

**May, 2006**

## **TRAINING UPDATE Enforcing Certification**

On March 28, at *Futurebuilding 2006* discussed in last month's Training Update, Ontario Minister of Labour, Steve Peters, announced that the Ontario government was committed to combating the underground economy, a serious problem in construction. Subsequently, one of the strategies announced was that Ministry of Labour inspectors would be checking for workers in trades where certification is compulsory, to make sure those doing the work have the necessary qualifications.

This means that individuals doing the work of electricians, plumbers, crane operators, steamfitters, sheet metal workers, and refrigeration and air conditioning mechanics will be required to prove that they have Certificates of Qualification or are registered apprentices in these trades. It is doubtful that this will result in many undocumented workers being removed from worksites and will probably have little effect on contractors avoiding payroll taxes.

To be fair, Ministry of Labour inspectors don't have access to payroll records. What is proposed is something they *can* do. Checking for certificates is often the easiest way to enforce safety and other regulations in construction. While the Occupational Health and Safety Act and Construction Regulations generally require that anybody working in construction have training and that any work be supervised by a competent person, the easiest way to identify that competent person is possession of a certificate or some record of training in the task being done.

In theory, the Ministry of Labour inspector could ask questions to determine whether or not there really is a competent person present and/or examine the work being done – inspecting structures, personal protective equipment, machinery – but this is not easily done, and certainly can't be done quickly. When our instructors go to worksites to conduct training or do on-site evaluations of equipment operators, they occasionally “red-tag” pieces of equipment as unsafe.

In fact, much of the work being done in the underground economy in construction is in areas like renovation, or non-unionized residential construction, and will only occasionally involve work which would be done by individuals in the compulsory trades. Combating the underground economy by focusing on the workers, rather than their employers, may have little effect.