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## **United States**

### **OSHA Update**

#### **Residential Construction Fall Protection Directive Phase-In**

Starting this past June, a three-month enforcement phase-in is in effect for OSHA's new directive to provide residential construction fall protection. During this phase-in, OSHA will issue a hazard alert letters to employers who are in full compliance with the old directive, but not the new. If after receiving the letter the employer is still not adhering to the new directive, a citation will be issued. This phase-in will last until September 15. For more details on the new residential construction fall protection standard, [click here](#).

#### **New Proposed Work-Related Injury and Illness Reporting Requirements**

OSHA is requesting public comments on a Notice of Proposed Rulemaking announced in the June 22 Federal Register that updates two aspects of the agency's recordkeeping and reporting requirements for work-related injuries and illnesses. The proposal would require employers to report any work-related fatalities and inpatient hospitalizations within eight hours to OSHA and work-related amputations in 24 hours. Under the current regulations, employers are only required to report work-related fatalities and work-related inpatient hospitalizations of three or more workers.

Comments must be submitted by Sept. 20, 2011. See the [Federal Register notice](#) for details on how to submit comments.

### **FASB Removes Withdrawal Liability**

FASB met at the end of June to discuss its disclosure about employer's participation in multiemployer plans (ED 715-80) and the outcome was favorable for the construction industry. FASB removed the requirement of reporting routine annual disclosure of withdrawal liability in the absence of "probable" withdrawal from disclosure.

### **Department of Labor Budget Includes Funding to Target Worker Misclassification Violations**

The Department of Labor has included just over \$15 million in its proposed 2012 budget for a multi-agency misclassification initiative. This initiative is designed to strengthen and coordinate Federal and State efforts to enforce labor violations that result from employees being misclassified as independent contractors.

The \$15 million will be used for field investigator training activities and an additional 3,250 worker misclassification investigations directed towards industries such as the construction industry that have higher

rates of worker misclassification violations.

### **Multiple Bills Seeking to Ban PLAs Rejected**

Multiple bills seeking to ban PLAs for a variety of projects from military, to homeland security contracts were rejected in June. There are still bills in the House and Senate respectively (H.R. 735 and S.119) seeking to ban the requirement of PLAs in awarding government contracts, but neither bill has done much since being introduced at the beginning of the year.

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## **Canada**

### **Federal Government Commits to Long-Term Infrastructure Plan**

With its reintroduced 2011 budget, the federal government reaffirmed its commitment to develop a long-term plan for public infrastructure extending beyond the expiration of the Building Canada Plan in 2014.

“This is a good thing from our perspective,” said Michael Atkinson, president of the Canadian Construction Association (CCA). “The same items of importance from the March budget were included in this one. In particular, the commitment to work with provinces and municipalities to put in place some long-term funding mechanisms for infrastructure.”

The CCA said the investments made by all levels of government over the past 24 months have been “critical to slowing the growth of our national infrastructure deficit. These investments also helped generate thousands of jobs and billions in tax revenues when the Canadian economy was in dire need of stimulus,” added Atkinson.

### **Ontario Confirms \$35 Billion for New Long Range Plan for Infrastructure**

On June 24, the Ministry of Infrastructure’s long awaited infrastructure plan was released. The plan, titled *Building Together: Ontario’s Long-Term Infrastructure Plan* has a ten year horizon that focuses on four key policy sectors: transportation, education, healthcare and communities.

It confirms the \$35 billion infrastructure commitment for the coming three years, including \$12.8 billion in 2011-12.

One of the plan’s main focuses in transportation is the rehabilitation of highways and bridges, expanding HOV lanes, and adding 500 centreline kilometers of highway.

For healthcare, the plan includes three to five major hospital expansions and redevelopment projects each year.

Also notable in the plan, is the Government of Ontario’s commitment to strengthening the construction center to foster increased competition through increased use of procurement standardization, by tendering projects in a range of sizes to support small and medium sized companies, meeting with construction industry representatives quarterly and by promoting Ontario’s construction sector internationally.

### **Ontario Prompt Payment Bill Introduced Same Day Ontario Government Prorogues**

MMP David Parl introduced his private member’s bill, Protecting Contractors Through Prompt Payment Act, 2011 on June 1, the same day the Ontario Government Prorogued until after fall elections. While the bill itself may not go anywhere due to the timing of its release, it does highlight an important issue, and has started a discussion amongst associations on prompt payment.

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