



# CANNABIS AT CONSTRUCTION READY

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HUMAN RESOURCES – 2019 – FINAL ROUND JANUARY 2019



This case was written by Stephanie Brydges, Windsor, Ontario, & Dr. Deborah McPhee, Brock University, Goodman School of Business, St. Catharines, Ontario. It is intended as a basis for student discussion, not to show either effective or ineffective administrative decision-making.

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## **Cannabis at Construction Ready**

**Abstract:** This case will look at the Canadian legalization of cannabis in the high-risk industry of construction. It will look at the General Manager of a small-medium sized enterprise's attempt to eliminate the use of banned substances in the business. It will examine the company's zero tolerance policy to substance use, and ask the question, how can the General Manager, Tyler, better handle the recent legalization of cannabis in his high-risk workplace, above and beyond simply having the zero-tolerance policy?

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It was November 12, 2018 when Tyler Stevenson strolled through his empty construction site. He sighed as he looked at the piles of roof shingles that were still in bunches on the ground, ready to be tiled on the back half of the building he stood adjacent to. Kicking a small patch of debris, he could feel his heart pounding at the thought of all the money Construction Ready would be losing as a result of temporarily shutting down the site.

Tyler took a few seconds to ponder where things at Construction Ready had gone so wrong. He believed he had sent a strong message when he terminated several employees for breaking the company's zero tolerance policy to substance use. How could a second event involving cannabis have happened only a few weeks later?

As Tyler looked to the future he realized that the recent legalization of cannabis on October 17, 2018 was likely going to continue causing the company troubles if he didn't act quickly. He wondered to himself, how can he better handle the recent legalization of cannabis in his high-risk workplace, above and beyond simply having a zero-tolerance policy?

## **Construction Ready**

Construction Ready first came into business in 1983 in Ontario. Co-Founders Bob Higgleston and Raphael Laurence had been working in construction at the same company for over 15 years when they decided to venture out on their own to start a competing company. They put all their personal savings into the company, took out a small business loan and built the company from the ground up.

Construction Ready grew into a cash-flow positive business quickly, and continued to grow at a manageable pace. In 2000, Raphael Laurence passed away from a sudden heart attack, and left his share of the business to his partner Bob. Bob was heartbroken, but had a wife and son he needed to provide for, so he kept the business going strong in Raphael's memory.

Bob did not miss a beat, and continued fine-tuning the business in terms of processes, developments in infrastructure and investments in his employees. He handpicked his dedicated staff that he considered to be like family. Bob ran the business on the idea that you get what you give, so he was generous to his employees and they were in turn generous back.

At this time, Bob decided to put the company's mission into writing. He jotted down all the points that he felt the mission should touch on, and he and his wife put together the final product. Construction Ready had the mission to provide employees with a superb working environment through strong leadership, so each employee may dedicate oneself to providing clients with excellent service and workmanship. Construction Ready's commitment to this mission would allow them to become a premier construction company in Ontario, with strong sales (see Appendix 1).

Bob was used to having a strong partner in business and missed having a sounding board and co-decision maker. Therefore, he made the choice to promote a top employee, Tyler

Stevenson to General Manager. This changed the organizational structure, by adding another management tier (see Appendix 2).

Tyler had been with the company for more than 10 years, and Bob appreciated his dedication. He had started as a General Labourer working weekends to pay his way through college and had since grown into a Site Supervisor. General Manager felt like a natural progression.

Tyler continued to take on more responsibility in the company as time progressed. His college education in business studies was proving useful, as he began learning the business inside and out. Bob was a great mentor throughout this transition. They would travel to the different worksites together and Tyler could see first-hand how much all the Site Supervisors idolized and respected Bob's leadership.

Within about a year, Tyler had gotten a good grasp of the business. He felt confident and Bob trusted him to run the business almost completely self-reliantly. Bob was grateful for Tyler, as Tyler over the past year had shown they shared a similar work ethic and that he embodied the company's mission.

Tyler began travelling between sites multiple days per week independently. His goal was to ensure supervisors and employees were working in a safe and acceptable manner. From there, he would report back to Bob with a monthly update, although Bob continued getting further removed from the business as time went on. Bob had a new granddaughter and was enjoying pre-retirement so Tyler tried not to bother him with the small things.

Tyler was a very hands-on leader. He gave all new employees his cellphone number so they could call him with any questions or concerns, day or night. However, he had only received a handful of calls of this nature since becoming General Manager. Tyler wondered why this may be, but ultimately attributed it to the company having happy employees who did not need further support due to the fair wages and knowledgeable Site Supervisors.

