

### Content Coordinator: Stephanie Fargas

### Series 40, Edition 2, Fall 2012

Editor: Juste Fanou

CSC (Construction Specifications Canada) is a non-profit association committed to the ongoing development and delivery of quality education programs, publications and services for the betterment of the construction community.

# 2012

September 11th Energy Codes

October 2nd Point Supported Glazing

November 8th ATLAS Plant Tour

December 4th Lansdowne Park Redevelopment

# 2013

January 8th Re-roofing Garden Roofs

February 5th Green Buildings

March 4th No Frills Trade Show

April 2nd Specifying Hardware

May 7th Glass Technologies & AGM

August 15th Annual Golf Tournament

# **MEETING NOTICE**

The Toronto Decifier

dat	e:	Tuesday, October 2nd, 2012.		
top	ic:	POINT SUPPOR This presentation qualifies for set	RTED GLAZING f-directed OAA credits. (see more details inside)	
spe	eaker:	Richard Brightling (Ste	lla Glass)	
loca	ation:	Toronto Skating Curling 141 Wilson Ave., Toron (1 block east of Avenue	to	
tim	e:	17:15 Cocktails 18:00 Dinner 19:00 Presentation		
COS	st:		550 + HST non-members \$200 + HST Booklet of 6 dinner	
res	erve:	•	ervation with Donna Fournier apter Office at 1-888-494-9350.	
info	):	Chris Hunter, CTR, RRC Phone 416-930-8766	) Firestone Building Products Canada	
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# Chair's Message

By: Russ Snow



### To do two things at once is to do neither. —Publilius Syrus

As I was driving into the office this morning, typing an email and drinking my coffee\*, the topic for this article suddenly came to me...multi-tasking !

Haven't we all seen it?

Someone doing one task while also doing a second? Brings to mind an old phrase I have heard many times "He can't walk and chew gum at the same time". Now we all know that isn't true; because I can! Seriously though, what is true is the fact that if you are not focused on what you are doing, the results of that task will ultimately suffer. Regarding driving and texting we all know what the consequences could be if you are not concentrating on the driving.

Think about multi-tasking when it comes to a meeting. Are you focused on that meeting and the individual or group you are meeting with ? Or are you thinking about other things? If it is the latter, you are only not concentrating on the meeting, you can also be jeopardizing your relationship with that client. If you are not paying attention you are wasting your time, but more importantly are wasting your client's time.

Probably one of the biggest problems when it comes to multi-tasking is the use of texting. How many times have you been in a meeting or an event, when suddenly someone's head goes down and the thumbs start racing? Or how many times have you seen someone texting in the weirdest places? The gym, on a roller coaster (yes, 3 weeks ago at Darien Lake), and of course, who can forget the washroom?

Yes, in today's world we all multi-task, but recently I have realized that it is more important to concentrate on the task at hand and prioritize. The most important task is the one that I am doing right now!

I was reading an article about multi-tasking recently that I thought I would share.

It contained several questions that should be asked to help increase both your productivity and also allow you to focus on your client.

- 1. Am I thinking about my next meeting or the meeting I am in right now?
- 2. Am I waiting for my prospect to finish speaking so I can speak next?
- 3. Is my phone or blackberry on or off?
- 4. Am I checking my phone during the meeting?
- 5. Am I focused on anything other than my prospect?

If you answered yes to any of these you are a multitasker! Now I am not saying that this is wrong as there are always underlying circumstances that may require this. However most of the time, these can be overlooked until the meeting is over. Not only will you be more productive in the meeting, but it will allow you to focus solely on your client.

\*the author does not drive and text at the same time and does not condone these actions.

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# Spec Writer's Viewpoint: How to prepare for a meeting with a Technical Rep.

By: Mark Clemmensen



(Vice Chair)

Typically, prior to scheduling a face-to-face meeting between a specification writer and a technical representative, an initial conversation, either by phone, email or trade show booth visit is engaged.

This line of communication

can be initiated by way of a question to a problem, or an introduction of a product, system, service or even an individual new to the field or their employer. Typically, this first communication determines if a more formal face-to-face get-together is required, and if other individuals should be in attendance. Once the meeting is scheduled, preparation by both parties is now required to ensure a successful transition of useful knowledge during their short time together.

# Suggested preparation for the Specification Writer (Spec Writer):

- Spend a minimum of 15 minutes researching about the manufacturer and what they offer.
  - This research could lead to different products or services which may not have been discussed when the initial communication took place to set up the meeting.
  - Questions asked during this meeting can now focus on information that is not easily discovered in their product literature or on their website.
  - Initial questions might get answered through this preliminary research, therefore saving time during the meeting.
  - Print product literature in question and if available, bring the manufacturers catalog to allow for updates.

