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# CROSSFLOW

SUMMER 2020

THE OFFICIAL NEWSLETTER OF THE ONTARIO SHEET METAL CONTRACTORS ASSOCIATION

## IN THE NEWS

# The Impact of the COVID-19 Pandemic:

## Experiences from the Sheet Metal Industry

**E**arly in 2020, rumblings started to infiltrate news channels that a flu-like illness was taking hold in Wuhan, China. By March, those rumblings became leading headline news as COVID-19 began its rapid spread across the world and was promptly deemed a pandemic.

In early April, the virus took a strangle-hold of Ontario and Quebec with numbers steadily increasing each and every day. In an effort to stop the spread, Ontario Premier Doug Ford was quick to announce a province-wide shut-down

which would affect non-essential business including some parts of the construction industry, specifically, private sector industrial, commercial and institutional projects. Public sector infrastructure and some residential construction were allowed to continue, as were any projects related to the health-care sector.

The severity of the pandemic hit the construction industry with a swift hand. According to a survey conducted by the Ontario Construction Secretariat (OCS), 98 per cent of contractors reported that they were impacted by the corona-

virus to some extent, with 52 per cent reporting that most or all of their work had stopped. Although everyone in the sheet metal industry was affected by the pandemic, many were quick to develop strategies to not only cope but stay afloat during these unprecedented times.

“We’ve seen difficult times before with market recessions, labour strikes, and work shortages. This is no different,” said Joseph Sanita, owner of Toronto’s Elgin Mills Sheet Metal Supplies. “Although operating during the pandemic,

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**Crossflow** is the official marketing publication of the Ontario Sheet Metal Contractors Association. Circulated four times per year, the e-newsletter is designed to provide association news and program updates, government affairs information, educational opportunities, as well as updates on current industry trends.

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# The Impact of the COVID-19 Pandemic: Experiences from the Sheet Metal Industry

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has proved to be more difficult with restrictions, social distancing, and safety measures; we took the initiative to roll-up our sleeves and enforce these rules to ensure the well-being of our employees and clients. This pandemic brings certain challenges to our operations, however, we continue to work as a family, a team. These times have served to highlight that together we are strong and resilient. We have weathered some challenging days by finding innovative solutions. In the end, we believe we will be even stronger."

Elgin Mills continues to see the devastating impact that has occurred in various job sectors. Despite the pandemic, Elgin Mills Sheet Metal continued to hold their heads high and keep the doors open. As the pandemic progressed, the company saw a steep reduction in workflow and, as a result, saw its workforce drop by 70 per cent.

"We sought out ways to keep our business flowing and keep as many of our workers employed as possible," Sanita said. "Our primary goal is to ensure the satisfaction of our clients and customers, and to create a good work environment for our employees."

Although business didn't come to a grinding halt for DuraSystems Barriers Inc., located in Vaughan, ON, production was reduced by approximately 50 to 60 per cent as a result of work stoppages.

"Our operations continued, but our shop was not manufacturing at full capacity," said DuraSystems' Sales Manager Gerry Saieva. "The difference for us is we work right across North America; we're not just an Ontario-based manufacturer. As one area closed down, another would

open up, so we were still able to get work, just not at the desired capacity."

As for industrial contractor Lopes Limited, located in Coniston, ON, just outside of Sudbury, when it came to work stoppages due to COVID-19, it was as close to business as usual as it could be, considering the circumstances.

"I would say we were not severely impacted by the pandemic, but I know other contractors who were deeply affected," said Sonja Mullan, human resources manager at Lopes. "Fortunately, we were considered an essential business due to the fact that we supply services to the mining industry who, in turn, supplies services to the medical field."

Although most of Lopes' business was not affected, the company did have some projects which were cancelled and others which were pushed to 2021 resulting in some of its labour pool having to be laid-off.

In addition to lay-offs, there were workers from each firm who simply opted to stay home due to concerns for their families, as well as their own personal safety.

For Heather & Little Ltd., the onset of the COVID-19 outbreak, saw the company lose 25 per cent of its labour force right out of the gate.

