition of "Employer" And

FURTHER, that this resolution be forwarded to the Honorable Doug Ford, Premier of Ontario, the Honorable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honorable Paul Calandra, Minister of Municipal Affairs and Housing, John Vanthof, Timiskaming-Cochrane MPP, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Carried

A copy of the above noted resolution is enclosed for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Crystal Labbe'.

Crystal Labbe
CAO/ Clerk Treasurer

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE

69 Fourth Avenue, Larder Lake, ON

Phone: 705-643-2158 Fax: 705-643-2311



MOVED BY:

- Thomas Armstrong
- Patricia Hull
- Paul Kelly
- Lynne Paquette

SECONDED BY:

- Thomas Armstrong
 - Patricia Hull
 - Paul Kelly
 - Lynne Paquette
- Mayor Quinn*

Motion #: 4

Resolution #: 4

Date: January 9, 2024

BE IT RESOLVED, that Larder Lake Council hereby supports the City of Greater Sudbury regarding an amendment to the Occupational Health and Safety Act to clarify the definition of "Employer" And

FURTHER, that this resolution be forwarded to the Honorable Doug Ford, Premier of Ontario, the Honorable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honorable Paul Calandra, Minister of Municipal Affairs and Housing, John Vanthof, Timiskaming-Cochrane MPP, the Association of Municipalities OF Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Reginal Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Recorded vote requested:

	For	Against
Tom Armstrong		
Patricia Hull		
Paul Kelly		
Lynne Paquette		
Patty Quinn		

I declare this motion

<input checked="" type="checkbox"/> Carried
<input type="checkbox"/> Lost / Defeated
<input type="checkbox"/> Deferred to: _____ (enter date)
Because:
<input type="checkbox"/> Referred to: _____ (enter body)
Expected response: _____ (enter date)

Disclosure of Pecuniary Interest*

Chair:

[Signature]

*Disclosed his/her (their) interest(s), abstained from discussion and did not vote on this question.