- Always bring business cards because you never know how many individuals might be in attendance, and invite colleagues ahead of time if you feel that this meeting will benefit their current project or their overall product knowledge.
   Colleagues may have specific questions which might not appear critical at the time of the meeting.
- Always have a one-on-one meeting prior to discussing a possible "lunch & learn" opportunity. This allows further insight on the manufacturer to determine if the product offering only needs to be discussed with a small group of individuals or if this information should be shared to a large audience.

# Suggested preparation for the Technical Representative (Tech Rep):

- Spend a minimum of 15 minutes researching about the architectural firm and their clients.
  - This research allows for select products or services to be highlighted during the meeting, ensuring that time is well spent on items which can be specified on future projects. Spending time discussing residential products to a firm which doesn't work on residential projects is a waste of time for both parties.
  - This research could lead to different products or services which may not have been discussed when the initial communication took place to set up the meeting.
  - Research previous projects, and if available specifications, allowing for a greater insight to specified products from competitors.
  - Prepare a "Comparison Chart" prior to the meeting, outlining your products and two main competitors' products. This comparison chart can now be used as a tool by the Spec Writer on future projects and when updating their Masters.

# **Dinner Meeting** October 2, 2012

# **Point-Supported Glass**

This Presentation qualifies for self-directed OAA Credits

This presentation will show how PSG systems are being used today to achieve imaginative architectural designs using a combination of glass and stainless steel.

# **SPEAKER: Richard Brightling**



Richard Brightling was born and raised in the UK. He graduated from London College and following two years of experience with a major advertising practice, emigrated to Canada in the late sixties where he worked for a number of international firms before starting his own marketing and advertising practice in 1980.

During his career in advertising, he was responsible for many clients involved in marketing architectural building and construction materials, including several new products at a time where the "BRAND" was gaining respect and importance with architects and specifiers. As president of Poirier and Brightling, a firm that specialized in the marketing and advertising Condominiums in the GTA, the firm marked over \$2 billion dollars of real estate over a ten year period.

Most recently Richard has been involved with his own company JIGSAW, which provides marketing and sales support for specialized architectural products, most of which are specified by architects for use by the glazing industry. For the past three years, Richard has been representing Stella Glass Hardware, a leading NA designer and marketer of Point Supported Glass (PSG) hardware which provides a wide range of high quality, innovative stainless steel hardware used to create statement architectural facades and canopies.



(Program Committee Officer)



# WELCOME NEW **MEMBERS**

Please join me in welcoming the following new members to the CSC Toronto Chapter

**Ms. Beverley Darling** SPECWORKS Consulting Inc.

Mr. Jordan Morrison INTERCHANGE, The Executive Knowledge Exchange

Ms. Natasha Henry Cloke-Kirby Construction Ltd.

Mr. Mark Bodzasi Situra Inc.

# **WELCOME BACK!**

We wish to WELCOME our previous members rejoining CSC Toronto Chapter.

Mr. Lyndon Regular Alumicor Ltd.

Mr. Vincent Roy Polycor

Mrs. Zelda Plinte Toronto Transit Commission -**Engineering Dept** 

Please order YOUR name tag for only \$12.00!!!



Stacey Bogdanow (Membership Officer)

# 2012-2013 Dinner Meeting Sponsors

Date	Sponsors			
September 2012	Exterior Technologies Group (ETG)	CORE Contruction	Event Past Date	Event Past Date
October 2012	Thames Valley Brick & Tile	3M Canada	Exterior Technologies Group (ETG)	Alumicor
December 2012	LM Temperature Controls Inc	3M Canada	TBD	Available Opportunity
January 2013	Available Opportunity	Available Opportunity	Available Opportunity	Available Opportunity
February 2013	TBD	Available Opportunity	Available Opportunity	Available Opportunity
April 2013	Available Opportunity	Available Opportunity	Available Opportunity	Available Opportunity
May 2013	Available Opportunity	Available Opportunity	Available Opportunity	Available Opportunity

# 2012-2013 Door Prize Sponsors

Date	Sponsors		
September 2012	Chicago Metallic	Reed Construction Data	
October 2012	Chicago Metallic	Reed Construction Data	
December 2012	Chicago Metallic	Reed Construction Data	
January 2013	Chicago Metallic	Reed Construction Data	
February 2013	Chicago Metallic	Reed Construction Data	
April 2013	Chicago Metallic	Reed Construction Data	
May 2013	Chicago Metallic	Reed Construction Data	

# **Dinner Meeting Sponsorships Available!**

Become a dinner meeting sponsor for only \$195, which includes a table-top display prior to dinner, one free dinner ticket and a one page marketing insert included in that month's Specifier. Contact Wayne Austin by email at wayne.austin@norr.com to arrange your sponsorship.