"We lost 25 per cent of our work crew simply because they were concerned, and rightfully so because no one really knew what was going on," said Mike Papania, H&L executive vice president. "Then, when the Ontario Government announced the state of emergency, we lost another 25 per cent of our guys, simply because they panicked."

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Although H&L had some residential work deemed essential, the crew didn't feel comfortable on the job-site, so the difficult decision was made to completely close the doors for two weeks.

"All of the staff who could work from home did, so we were still able to quote and consult on projects, and just keep in touch with customers," Papania said. "After the two weeks, we opened back up and everyone was a little more comfortable to return."

For those who remained on-site, companies were quick to take action implementing measures to ensure the safety and comfort of their employees. In addition to increased disinfection and cleaning practices, the main measures included social distancing and the supply of personal protective equipment (PPE).

According to Mullan, Lopes Limited added manpower to its staff roster in order to cover newly-implemented company cleaning and disinfection measures.

At DuraSystems, Saieva said manufacturing shifts were split in order to keep the number of employees within the shop down and allow for physical distancing.

H&L was also quick to implement new safety measures. Papania said that temperatures are taken daily when staff arrive at the facility, everyone practices social distancing and they wear face masks when working within a two metre distance. Additionally, the company staggered its lunch breaks in order to reduce the number of employees in the lunchroom at one time.

"We spread the microwaves out and have the guys take lunch at different times," Papania said. "It seems silly, but if you don't manage these things properly, it really could have an effect of your workflow."

Also adopting staggered breaks, Mullan said that this adds approximately 60 minutes of downtime each day, resulting in productivity decreases of 10 per cent.

Similar to the OCS survey where 63 per cent reported impacts on supply



chains, Durasystems had to face some supply chain challenges.

"I think some company's did better than others," Saieva said. "You had to be very forward-thinking. For the most part, we did quite well, but we do still have some ongoing issues. However, we are managing to secure what we need to get our work done."

H&L on the other hand, has fared quite well when it comes to obtaining supplies.

"I actually made a telephone call this week for a piece of equipment which I thought we wouldn't receive for six to eight weeks," Papania said. "I was surprised when I was told I could have it delivered the following week."

When asked if the industry would change when the pandemic is over, Saieva said "I don't think it's going to change that much, especially post-cure – once there is a vaccine. Construction is going to continue, it's just a question of how."

Papania agrees, comparing it to changes that are made when one goes on a diet.

"You're eating right and losing weight, and telling people how great you feel because you're not eating or drinking this or that," he said. "Then, one month later, you're right back to where you were. That's reality."

However, Papania adds when it comes to project scheduling, H&L isn't making promises on completion dates.

"We're not sure what's going to happen and we can't promise anything because things could get shut-down again," he said. "We've started re-writing our estimates not just to cover ourselves, but to

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## SCHOLARSHIP AWARD

# Wally McIntosh Scholarship Applications Now Accepted

The Ontario Sheet Metal Contractors Association is currently accepting applications for the 2020 Wally McIntosh Scholarship Award. Applications are available at the [OSM web site](http://osmca.org).

OSM is offering two, \$2500 scholarships to children of OSM member firm employees who are graduating from high school and entering college or university studies. Additionally, a \$1000 award is presented to the sheet metal apprentice who obtains the highest average mark for basic, intermediate and advanced day school while attending the Ontario Sheet Metal Workers Training Centre.

For more information, contact the association office at (905) 886-9627 or e-mail [dramirez@osmca.org](mailto:dramirez@osmca.org).

## INDUSTRY ADVOCACY

# COCA and NTCCC Initiate Advocacy Campaigns

As a member of both the Council of Ontario Construction Associations (COCA) and the National Trade Contractors Council of Canada (NTCCC), OSM highly encourages its members and their industry partners to participate in both organizations' advocacy campaigns.

COCA is your voice at Queen's Park, and is currently seeking relief for contractors who have experienced delay claims that have been caused by the COVID-19 pandemic.

