

The Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

*Sent via Email*

February 9, 2024

Dear Premier Ford:

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

At its Regular meeting on February 7, 2024, Council of the Township of Springwater passed the following resolution:

**C56-2024**

That Council for the Township of Springwater endorse the resolution from the City of Greater Sudbury, and recognize resolutions from other Ontario municipalities such as the Town of Plympton-Wyoming, petitioning the province to 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,

That the resolution be sent 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, Doug Downey, Attorney General of Ontario and MPP for Barrie – Springwater - Oro-Medonte, the Association of Municipalities of Ontario, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

If you have any questions, please do not hesitate to contact us via email at [clerks@springwater.ca](mailto:clerks@springwater.ca) or by phone at 705-728-4784.

Regards,

C. Sarah A. Elliott, B.A., Dipl. M.A.,  
Committee Coordinator/Administrative Assistant

cc:

Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development;  
Honourable Paul Calandra, Minister of Municipal Affairs and Housing;  
Doug Downey, Attorney General of Ontario and MPP for Barrie – Springwater - Oro-Medonte;  
The Association of Municipalities of Ontario; The Council of Ontario Construction Associations; The Ontario Chamber of Commerce and all Ontario municipalities.



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The Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)  
*DELIVERED VIA EMAIL*

January 15<sup>th</sup> 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 10<sup>th</sup> 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](mailto: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:

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

CP 5000 SUCCA  
200, RUE BRADY  
SUDBURY ON P3A 5P3

705.671.2489

[www.greatersudbury.ca](http://www.greatersudbury.ca)  
[www.grandsudbury.ca](http://www.grandsudbury.ca)

*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;*

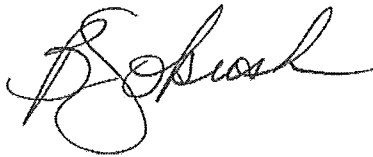
*AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control 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;*

*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