As always, we would like to thank all of our dinner and door prize sponsors for their continued support.



# **Student Liaison Officer Portfolio**

By: Steve Ionnides

### Good day members!

I'm the new CSC Toronto chapter Student Liaison Officer this season.

So you may ask, what's a Student Liaison Officer, and what role does the said person play in the grand scheme of things? Well in



case you are wondering, I'll be attending post secondary institutions' career fairs, meeting post secondary institutions' officials, and generally keep my finger on the pulse of student interests for the purposes of promoting CSC. In addition, I'll prepare reports describing the events and activities attended to the executive council and post this information to the membership through our Toronto Specifier newsletter.

I look forward to a successful first season as your Student Liaison Officer.

Meanwhile, I welcome your thoughts, comments, and suggestions. After all, these students are our future; so please take the time to support our association!



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# Bill 119: What you need to know.

By: Nancy McPherson

On January 1, 2013, several major changes to the Workplace Safety and Insurance Act (WSIA) will come into effect following the recent proclamation of Bill 119.



Bill 119 changes the requirements pertaining to

Nancy McPherson (Interior Design Officer)

clearance certificates and exempt status for sole proprietors and partners who run businesses without employees. The changes will require those individuals who purchase construction services to ensure that all involved and contracted for those construction services are in compliance. Employers who fail to adhere to these changes will risk incurring significant penalties.

Specifically, changes to the clearance certificate process will make it an offense to sell or purchase construction services without a valid clearance certificate. For example, those who hire a subcontractor to complete plumbing, electrical work or drywalling without a clearance certificate could incur a fine under the WSIA. Upon conviction, fines could be up to \$25,000 for an individual and up to \$100,000 for companies. In all cases, both the principal and the sub-contractor could be fined.

For more information on Bill 119, go to http:// www.employeradviser.ca/en/Non-Construction-Employer/News-Resources/Webinar-Archive/



### Isabelle Champagne, CTR District Manager

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## **CSC - Toronto Chapter**



**RCI Ontario** 

Akron Rd

Map data @2012

70 Leek Cres., Richmond Hill ON L4B 1H1 Telephone: 416-847-9153 E-Mail: <u>mthorburn@tcaconnect.com</u> Website: <u>www.rci-onchapterinc.ca</u>

# \*\*Atlas Plant Tour – Thursday, November 8, 2012-1 RCI CEU\*\*

Toronto

Chapter

Location Cost 55 Akron Road, Toronto No charge to attend/RSVP is mandatory

This is a joint RCI Ontario, CSC and OIRCA event. Thanks are extended to Atlas Roofing Corporation for sponsoring the tour.

# <u>Agenda</u>

Arrival Time	9:15 am-9:45 am – Light Refreshments	
Presentation	9:45 am-10:15 am	
Tour 1	10:15 am – network with CSC and OIRCA member	s while waiting
Tour 2	10:45 am – network with CSC and OIRCA member	s while waiting
Wrap-Up	11:15 am	Alhena Ave
Lunch	11:30 am – eat at Atlas or take-away	Carson

# **Presentation Description**

- Overview of the Atlas company, products and plants
- General overview of Polyisocyanurate insulation composition, manufacturing process, standards
- Atlas Polyisocyanurate products and applications roofing, walls, facer options, composite products

Company AddressProvPostal Code	Please RSVP by Novem	<u>ber 1, 2012 to</u> :	RCI Ontario E-Mail Fax	Attention Mary Thorbur <u>mthorburn@tcaconnect</u> 416-499-8752	
Address       City       Prov.       Postal Code         Telephone       Fax       E-Mail         Note: Guests will not require safety shoes. Attendance will be limited to a	Name			Member 🗌	Non-Member 🗌
Fax       E-Mail         Note: Guests will not require safety shoes. Attendance will be limited to a	Company				
Note: Guests will not require safety shoes. Attendance will be limited to a	Address		City	Prov	Postal Code
	Telephone	Fax	E-Ma	I	
		ests will not requ	ire safety shoes	. Attendance will be limite	ed to a
	csctoronto.ca		7		October 2

# **Productivity Bits**

By: Juste Fanou

It's the 11th hour and your specification looks almost perfect. You've checked all your standards, removed your Spec Notes, and are just about ready to send your work off to be printed. However, one can never be too cautious, so you decide to give your work another look...and all of a sudden you see it: a reference to a non-existent trade Section that was originally in your Master Specification and somehow managed to survive your laborious and careful editing process. You immediately remove the stray reference (e.g. Refer to Section 05 12 00) but can't help but wonder how many more of these are still haunting your documents.

