

Construction Legislative Review Committee

Terms of Reference

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 PLMHCS.
- 02.** The CLRC will operate on a consensus basis.
- 03.** The Committee will receive 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 members, canvassing the Provincial Network, Construction Industry and related organizations for volunteers, and will provide the Working Group with a mandate and timeframe within which to proceed with the development of the regulatory change. The CLRC will undertake to ensure the necessary resources are made available to the WG.
- 05.** The CLRC will be Tripartite, with representation from Labour, Management, and the MOL.
- 06.** The committee will have 2 co-chairs to be chosen by the committee, one representing Labour and one representing management.
- 07.** The committee will meet a minimum of 2 times per year
- 08.** 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.
- 09.** 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 (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 • Legal 	1- Prov. Build. & Const. Trades Council 1- Mgmt 1- CSAO

- 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
- C4.** 1 observer representing the Provincial Building and Construction Trades Council
- C5.** 1 observer representing construction management organizations
- C6.** 1 observer representing CSAO
- C7.** CSAO 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, except for 3 from each side which will have one year terms initially with 2 years thereafter.
- C10.** Committee members must ensure alternates attend meetings when members are not available.
- C11.** There is no limit on the number of terms for which members can be appointed.

Decision-making

- D1.** The Construction Legislative Review Committee will normally operate on the basis of consensus. For the purposes of this committee, consensus is defined as no member opposes a final decision of the committee.
- D2.** The committee recognizes the authority of the Ministry of Labour and may proceed with the formation of Working Groups and the review process if directed by the Ministry.

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 from the Network.
- P4.** Communicates to the Network the CLRC's recommendations regarding the Network's submissions for regulatory change.
- P5.** Where the CLRC decides 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. Coordinates 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.
- P9.** Reviews and if supported by its members, endorses the CLRC's finalized proposed regulatory changes and forwards them, under signature of the PLMHSC and its section 21 committee status, to the Ministry of Labour for consideration of implementation by the Minister

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

- CLRC 1.** Develops guidelines for “needs analysis and impacts reports” to be submitted with proposals for regulatory change from the MOL or the Network/Industry.
- CLRC 2.** Prioritization of regulatory change issues.
- CLRC 3.** Consults with other Organizations and the PLMHSC on regulatory priorities.
- CLRC 4.** Shall meet at least 2 times each year.
- CLRC 5.** 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 6.** 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 and copied to concerned parties.** 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 7.** If consensus has not been achieved at the CLRC, the matter shall be forwarded to the PLMHSC for further deliberation and direction

Role of Ministry of Labour

- MOL 1.** Provides resources and personnel to participate on the CLRC and WGs.
- MOL 2.** Empowers CLRC through the PLMHSC to review and develop potential Regulatory change for consideration by the Minister.
- MOL 3.** Presents proposals for regulatory change or proposed regulatory amendments for review by the CLRC and the PLMHSC
- MOL 4.** Provides policy, legal and technical support and guidance during the development of draft regulatory changes.
- MOL 5.** Provides information for “needs analysis” and impact reports, where possible.
- MOL 6.** Provides input to the CLRC on organizations/stakeholders to be consulted in priority setting, appointments to WGs and review of proposed regulatory changes.

**CLRC Working Group (Tripartite – Labour, Management, MOL) 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.** 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.
- WG4.** End product is a proposal of draft regulatory changes 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.

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 proposed regulatory change 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 during the development stage, proposed draft regulatory changes for review and comment and forwards comments to the PLMHSC.
- LM 7.** Receives from the PLMHSC for information, the finalized proposed draft regulatory changes that were forwarded to the Minister of Labour for consideration.
- LM 8.** Reports to its stakeholders on activity and progress of the CLRC.