Construction Ready had a Site Supervisor at each location they operated. The Site Supervisor was often appointed based on tenure with the company, and how similarly their personality was perceived to mesh with the company's values. Although the values were not written anywhere, Tyler described his vision of them to be a dedication to safety, teamwork, positivity and energy.

In terms of reporting, the Site Supervisors reported directly to Tyler. Tyler then reported directly to the owner. The General Labourers and trades personnel reported to the Site Supervisor at their location, who handled all day to day operations of that location including attendance management. The Site Supervisors were all trained in First Aid as Tyler ensured he registered them for a First Aid course when first appointing him or her as a Site Supervisor. From there, it was up to the Supervisor to take the refresher courses as needed, although he or she could expense it to have Construction Ready reimburse.

Construction Ready had a typical employee turnover rate for being a non-unionized construction company. The Site Supervisors had an average turnover rate of about 2 years,

with none of them surpassing 4 years. Labourers would on average last about 6 months, with a handful of employees having been with the company for over 6 years.

When Tyler first appointed a Site Supervisor, he explained that all business matters must come through him and Site Supervisors were essentially middlemen. As a result, the Site Supervisors did not feel empowered at times, but Tyler knew that his experience was hard to come by and hoped that in time the employees would respect him the way they did Bob. Tyler knew he was still learning, so he needed to be briefed by Supervisors on every matter so he could stay in the know.

Tyler made up for this by leaving his office door at head office open at all times. While visitors were scarce, he felt there was importance in this symbolic gesture. This was Tyler's way to foster a workplace culture of open communication. He had heard through the grapevine that Supervisors were often apprehensive to see him with their issues or would make jokes about how controlling Tyler was, so he hoped this new policy would combat some of that.

Site Supervisors were also responsible for signing off on the company's big binder of policies. While no one watched them read every policy from front to back, they did have to sign off on each stating they understood. Often times the supervisors would laugh and joke about whether they truly had to read them. Tyler would advise it was highly recommended.

Supervisors were supposed to read the policies on an annual basis, although this was often not the case. They were responsible for knowing the different responsibilities of workplace parties (see Appendix 3) but no testing was done to ensure an understanding, a signature was all that was required. Furthermore, no one was reviewing the policies to ensure the signatures were up to date, so if the Supervisor did not take the initiative to do so it would slip through the cracks.

### **Construction Ready's Approach to Human Resources & Legislative Changes**

Construction Ready's structure was basic and consisted of Bob, Tyler, Site Supervisors and Employees. The company had no need for a human resources department because payroll was outsourced and recruitment was an informal process that Tyler took care of, primarily through employee referrals. However, the company did utilize a Human Resources Consultant who specialized in Health and Safety. She was used on an as-needed basis.

The work the Human Resources consultant had done taught Tyler lots throughout the years. She had constructed the organizations policy manual, although at this point for him it was just a dusty stack of papers in his office. While he referred to them in the beginning, there was no longer a need, as he knew them inside and out.

He wanted other employees to read them as well, but most of his employees did not check their email so it was not a feasible way to have them distributed. Therefore, he left them all in a binder in the lunchroom at head office, although he noticed those copies were getting equally as dusty as his copies.

Tyler would periodically send an email to employees advising when a new policy was added to the binder. He hoped employees would make a special trip to head office to read these policies, but knowing how busy business was, and that head office was considerably out of the way in regards to most job sites, he was aware that it wasn't always possible.

Tyler knew the importance of health and safety policies in construction. The construction industry is widely known as a high-risk industry, therefore having a number of safety risks. Tyler had seen his fair share of accidents and incidents occurring on worksites. He had witnessed falls from heights, scaffold collapses and failure to use proper personal protective equipment resulting in injury. He had also heard first hand stories of trench collapses, electric shock injuries and repetitive motion injuries from construction jobs.

As Tyler glanced on his shelf and saw the policies, he remembered a few weeks ago he had read in the newspaper that Canada's federal government had introduced the Cannabis Act. In this, the government had legalized recreational cannabis use across the country as of October 17, 2018.

As Tyler did a quick Google search on what this Act meant to Canadian businesses operating in Ontario, he could read the underlying message: the outcome of the legalization is an increase in cannabis being seen on roads and on worksites, both troubling, with concerns and potentially life threatening consequences. He also read that workplaces can prohibit the use of cannabis the same way they can the use of alcohol, during or before work hours. Employers have the right to prohibit the use of cannabis during work hours, and to further prohibit attendance at work while impaired. This is especially true in high risk or safety-sensitive positions.