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## Message from the Executive Director

In my last report I welcomed you to a new decade. In this report I am welcoming you to a surreal new world. Surreal is an adjective I normally avoid, given it became cliché by celebrities to describe their fabulous lives, but I am quite confident that it is appropriately used when referencing this pandemic. Surreal and pandemic. Two horrible words we can correctly use in the same sentence.

On March 12, the OSM Board held an in-person meeting near Pearson Airport. The hotel was eerily quiet. It was the writing on the wall that such meetings would soon be curtailed. Since then the Board has conducted video conference meetings, and the association held the annual general meeting using the same technology. I prefer face-to-face meetings, however this technology is fitting the bill for association interaction for the time being.

From the onset of this pandemic, OSM has been guarded from making proclamations about appropriate health and safety protocols, or whether certain projects should be considered essential or otherwise. Only government bodies should be outlining health and safety protocols in terms of this pandemic, as opposed to construction associations who, although well intentioned, are not experts in infectious disease control. Associations need to be mindful that there are always those gleeful scrutineers of the future who are in possession of 20/20 hindsight. Associations should also not be sounding in on what projects should be considered essential. That is a decision of individual employers. Instead, OSM has disseminated relevant information to members with little editorializing. We hope this information has been useful and timely. Our membership in COCA and NTCCC has been an added benefit in this regard.

OSM has been partnering in lobbying for legislation to protect contractors and sub-contractors from delay penalties and extraneous costs associated from this pandemic. This protection is needed not only for projects underway, but projects awarded and not underway. It is feasible that once things normalize, contractors will be pressured to increase manpower, and this may drain some hiring halls. The lack of available manpower will have a trickle effect on projects not yet underway. This legislation seems slow coming but in fairness to both the Provincial and Federal governments, they do have a lot on their plates.

That said, the *Ontario Construction News* reported on June 1 that the OGCA has stated, “some large public sector organizations are playing fast and loose with prompt payment provisions within the Ontario Construction Act, and are setting unrealistic contractual requirements for project completions and payments as the construction industry adapts to the COVID-19 pandemic.” If we recall, these same public sector organizations vehemently opposed prompt payment legislation. As I see it, contractors will add premiums to bid under such terms, or not bid the work at all. The old saying, ‘I can stay in bed and lose money’ comes to mind. If our governments are not watching the ball, leaving contractors to sway in the wind by absorbing the loss in productivity, and extraneous cost for PPE and housekeeping associated with this pandemic will result in bankruptcies. Add dead-beats avoiding prompt payment and this gets exponentially worse.

Many associations, including SMACNA (New Horizons) are partnering to study the costs associated to mitigate maintaining construction during the pandemic. I expect many employers are still tackling the assessment of these costs. After all, no two projects are alike and there still unknowns. It is equally important, that if the government and buyers of construction provide relief, that contractors and their employees act scrupulously in presenting claims. Trust is a two-way street and there is no free lunch in life. These are tax dollars after all.

Public Services and Procurement Canada (PSPC) has undertaken a government-industry roundtable to review the construction industry impact of COVID-19 present and beyond. PSPC does in excess of \$1.9 billion of business annually with the private sector, and procures 76 per cent of construction services for

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## COCA and NTCCC Initiate Advocacy Campaigns

ic. Because COCA's usual methods of lobbying have been curtailed as a result of the pandemic, COCA has turned to a digital advocacy tool.

If you haven't done so already, OSM is encouraging members to participate. The process is quite simple and takes approximately 30 seconds of your time. Simply enter your home address and email address, and send the message to your MPP. After you complete the campaign, please forward this message to your colleagues and industry partners. The more people from our industry that participate, the much greater the chance of securing the relief the industry needs. [Click here to participate.](#)

Trade contractors from across Canada are concerned that decreased productivity and the reduction in available labour, due to COVID-19, will cause delays on projects. They are also concerned that the increase in costs from the lower productivity, as well as meeting new health and safety operating protocols will have a significant, negative impact on their businesses. The Federal Government has an important role to play in setting an example, by giving flexibility on timelines and other contract terms, as well as providing financial relief on projects tendered before the pandemic to ensure liquidity of the construction industry. The industry needs to make sure businesses that are continuing their work are doing so in a safe manner that promotes the health of workers, as well as ensure that continuing work does not lead to undue financial hardship for trade contractors.

