



## MEMBER BULLETIN

July 24, 2019

# Open Tendering in Ontario

On July 3<sup>rd</sup>, the window officially closed for municipalities to formally indicate to the Ministry of Labour their intentions to 'opt-out' of the open-tendering provisions of Bill 66. Of the municipalities that were previously 'closed,' the City of Toronto was the only one that chose to remain so in light of this legislative change.

This Bill removed provisions in the *Ontario Labour Relations Act* (OLRA) that allowed municipalities (and other public buyers of construction services) to be classified as construction employers. This is an important change because the provisions previously required 'closed' municipalities to tender projects to a limited number of contractors based solely on their specific labour union affiliation. In their review of this issue, the province recognized that union affiliation should not dictate who can provide a bid price for a project being funded by the public purse; responsibility to local taxpayers should be paramount, as should fairness to local businesses and workers. As a result, the province chose to close this loophole, meaning municipalities, giving previously closed municipalities the option to once again tender work to any contractors they deem to be qualified to perform it.

With this change, the Region of Waterloo, City of Hamilton, and City of Sault Ste. Marie have re-opened their tendering processes to all bidders deemed to be qualified to perform the work. Barring future legislative change to reinstate this legislative loophole, no municipalities will be able to be deemed "construction employers" moving forward.

If you have any questions about Bill 66 or any other government policy work presently being undertaken by the OSWCA, please contact Patrick McManus (905-629-7766 ext. 222 or [patrick.mcmanus@oswca.org](mailto:patrick.mcmanus@oswca.org)).