Tyler knew this change to legislation affected Construction Ready significantly. In the high-risk industry of construction, it is vital that individuals do not report to work impaired, as they may be controlling heavy machinery or working at heights. This not only endangers the employee but also the public, as construction sites are dangerous and many of the sites are in the middle of highly populated areas.

Tyler needed more information, so he continued reading. He saw the Canadian Human Rights Commission's definition of impairment, "[the] odor of alcohol or drugs, glassy or red eyes, unsteady gait, slurring, [and] poor coordination." He noted it down as important information that should be shared with supervisors, and started wondering what other information they should know.

While Tyler was a few weeks late in dealing with this new challenge, he realized he needed to phone the consultant to have her provide the information he needed on how he can best react to the legalization of cannabis in his high-risk workplace, above and beyond simply having the zero-tolerance policy to drugs and alcohol that was currently in place. Tyler phoned her but was advised she had retired over three years prior. Tyler was disappointed in himself - cannabis was already legalized, but the business was booming and he had not had a chance to

look into what needed to be done on his end, putting him already behind schedule on this important health and safety matter.

Tyler wondered what he could do himself. He thought back to a previous incident the business had five years ago when a member of the public was hurt as a result of an intoxicated employee on a worksite. This was the only notable accident that Tyler could remember the company having. At that time, Bob spent considerable time and money having the consultant develop and deliver a training session on Substance Abuse Training, primarily for supervisors.

The company had received positive feedback on the Substance Abuse Training, in addition to other quarterly health and safety training that was delivered, a different health and safety or human resource topic each time. The feedback was that the training proved valuable to supervisors.

At this time, Bob also had monthly check-in meetings with Site Supervisors which focused on concerns the Site Supervisors were experiencing, health and safety issues, updates to company policy and procedures, and discussions relating to staffing. Tyler had been a Site Supervisor who participated in these check-ins and remembered them to be useful and informational. As Tyler thought back, he jotted down the need for the health and safety training to be re-delivered, as it was all new staff at this point, and wanted to look into having the monthly check-ins rekindled as well as they had not occurred in as long as he could remember.

### **Incident One: Eastside Location**

It was 10:30 a.m. on October 28<sup>th</sup> and the whole crew at Construction Ready at their Eastside location stood shivering. It was an inordinately cold day in the city and while the sun was beaming, the temperature was not forecasted to surpass 0° all day. The crew was noticeably miserable and eager for their assignments so they could warm themselves up through moving around.

The Site Supervisor, Jason went through his checklist, devising a plan for the rest of the day. He had just realized the wrong shingles had been delivered to the site. As Jason heard the complaints of the employees, he realized it might take longer than planned to come up with a strategy and therefore dismissed the crew for an early lunch.

Longtime friends Lucas and Myles decided to take lunch together at a nearby fast food restaurant to warm up. On their way, Lucas pulled out a joint of cannabis and asked Myles if he would like a hit. Myles nodded, and explained that he would do anything for some instant pain relief, as he could not feel his toes from the cold.

Lucas and Myles stepped into an alleyway only a block away from the construction site in an attempt to get away from the crowds on this busy avenue. They smoked the joint, and as Lucas took his last puff he saw a coworker bolt away from the corner of his eye. He couldn't remember the new guy's name, but recognized his face. Lucas and Myles ran into

McDonalds, grabbed a combo and headed back to the site feeling rejuvenated. As Myles ran into the bathroom on-site, he noticed his eyes were inordinately bloodshot. He worried that the supervisor would notice so he asked Lucas's thoughts.

Lucas responded that Jason was cool, and was aware that many of the employees at this location used recreational cannabis on their breaks. Lucas also added that Jason had even indulged with them in the past, although not recently.

By the time they returned to the site, the Site Supervisor had figured out a plan and everyone was ready to get back to work. Lucas and Myles put on the fall restraint harness as required while working at heights (see Appendix 4), and got onto the roof of the building. Lucas had not smoked cannabis in several weeks, so it hit him harder than he thought but was confident he could get through the shift just fine.

An hour later, Tyler appeared on site. Lucas and Myles both instantly got a pit in their stomachs, wondering if the coworker had ratted them out. While it was not inordinate for Tyler to come on site, the look on his face indicated it was not good news.

Tyler approached Lucas, indicating with a stern tone that they needed to talk. When interviewed, Lucas admitted he was the individual who brought the cannabis to work. He pointed out that he had not indulged on site but rather waited until his lunch break as he had heard smoking on-site was a breach of policy. He emphasized that cannabis is legal and not a big deal. Lucas was adamant that he was not a pothead; he only had one joint, and if anything it improved his performance on the job.