The NTCCC is calling on all trade contractors to write their local MP to encourage the Federal Government to support the construction sector. This letter-writing link will allow you to send a pre-written, personalized letter to your Member of Parliament, and the Minister of Public Services and Procurement Canada urging them to take action. It will take about a minute to fill out and will greatly assist NTCCC's advocacy efforts. [Click here to participate.](#)

## RECOGNITION

# Mike McSwan

Recognized as Wally McIntosh Apprentice Award Winner

**W**hen Mike McSwan found his way to the sheet metal industry, his goal was to find a successful, long-term career. But his dedication to his apprenticeship brought him much more than the required skills. It brought recognition as the 35-year-old was named the first winner of the Wally McIntosh Apprentice Award, maintaining an average mark of 95.19.

"I was pleasantly surprised to have received this award," McSwan said. "I just showed up in class and did the best I could. It was nice to be recognized for that."

Having worked in a factory for 10 years, McSwan said he came into the industry through the advice of his friends.

"I had friends involved in the industry and they were doing well for themselves, so I thought I would give it a try," he said.

In August 2017, he started his journey at the Ontario Sheet Metal Workers Training School and worked steadily to develop his skill-set to be an effective sheet metal mechanic. He completed his training in June 2019.

Currently in his fifth year of apprenticeship, McSwan has found his place with The Plan Group, a position he thoroughly enjoys not only for the creativity it allows him, but the support he receives from the rest of the staff.

"I have learned so much not only about



the trade, but the construction industry as well," he said. "I am learning about the complete construction process because I was never in construction before."

Although there are multiple avenues to venture down in the future, McSwan said his intentions for now are to develop into a "really good sheet metal mechanic."

The Wally McIntosh Apprentice Award is a \$1000 prize presented to the sheet metal apprentice who obtains the highest average mark for basic, intermediate and advanced day school while attending the Ontario Sheet Metal Workers Training Centre. The award was originally presented to a deserving student at Lambton College however, moving forward, the OSM Board of Directors decided to present it to one of its own in 2019.

The 2019 award was originally slated to be presented during the Toronto Apprentice Awards Banquet, but given the pandemic situation, the event was postponed. OSM will present the award once restrictions begin to ease.

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## Message from the Executive Director

the Federal Government. NTCCC is participating in this roundtable. Some group discussions have included socio-economic benefits to marginalized Canadians, green projects/community benefits and incentives for employers to keep and take on more apprentices. NTCCC is focusing on the immediate needs of employers to survive in these uncertain times. Good call.

I have pointed out that a practical problem under the current circumstance is the training centres are closed, and presumably any opening of the schools will come hand-in-hand with smaller classes and other added safety measures. That translates to potential capacity problems to accommodate more classes and, at the same time, with lesser seat purchase revenue per class. School training is part and parcel of apprenticeship training. Having schools closed and the potential capacity problems moving forward, is going to result in a backlog of training as well as the advancement of apprentices into journey-persons. As such, the local joint apprenticeship committee is not intaking apprentices during this time. Therefore, federal money is required by the provinces to assist in the cost of apprenticeship training under the present circumstances.

Looking into the future, many are expecting COVID-19 to leave lasting changes to many aspects of our lives and society. I expect we will see changes to our industry as well. I have had several people question me if ductwork is a conduit to transmit the virus. That is a meaty and complicated topic. Once you start speaking to the question, you can see the persons eyes glaze over in fascination with the explanation of the complexities of HVAC design. I have read a few articles on the topic over the past few weeks.

"ASHRAE Position Document

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## OCA Elects Danny Dillon as 2020 Chair

**T**he Ottawa Construction Association is pleased to announce that the members of its Board of Directors have elected Danny Dillon, president and CEO of the DILFO group of companies, as its 2020 Chair.

