

Industry stakeholders chronicle OCOT failures after PCs decide to scrap it

Don Wall October 29, 2018



Today, the Daily Commercial News reports on provisions contained in Ontario government legislation to repeal the Ontario College of Trades. Part 2 analysis will study changes to apprenticeship ratios and other business and labour reforms.

Reaction among construction stakeholders to the scrapping of the Ontario College of Trades (OCOT) has been varied, but they all agree on one thing — OCOT never achieved its potential.

The College, founded by the former Liberal government to promote and regulate Ontario's trades, launched in April 2013 and was beset by problems right from the beginning — especially within the construction sector.

OCOT was accused of having a bias towards compulsory trades, of being preoccupied with its regulatory role and of ineffectiveness in resolving scopes of practice disputes.

Premier Doug Ford's Progressive Conservative government pulled the plug on the College on Oct. 23 in a move that caught many construction advocates off guard.

The announcement of the new Making Ontario Open for Business Act was made at a media conference by the province's Minister Responsible for Red Tape and Regulatory Burden Reduction Jim Wilson, Minister of Labour Laurie Scott and Minister of Training, Colleges and Universities (MTCU) Merrilee Fullerton.

Besides "winding down" OCOT, the legislation contains provisions to change Ontario's apprenticeship system, roll back planned increases to the minimum wage and undo worker benefits and improvements to working conditions contained in the Liberals' Bill 148.

The ministers made limited reference to OCOT in their addresses and the statement announcing the new legislation said, "The legislation, if passed, will also modernize the apprenticeship system by initiating an orderly wind-down of the Ontario College of Trades, which remains a source of unnecessary and burdensome complexity for skilled trades employment in the province."

The College will be terminated by the end of 2019, the government announced.

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— Patrick Dillon

Provincial Building & Construction Trades Council of Ontario

"The announcement about the College caught me totally by surprise," said Ian Cunningham, president of the Council of Ontario Construction Associations.

"I thought the College might have been stripped of responsibilities with respect to ratios and status of trade and enforcement and that it would focus on working with employers and apprentices and journeymen and construction associations and unions on apprenticeship modernization. Now this will have to continue, but I just don't know where it will continue."

Commented John Grimshaw, an executive with the International Brotherhood of Electrical Workers, "It certainly doesn't surprise me. It definitely comes from a Conservative playbook."

The legacy of OCOT, said Grimshaw as well as spokespeople for such other stakeholders as the Ontario General Contractors Association (OGCA), Merit Ontario, the Progressive Contractors Association of Canada (PCA), the Residential Construction Council of Ontario, the Ontario Skilled Trades Alliance (OSTA) and the Provincial Building and Construction Trades Council of Ontario, will be one of flawed execution.

"I think the initial idea, certainly there was some merit there talking about trades promotion and how to address the skills gap," said Patrick McManus, chair of OSTA.

"But I think the focus was on regulatory enforcement. It created big, big problems. For years there was a fine balance in who can do what on a construction site. Those rules were set and evolved through the Labour Relations Board.

“And then when the College came in with its own scope of practices regulations and its enforcement body, who could do what on a construction site was muddled. There were jurisdictional disputes, there was a lot of tickets and enforcement around who was allowed to do what on construction sites. That created a lot of problems and a lot of bad blood between the College and the employer associations.”

Building Trades business manager Patrick Dillon suggested OCOT as it evolved was imperfect but not to where issues could not be worked out.

“From a trade person’s perspective, I thought the College was a great concept,” he said. “Yes, it had some kinks to be worked out, but were those issues that serious that the whole College should be blown up?”

Grimshaw, a board member of the Building Trades, said OCOT failed to promote the trades among young people and to protect consumers. It had too many bureaucrats in key functions and it failed even in its regulatory efforts, in particular to enforce jurisdiction among trades.

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— Sean Reid

Progressive Contractors Association of Canada

“They failed miserably on all of that,” he said. “They have not attracted more people to the trades, it turned out to be another bureaucracy where it was a place to shuffle off a bunch of MTCU bureaucrats.”

IBEW complaints about OCOT enforcement continued into this year, even after a long process of reform undertaken by the previous government had introduced changes recommended in the Tony Dean report.

PCA vice-president and Ontario regional director Sean Reid noted his organization has been against OCOT from the beginning.

“The reality is, this organization has presided over a decline in apprenticeships since it began,” he said. “So they have really not delivered on the very thing they were supposed to do.”

Merit Ontario executive director Michael Gallardo similarly identified OCOT’s policy of restrictive apprenticeship ratios in applauding the Ford government’s decision to abolish the College.

OGCA president Clive Thurston said his organization, as OCOT got established, became more involved in advocating for reforms.

“As time moved on and it was realized that there has to be an organization or somebody to pull together the necessities of improving the system, we felt the College could be reformed back to some of the original ideas,” he said.

But the reforms would never work, fellow OGCA executive David Frame stated, because of a basic flaw.

“In the big picture, the College was an impossible idea,” said Frame.

“What they said they wanted to do was, they wanted to promote the trades, while they wanted to get the industry through the College to regulate the trades. And in practice, those become a conflict.”

In the end OCOT was the victim of power grabs by strong unions who wanted to control how decisions got made, how enforcement was undertaken and what unions got certified as compulsory, claimed Thurston.

Still, Cunningham argued, new CEO and registrar George Gritzotis had made great progress in reorienting the College since his appointment last year. The reforms on compliance and trades promotion should have been given more time to take effect, said Cunningham.

“I think it has become a very new organization over the past year,” he said. “I don’t think the government took that into account.”

The stakeholders suggested they would be willing to participate in consultations in future as the government sets up structures to replace OCOT — though Dillon, noting the lack of notice of the recent reforms, said, “that is, if we are asked to participate.”