When Lucas could tell the conversation was not going well, he started to get defensive. He yelled at Tyler that since cannabis was now legal it is his 'right' to consume. Tyler started to get frustrated, but he wrote down what Lucas said on his notepad and asked him to wait outside of the trailer until he was finished with Myles.

The conversation with Myles, a mild mannered and polite employee started slightly better. When interviewed, Myles explained that while this was his first time smoking cannabis on the job, he had indulged in cannabis consumption in the past for pain management. He also noted that such cold weather is hard on his body, so he needed a pick me up.

Myles backed himself up by explaining research he had done previously on the thousands of studies that prove cannabis is an effective painkiller. He explained that he was currently in school for business administration at the University, as his body cannot handle the toll that this very physically demanding position was having on his body. He explained he would not be working in construction for much longer.

When Tyler mentioned that this behaviour had seriously put his job in jeopardy, Myles also started to get defensive. He explained that he has been using recreational cannabis for pain management for years. He added that because he was using it for medical reasons, although he did not have medical authorization to do so, he did not believe there was anything Construction Ready could do to reprimand him.

Tyler decided to send both employees home and advised he would be in touch with them soon. He added additional notes to the ones he had jotted down, including the fact that both employees had bloodshot eyes. He then called the Site Supervisor over to continue the investigation.

The Site Supervisor denied knowing that either employee had smoked cannabis, or had been under the influence of cannabis while working at Construction Ready. When Tyler advised he had sworn statements from multiple employees indicating he not only condoned it but had participated in it previously, Jason broke down and admitted to knowing that the two employees came back to work high.

Tyler explained to Jason the principle of complicity. He explained that what the Site Supervisor was allowing is similar to allowing a friend to drive while drunk; it is reckless and will not be tolerated. He went back to the policies and procedures that Jason had signed off on when he accepted his position as supervisor several years prior, including the company's health and safety policy, which clearly outlines zero tolerance for substance use at work. Before Jason could explain that he hadn't seen the policies in over three years and did not remember signing off on them, Tyler dismissed Jason for the day as well.

Tyler stopped and thought about what he needed to do. He knew he needed to set an example of the three employees. His conversations with them both indicated that other employees might also be using recreational drugs, although no one would name names. Tyler feared the situation was even worse than he imagined.

To cover his bases, Tyler did some research on the difference between recreational cannabis and medical cannabis (see Appendix 5). Lucas did not have medical authorization to use medical cannabis, but what if he had? Tyler wondered what appropriate protocol in that situation would be.

Tyler decided to terminate all three of the employees. He phoned Lucas and Myles and asked them not to come back in on the basis of breaking the company's zero tolerance policy on substance use. He phoned Jason and terminated him on the basis of being complicit. Tyler knew he was within the scope of the law, as he had read that in reasonable cases, violations relating to recreational cannabis use could result in termination of employment for just cause.

Tyler then made some notes on further steps he should take, but knew he was out of his league and didn't have enough information. He decided to informally speak with a few other Site Supervisors off the record, to gather additional information. Recurring themes that came out of these conversations centered around the company's lack of clear communication, especially regarding policies, and the fact that the Site Supervisors and employees were often friends so the Site Supervisors were unsure how to deal with potentially tough conversations.

The Site Supervisors also brought up the fact that employees were not always forthcoming with information that they had smoked cannabis, and were unsure of the basic signs of identifying substance use. They explained they were also cautious to accuse employees of

doing so. Tyler had looked into the matter of drug testing but read there is currently no reliable test for impairment.

Tyler had read that urine testing identifies the presence of Tetrahydrocannabinol (THC), one of at least 113 cannabinoids identified in cannabis, up to several weeks after it was last used. This means it provides no indication of impairment level. Furthermore, Tyler was not aware of the legalities regarding this matter and made a mental note to look into it. He knew that Canadian Human Rights recommendations generally resist mandatory drug testing.

The most troubling response he got from select Site Supervisors was a lack of understanding the dangers of impairment on the job. Several Site Supervisors seemed nonchalant about it, using the terms “not a big deal” “I don’t see the problem” and “it’s whatever”. Tyler made a mental note to keep his eyes on those Site Supervisor’s sites.

Tyler then called Bob whom he had not spoken to in months, as he had been staying at his retirement home in Florida. He was relieved to hear that they were on the same page that any person who is impaired due to consuming any substance must be banned from the jobsite immediately. The reality is in such a high-risk environment, working with heavy machinery and/or working at heights, the company could not accept anyone on site who had consumed any substance, which could compromise his or her ability to work safely. Tyler just wished all the Site Supervisors felt the same way.