Dillon has worked for DILFO for the last 31 years and has taken on several roles such as estimator, fabrication shop manager, project manager and vice president. Today, DILFO



is a full-service mechanical contractor offering mechanical services for a wide range of construction projects: small tenant fit-ups, large and complicated design assist/build projects and most recently, a large IPD project.

Dillon studied mechanical engineering at the University of Ottawa, and earned his MBA from Queens University in 2018.

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## Message from the Executive Director

on Infectious Aerosols” reviews this question. In fact, ASHRAE has a dedicated webpage with COVID-19 resources including the position document. A link is available on the OSM website. We know infectious aerosols are already a consideration in the design of healthcare facilities, but not so to such an extent in residential, commercial, schools and public facilities. The position document covers ventilation and air cleaning strategies. We also know humidity within the range of 40 to 60 per cent RH plays a significant role in reducing the transmissibility of infectious disease, and bolsters the respiratory immune system. Maintaining such relative humidity is dependent on the climate and building construction, and can introduce issues such as mould growth. Filtration, ventilation, airflow patterns, and overall good design and execution of HVAC systems are key to a healthy environment.

One thing for certain is adjustments to an HVAC system to increase air changes and relative humidity is best left to the experts, or undesirable consequences can result. In the short term, the need to optimize existing HVAC systems poses business opportunity for mechanical engineers and OSM members to assist building owners. Having four seasons in Canada we know it can take 12 months to test, commission and debug a new building. Time will tell if codes will be adopted to augment HVAC designs with consideration to restricting the dissemination of infectious aerosols. Capital cost and building efficiency is always practical consideration in building design. Done and said, housekeeping and spatial distancing is being heralded by infectious disease specialists as the best means to mitigate the transmission of the virus. The

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## LEGAL NOTES

# The Road to a “New Normal” Contact Tracing and Privacy Considerations in Canada

By Chiedza Museredza & Mitch Kocerginski, McMillan LLP

**P**rovinces across Canada are starting to lift COVID-19 restrictions and resume some economic and other activities. As we pave our way into a “new normal,” governments are considering the implementation of certain measures to avoid a surge of new infections. Countries at more advanced stages of reopening their economies, such as Taiwan, South Korea and Singapore, have adopted contact tracing mobile applications as one of the measures to contain the virus until a vaccine is available.

This article reviews privacy concerns relating to the public implementation of contact tracing apps and guidance from Federal and Provincial Privacy Commissioners on how such concerns may be resolved.

## CONTACT TRACING, EXPLAINED

Contact tracing is a process of identifying individuals who may have come into contact with, or have been in close proximity to, an infected person. Contact tracing apps have the ability to identify and notify individuals who have had recent contact with an infected person on an anonymized basis. It is possible to operate contact tracing apps on either a centralized or a decentralized basis. The centralized apps work by uploading the anonymized data to a central system, which is typically controlled by a government institution. The decentralized apps keep the data on the user’s phone, which gives the user more control over the data.

Many consider contact tracing an essential tool for public health officials and local communities to fight the spread of COVID-19. It has been identified as a key element for reopening economies across different provinces in Canada. The Province of Ontario’s guidelines for reopening its economy, published in April 2020, stipulate that one of the key principles that will guide this process is the capacity to trace and isolate the virus. As of the date of this writing, however, Alberta is the only province that has implemented a contact tracing app.

## RESOLVING PRIVACY CONCERNS WITH CONTACT TRACING

Contact tracing apps raise privacy



concerns because they involve collective, use, and disclosure of sensitive personal data, including health information and geo-location data points.

The Office of the Privacy Commissioner of Canada (the “OPC”) published an assessment framework to guide government institutions implementing privacy impactful measures – such as contact tracing apps – to respond to the COVID-19 pandemic. The assessment framework sets out key guiding privacy principles that government institutions should consider when adopting potentially intrusive measures without decreasing usefulness to public health.

The following have been identified as the key privacy principles for government institutions implementing contact tracing apps to consider:

### 1. Legal Authority.

There must be a clear legal basis to collect, use, and disclose personal information and any consent obtained for the collection must be meaningful. In this regard, consent must be obtained for all specific public health purposes.