### **Incident Two: Westside Location**

It was November 12<sup>th</sup> when Andrew Knoxville, a General Labourer at Construction Ready tapped on his co-worker Victor Wright’s shoulder, asking if he would be interested in buying some cannabis off him and then smoking together. Andrew explained that he had been selling cannabis to some of the staff of Construction Ready at the Westside location in addition to another construction company down the street.

Andrew explained that now that cannabis was legal, it was easily accessible and he had no problem selling it to employees on the job who wanted a quick high. He added that because Victor was a friend he would sell it to him at a reasonable cost, and the first joint would be free. Andrew also threw out the idea that because business was really picking up, if Victor was interested in helping him sell he could make some extra cash too.

Victor thought about it for a moment. He was 17 years old and eager to move out of his mother’s basement. Andrew saw him thinking, and offered Victor the free joint while they discussed. The two young men went inside the building the crew was working on, and lit up. As they were finishing their second joint, another employee ran up to them indicating the Site Supervisor, Joshua was looking for them. They then scurried back to work and decided they would resume the conversation later.

Victor could see the team was almost finished roofing the building they were currently working on. He knew the supervisor was mad, and he needed to get back to work as soon as possible. Therefore, he forfeited using his harness, something that was not completely

uncommon at this site. The Site Supervisor would at times not utilize his harness, thus setting an example for other employees. He would joke, “Do as I say, not as I do” when other employees questioned him about it.

Victor knew it would take him about five minutes to harness up, but the job would be done in about that time. Plus, this was not a very high roof so Victor was confident he would be fine. He started climbing the ladder.

As Victor approached the roof, he took a couple steps forward. He started thinking about how high off the ground he was, and immediately regretted foregoing the harness. As he took another few steps, he inadvertently lost his balance and came crashing down on the grass below him. Victor, still feeling the high, started moving around trying to get up. However, within a few seconds the pain started to set in and tears began streaming from his bloodshot eyes.

Victor had let out a scream on his way down, but music was playing on the other side of the roof where the crew was located so no one heard. Victor felt he was in a troubling situation, as he not only broke protocol by not harnessing up, but he was also 17 years old, under the Ontario government’s minimum age for cannabis use, which is 19 in line with tobacco and alcohol products. Victor was terrified at the risk of being caught under the influence of drugs, especially at work.

Victor grabbed his phone out of his pocket and texted Andrew for help. Before the text could even show as sent, a middle aged woman peeked over the fence, asking if he was okay. Before he could respond, she started yelling that help was needed. Victor was terrified. He knew his chance of escaping this situation unscathed was now very low.

Andrew and the Site Supervisor came running over. The Site Supervisor was trained in first aid, as were all the Site Supervisors, although at that second he remembered that his certification was expired and he had meant to take the refresher course. Andrew’s stomach churned when he saw the woman who was yelling help. The woman, a nearby resident had been hovering around the site for weeks. He was sure on two occasions she had seen his drug deals, including him dealing to the Site Supervisor.

The Site Supervisor’s face also went white when he saw the woman. She had complained to him multiple times about Andrew and a few of his work friends and their drug use. However, he did not want to start any drama with the boys he considered friends so he let it go every time. He was also worried because Andrew was his drug dealer on weekends, while he was off shift. He did not want this to come to light.

The woman approached the Site Supervisor who attempted to diffuse the situation, indicating he would handle the matter himself. However, she reported that she had already phoned 911 for an ambulance, and that the Ministry of Labour and Police would soon be here. 911 had advised this was a critical injury so the Ministry of Labour would need to be notified.

Within minutes, the police and ambulance had arrived on-site. The Site Supervisor immediately phoned Tyler, knowing he was out of his depth. The woman, who had been researching regulations as she had been filing her complaints with the Site Supervisor, started spewing out the laws that Construction Ready had been breaking. She yelled that anti-smoking laws such as the Smoke-Free Ontario Act apply to smoking cannabis in the same way they do to regular cigarettes. The Site Supervisor stuttered, not knowing how to handle the situation.

Tyler arrived on site within 30 minutes. The ambulance had taken Victor away 20 minutes prior; sure that Victor had a broken leg and potentially had a concussion. He immediately spoke with the Site Supervisor who unconvincingly denied knowing Tyler or Andrew had ever smoked cannabis on-site, never mind bought it on-site. Tyler was baffled.

Tyler believed he had sent a strong message only a few weeks prior about the company's zero tolerance policy to drugs in the workplace. He immediately rounded up the crew of 30, and advised they would be sent home immediately, as he was shutting down the site. There was an instant sigh in the crowd.

Employees were complaining, saying it was not fair. However, Tyler stated how seriously he takes this type of incident, and reiterates the zero tolerance policy for any drugs or alcohol on the job. He reminds employees that the penalty for using drugs or alcohol on the job is immediate termination and advises this incident, like the last will be investigated.

Tyler began the investigation immediately. This was considered a critical injury and Tyler was aware of the responsibilities he had (See Appendix 6) so he immediately got to work. He first interviewed all relevant parties including Victor, Andrew, his coworkers, the Site Supervisor of this site and nearby Construction Ready's Site Supervisors too. He also spoke with the woman who filed the complaint in great detail.

When speaking with the Site Supervisor, Tyler realized the issue was in fact larger than he imagined. The Site Supervisor knew of Victor's age, and it was well known amongst coworkers that Andrew regularly came to work not only high but also to sell drugs. Furthermore, it was confirmed the supervisor had purchased from him multiple times. Sworn statements from other employees indicated that the Site Supervisor had received numerous complaints about illegal substances being used onsite, and not just by Andrew.

As Tyler was finishing up the internal investigation, he decided to take one more look on-site to relive the situation and walk through what happened, where and how. He strolled through the empty construction site in complete dismay. He was supposed to be leading this organization, but had experienced two incidents in only a few weeks pertaining to cannabis in the workplace. Tyler wondered if he was over his head. Furthermore, he wondered, how could he better react to the legalization of cannabis in his high-risk workplace, above and beyond simply having the zero-tolerance policy?

## Appendix 1: Income Statement

# Income Statement

### Construction Ready

Year: 2017

Financial Statements in CDN Dollars

#### Revenue

Gross Sales	\$5,879,000	
Less: Sales Returns and Allowances		
Net Sales		\$5,879,000

#### Cost of Goods Sold

Wages	\$4,350,000	
Gross Profit (Loss)		\$1,529,000

#### Expenses

General and Administrative Expenses	\$489,000	
Total Expenses		\$489,000

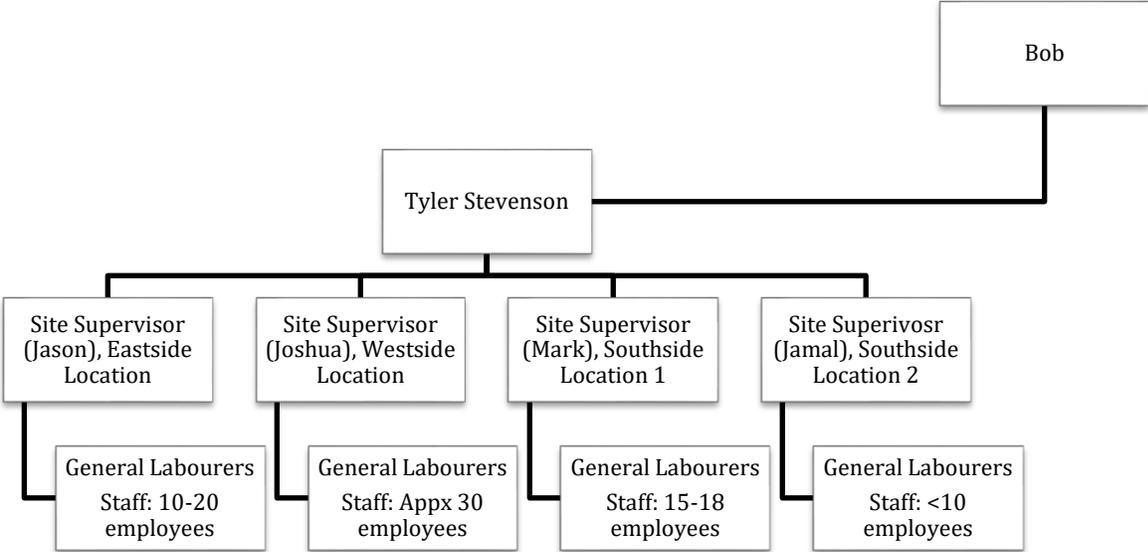
Net Operating Income		\$1,040,000
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#### Other Income (Expense)

Gain (Loss) on Sale of Assets	\$6,400	
Customer Finance Charges	\$1,930	
Miscellaneous Income	\$1,151	
Interest Income	\$3,829	
Interest Income (Expense)	\$32,500	
Total Other Income		\$26,100

Earnings Before Income Tax Expense		\$1,013,900
Income Tax Expense		\$405,560
Net Earnings		\$608,340

**Appendix 2: Organizational Chart, Construction Ready**



## Appendix 3: Duties of Workplace Parties

Constructors, employers, supervisors and workers have a number of duties and responsibilities under the Occupational Health and Safety Act (OHSa) and O. Reg. 213/91 – Construction Projects.