### 2. Contact tracing must be necessary and proportionate.

The OPC is aware that the pandemic requires government institutions to take extraordinary measures. However, in doing so, it is important to protect Canadians’ right to privacy. Government institutions adopting contact tracing apps as a measure to contain COVID-19 have to ensure that this is implemented in a proportionate and minimally intrusive manner and that there is scientific backing for the measures being undertaken.

### 3. Purpose of contact tracing must be limited

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## HEALTH & SAFETY

# OSHA Issues Guidance to Assist Construction Workers

The Occupational Safety and Health Administration (OSHA) has launched a webpage with coronavirus-related guidance for construction employers and workers. The guidance includes recommended actions to reduce the risk of exposure to the coronavirus.

Employers should remain alert to changing outbreak conditions and implement coronavirus infection prevention measures accordingly. The web page includes information regarding:

- Using physical barriers (such as walls, closed doors or plastic sheeting) to separate workers.
- Keeping in-person meetings (including safety meetings) brief, limiting the number of participants, and using social distancing practices.
- Screening calls when scheduling indoor construction work to assess potential exposure risks before worker entry.
- Ensuring shared spaces where construction activities are performed have good air flow.
- Staggering work schedules (such as alternating workdays or shifts) to reduce the total number of employees on a job site at any given time and to ensure physical distancing.

ical distancing.

## ADDITIONAL RESOURCES

**OSHA Coronavirus webpage:** Includes the latest news and updates, along with information on hazard recognition, control and recognition and other resources.

**OSHA:** *Guidance on Preparing Workplaces for COVID-19.* Contains recommendations and informational content to assist employers in providing a safe and healthful workplace. Important sections include engineering controls, administrative controls, safe work practices and other administrative facility best practices.

**CDC:** *Guidance for Business Response to COVID-19.* Provides interim COVID-19 guidance focused on workplaces in non-health care settings. Key sections include preparing workplaces for a COVID-19 outbreak, reducing transmission among employees, maintaining healthy business operations, and maintaining a healthy work environment.

For more information about the coronavirus, visit the [Centers for Disease Control and Prevention](#).

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## OCA Elects Danny Dillon as 2020 Chair

During his career, he has served on the boards of directors of several industry associations. These include: the Mechanical Contractors Association of Ottawa, which he chaired in 2007; the Ontario Sheet Metal Contractors Association, which he chaired in 2009, and through which he participated in the negotiation of two provincial collective agreements; and the Sheet Metal and Air Conditioning National Association. He has served on the Board of Directors of the Ottawa Construction Association since 2013.

"As chairman of the OCA, my aim is to support OCA's growing focus on programs for member education," says Dillon. "I also believe strongly in the value of lean principles in construction. I want to promote education programs that will help members learn about lean principles and apply them in their businesses."

## The Road to a "New Normal"

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to strictly protecting public health.

Contact tracing apps should not collect, use and disclose sensitive personal information other than for the intended specific public health purpose.

4. *Contact tracing measures should use de-identified or aggregate data whenever possible.*

Personal information should be de-identified, if possible. Because contact tracing apps have the ability to collect, use and disclose location data points including precise location data in real-time, there is a high risk of re-identification. The risk of re-identification should be considered and mitigated to the extent possible.

5. *Vulnerable populations.*

The collection, use and disclosure of sensitive personal information such as health information and location data may have a detrimental impact on vulnerable populations. It is imperative that vulnerable populations are identified and measures are built into contact tracing apps to protect these populations without compromising their ability to benefit from the apps during the crisis.

6. *Openness and Transparency.*

Openness and transparency are the cornerstone of Canadian privacy laws. These principles are emphasized when extraordinary measures are being con-

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## UPDATE

### Working at Heights One-Year Extension for Existing Certifications

The Ministry of Labour, Training and Skills Development and the Office of the Chief Prevention Officer will be announcing an extension for existing Working at Heights certifications.

Working at Heights training completed between February 28, 2017 and August 31, 2017 is valid for four years from the date of successful completion of the training program. This is a one-year extension for existing certifications.

The amended regulation has been filed and is now in effect.