### **Constructors. Constructors' duties and responsibilities include:**

- *planning and organizing projects to avoid or reduce the reversing of equipment, machines and vehicles [O. Reg. 213/91 section 104]*
- *ensuring operators of vehicles, machines or equipment on a project are assisted by a signaler if the equipment operator's view of the intended pathway is limited or obstructed, or if a person could be endangered by the vehicle, machine or equipment or by its load [O. Reg. 213/91 section 103]*
- *ensuring workers wear high visibility clothing if they are exposed to vehicle traffic [O. Reg. 213/91 section 69]*
- *establishing written procedures to be followed at the project in an emergency, reviewing those procedures with the project's Joint Health and Safety Committee (JHSC) or health and safety representative (HSR) (whichever applies), and ensuring those procedures are followed in an emergency [O. Reg. 213/91 section 17]*
- *ensuring workers' health and safety is protected [OHSa clause 23(1)(c)].*

### **Employers: Employers' duties and responsibilities include:**

- *providing information, instruction and supervision to workers to protect their health and safety [OHSa clause 25(2)(a)]*
- *ensuring vehicle operators and signalers are competent and that a signaler does not perform any other work while signaling [O. Reg. 213/91 sections 96 and 106]*
- *taking every reasonable precaution in the circumstances to protect workers [OHSa clause 25(2)(h)]*
- *ensuring equipment is operated and maintained as per manufacturer's instructions [O. Reg. 213/91 section 93]*
- *ensuring appointed supervisors are competent [OHSa clause 25(2)(c)]*
- *ensuring required measures and procedures are carried out in the workplace [OHSa section 25(1)(c)]*
- *ensuring required equipment, materials and protective devices are provided and maintained in good condition [OHSa clauses 25(1)(a) and (b)].*

### **Supervisors: Supervisors' duties and responsibilities include:**

- *ensuring workers work in the manner and with the protective devices, measures and procedures required by the OHSa and its regulations [OHSa clause 27(1)(a)]*
- *ensuring any equipment, protective devices or clothing required by the employer is worn/used by workers [OHSa clause 27(1)(b)]*
- *advising workers of any potential or actual health or safety dangers known by the supervisor [OHSa clause 27(2)(a)]*
- *providing workers with any prescribed written instructions about measures and procedures to be taken for the workers' protection [OHSa clause 27(2)(b)]*
- *taking every reasonable precaution in the circumstances for workers' protection [OHSa clause 27(2)(c)]*
- *supervising workers' work at all times either personally or by having a competent assistant do so personally [O. Reg. 213/91 section 14]*
- *inspecting, at least once a week or more frequently, all machinery and equipment, communication systems and means of access and egress (entry and exit) at the project to ensure no worker is endangered [O. Reg. 213/91 section 14].*

### **Workers: Workers' duties include:**

- *wearing appropriate personal protective equipment [OHSa clause 28(1)(b)]*
- *using/operating equipment in a safe manner [OHSa clause 28(2)(b)]*
- *reporting any defects in equipment to your supervisor or employer [OHSa clause 28(1)(c)]*
- *working in compliance with the OHSa and its regulations [OHSa clause 28(1)(a)]*
- *reporting any known workplace hazards or OHSa violations to your supervisor or employer [OHSa clause 28(1)(d)]*
- *knowing your OHSa rights, including the right to refuse unsafe work [OHSa clauses 43(3)(a), (b) and (c)].*

**Protecting workers: Employers, supervisors and trainers should encourage workers to communicate any questions or concerns they may have about equipment hazards. Supervisors or others involved in training workers should be familiar with any health and safety concerns affecting the workers.**

Source:

- (1) *Occupational Health and Safety Act (OHSa)* – [www.ontario.ca/laws/statute/90o01](http://www.ontario.ca/laws/statute/90o01)
- (2) *O. Reg. 213/91 – Construction Projects* – [www.ontario.ca/laws/regulation/910213](http://www.ontario.ca/laws/regulation/910213)

## **Appendix 4: Personal Fall Protection**

*Ontario recently introduced a new Working at Heights (WAH) Training Standard and made changes to the health and safety legislation in order to reduce the number of fall-related injuries and fatalities. Minimum requirements for fall protection are set out in Section 26 of the Construction Projects regulation (213/91). New training requirements for WAH came into effect with the Occupational Health and Safety Awareness and Training regulation (287/13).*

*Fall protection must be used where a worker may be exposed to any of the following hazards (O. Reg. 213/91, s. 26):*

- 1. Falling more than 3 metres (10 feet)*
- 2. Falling more than 1.2 m (4 ft) if the work area is used as a path for a wheelbarrow or similar equipment*
- 3. Falling into operating machinery*
- 4. Falling into water or another liquid*
- 5. Falling into or onto a hazardous substance or object*
- 6. Falling through an opening on a work surface.*

*Source: Information taken directly from*

*[https://www.ihsa.ca/rtf/health\\_safety\\_manual/pdfs/equipment/Fall\\_Protection.pdf](https://www.ihsa.ca/rtf/health_safety_manual/pdfs/equipment/Fall_Protection.pdf)*

## **Appendix 5: Differences Between Medical and Recreational Cannabis**

*According to the World Health Organization, cannabis is the most popular recreational drug worldwide. However, unlike many other recreational drugs, cannabis is widely used as a medicine, too. This fact, along with cannabis's changing legal status, has led to much confusion over the differences between medical cannabis and recreational cannabis.*

*Before implementing any changes in your workplace, ensure there is a clear understanding—identified in policies and communicated by your leadership team—of the difference between recreational cannabis and medical cannabis.*

### *Recreational cannabis*

*Recreational cannabis is simply cannabis used for purposes other than medical need. In this way, once non-medical cannabis is legalized, you can treat it in substantially the same way as the use of alcohol.*

### *Medical cannabis*

*Medical cannabis, on the other hand, is a form of medicine for which employees can receive medical authorization to treat a health condition or illness. This means an employee's right to use medical cannabis could become a human rights issue related to disability: where an employee claims a medical need for cannabis, the request must be treated just as any other request for medical accommodation in the workplace. As an employer, you may ask for information from the employee's physician to ensure they are able to do their job safely, and to determine an appropriate accommodation plan. Consider using a Medical Cannabis Prescription Form to confirm that an employee has received advice from a physician to use cannabis to treat a medical condition.*

*Note: In Canada, medicinal cannabis was legalized in 1999. Recreational cannabis was legalized in 2017.*

Source: [https://issuu.com/clubmanagerquarterly/docs/cmq-winter-2018\\_](https://issuu.com/clubmanagerquarterly/docs/cmq-winter-2018_)

## Appendix 6: Critical Injuries

For the purposes of the Act and the Regulations, “critically injured” means an injury of a serious nature that,

- (a) places life in jeopardy,
- (b) produces unconsciousness,
- (c) results in substantial loss of blood,
- (d) involves the fracture of a leg or arm but not a finger or toe,
- (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- (f) consists of burns to a major portion of the body, or
- (g) causes the loss of sight in an eye. R.R.O. 1990, Reg. 834, s. 1.

### *Injury or Illness Reporting: Employer Responsibilities*

- If a worker informs you about a workplace injury or illness, you are obligated to investigate it. If the injured worker only needed first aid and did not require any further health care, you are not required to report it to the WSIB. However, the law requires that you keep a record of all first aid details. *Note: A worker qualified to handle a workplace first aid station can give first aid. When a company doctor or nurse gives only first aid, it is not considered health care, since it did not require their professional skills.*
- If more serious treatment is required, transport the worker to the appropriate medical facility. Depending on the severity of the injury or illness, you may need to assign someone to accompany the injured worker or call an ambulance. You must pay the costs for transporting the worker.
- Continue to pay the worker’s full day’s wages on the day of the accident. If the worker has lost wages and the claim is allowed, WSIB loss of earnings benefits start the working day after the injury or illness occurs.
- If the worker receives only modified work at full pay following the injury, you are not required to report the injury until the 8th day following the accident. You must report workplace injuries or illnesses that go past 7 days of modified work. You must keep a record of the incident and what happens during the time your worker recovers.
- You must report all cases where a worker suffers a needlestick injury, unless you have a surveillance protocol in place. A surveillance protocol is a formal procedure a health care institution follows to test and monitor a person exposed to an infectious disease to see if the person develops that disease.

### *Workplace fatality or critical incident*

A workplace fatality or other critical incident requires additional actions.

- If a person, whether a worker or not, has been critically injured or killed at the workplace, the employer and the constructor (if any), must immediately notify the Ministry of Labour’s Health & Safety Contact Centre, the joint health and safety committee (or health and safety representative) and the union (if there is one). This notice must be by telephone or other direct means.
- Within 48 hours, the employer must also notify, in writing, a director of the Ministry of Labour, giving the circumstances of the occurrence and any information that may be prescribed.

Source: Taken directly from <http://www.wsib.on.ca/>