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## Message from the Executive Director

KISS methodology.

The masses working from home may also have an impact on the construction industry. The “I’m working from home” meme that mocked the practice prior to the pandemic is now under test. Those having to balance working from home and having children home instead of in school must be challenged. Nonetheless, for many with or without young families, it is proving feasible for some. Corporations are monitoring and are without question seeing the potential to reduce office space by having more people work from home, and hotel at the office on an as-need basis. Perhaps not completely a new concept, but what if occupancy per square foot is reduced as a lingering impact of this pandemic? What about if Mr. Trudeau’s newest concept of a four-day workweek takes fruition? Leasing a floor of a prestigious office tower at \$1 million seems less attractive compared to video conferencing. Same for flight travel for business meetings. Will the sum of the parts result in a significant decline in demand for commercial office space? Will this decline offset the lack of available office space in cities like Toronto? More people working from home should reduce the stress on highways, roads, transit or will it? Will working from home result in changes to our personal taxation if our home is required to accommodate a dedicated workspace? Will a result be further increased spending to deliver better infrastructure to our homes such as fibreoptic cabling to service our technology needs? Will our governments be forced to close the taps on planned projects?

Those are a lot of questions, but I’ll end with this one: When is my favourite pub reopening so I can enjoy a pint with my mates?

# The Road to a “New Normal”

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sidered to address the COVID-19 crisis. Government institutions adopting contact tracing apps should ensure that they provide the public with detailed information about these apps on an ongoing basis.

## 7. Time Limitation

Personal information collected by contact tracing apps should be destroyed when it is no longer required for the intended public health purposes.

A joint statement by Canada’s Federal, Provincial and Territorial Privacy Commissioners urges governments seeking to implement contact tracing through mobile apps to respect the following privacy principles in addition to those mentioned above:

### 1. Consent and Trust

The use of contact tracing apps must be voluntary and governments must demonstrate transparency and accountability in order to preserve public trust and confidence.

### 2. Safeguards

Governments must use appropriate legal and technical safeguards to protect the information collected using contact tracing apps. Safeguards must include

contractual measures with developers and service providers to preclude unauthorized access and that the data is used only for its intended public health purpose.

## KEY TAKEAWAYS

As governments begin to reopen economies across Canada, it is anticipated that they will install safeguards to help reduce the risk of subsequent waves of infection. Certain safeguards, such as contact tracing, have the potential to impede on the privacy rights of Canadians. While securing public health and safety is paramount, Privacy Commissioners across the country urge that governments have regard to key privacy principles when doing so.

Government institutions, companies and organizations who are involved in the design, implementation or support of contact tracing apps should consider the key privacy principles outlined above and all other applicable obligations pursuant to Canadian privacy laws.

SOURCE: McMillan LLP

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make sure our customers are also aware and thinking the same way.”

“This hasn’t been a normal time for anyone,” Mullan said. “I know in some contracts, there have been COVID provisions added, where there are additional costs involved. Every situation is different, but communication with your clients is key.”

As the economy starts to re-ignite, regions slowly start to re-open and restrictions are eased, the main concern among companies is the future, and the possibility of a second wave.

“I’m just not sure if the virus is going to come back and affect us yet again,” Papania said. “We were very fortunate to be able to ride this pandemic out, but if it comes back, I fear the closures could be for a longer period of time.”

Mullan agrees adding, “as businesses start to re-open there is a fear that the virus will come back, leading to everything being locked down again.”

“Knowing this virus is not very well-known and there are constant changes in terms of what is true and what is not,” she said. “It’s certainly a strain on the business because everyone is on edge to do their best, yet we don’t know what’s going to come.”

Additionally, after speaking with multiple contractors, Mullan said that contractors are concerned about an increase in competition between union and non-union. With so many projects being cancelled and/or up for re-bidding, many fear that the gap between union and non-union will grow larger.

Although the industry has endured the worst and the economy is starting to ramp up again, businesses are not ready to succumb to the old normal. For now, increased cleaning practices, hand hygiene, the use of PPE and physical distancing will remain the norm until this invisible enemy can be contained.