While Specification Writers are all too familiar with the above scenario, to others not involved in the process of preparing specifications, the last couple of sentences may as well have been written in Latin or Greek. Nevertheless, I ask that you all bear with me for a few more paragraphs, and you may discover a trick that will make the process of finding and crossreferencing items in your documents much more efficient.

This trick is called "Wild Cards." It is a feature in MS Word (2003 and up) that enables you to use expressions in order to find items that fall within a defined range. Wild card expressions are used when the exact item that is being searched for is not known, but you have a general idea of what it looks like. The expressions are varied and their power is quite impressive. However, for the purposes of this article, I will be demonstrating only one way in which these can be used - to find any 6 digit combination in the following format: "00 00 00".

### The steps are as follows:

- In MS Word (2003 and up), bring up the "Find and Replace" dialog box by using Ctrl + F or by going to "Edit" > "Find" (MS Word 2003 only)
- Once inside the dialog box, you need to ensure that the "Use Wild Card" box is checked. You can do this by bringing up the advanced options ("More Button") menu as shown in the illustration.

Got Tips? Email them to juste.fanou@gmail.com and educate the rest of us!

- Now, enter the following expression in the search box: ([0-9][0-9] [0-9][0-9] [0-9][0-9])
- Next, hit the "Find Next" button and witness the wildness!

## \*(IMPORTANT: It is crucial that the expression is entered EXACTLY as listed - pay attention to the spaces!)\*

If the above steps have been properly followed, MS Word should now be able to help us quickly identify all of the 6 digit numbers present in the document (in the case of Specification Writers, these would be the related/referenced Sections). Hopefully, having this information highlighted can help you quickly add or get rid of items that may have been omitted in the first round of edits.

Wild cards have extensive powers and their mastery is important to ensure the most efficient and accurate searches are performed in MS Word. While this article only brushed the surface of the matter, additional information is available in the wilderness of the world wide web (pun and alliteration fully intended). A Google search for the terms "Wild cards MS Word" returns about 2,470,000 results in 0.27 seconds. So what are you waiting for? Start searching! Get wild!

Find and Replace
Find Replace Go To
Find what:         ([0-9][0-9] [0-9][0-9] [0-9][0-9])           Options:         Use Wildcards           3.Enter the expression as displayed
Highlight all items found in: Main Document Find Next Cancel Search Options
Search: All  Match case
Find whole words only         Find whole words only         Stands tige (English)         Find all word forms (English)
Format   Spgdal  No Formatting
Liferer •         1000000000000000000000000000000000000
8 October 2012

# Getting to know...Beverley Darling! 5 Questions for a new CSC Toronto Member

By: Stacey Bogdanow

# 1. Tell us a little about Beverley Darling .

I am happy to be back in my home town. I started off from Toronto to go to school at Carleton University in Ottawa and spent the following years in the bigger cities in Western Canada. I have three children, one living in Toronto, one in Vancouver and one in London. England. I started off working as a draftsperson, team leader, project manager then got asked to write a specification for a school. That was it. I was hooked. I was in Toronto at that time, working with several CSC members and we all learned together what it takes to write a good specification. I have been doing specifications for many types of projects and many architectural firms. Having worked in Victoria, then Vancouver for the last while, I have a definite West Coast view of construction. I love to mentor new spec writers, but I might need a bit of Eastern mentoring myself.

# 2. How did you learn of CSC?

In my very first job in Edmonton I worked with Edwin Bowman, a dedicated charter member from the first CSC Edmonton meetings. I was still young with lots to learn and did not want to sit at a typewriter instead of the drafting board. He directed me to the PCD classes and I helped cut-and-paste some specifications together. I joined CSC in 1981 while living in Calgary.

# 3. Why join CSC?

Networking is one of my favorite topics. I did not discover what it really was until I read a book about it and now I talk about its benefits to everyone. CSC meetings are the greatest places to network, to meet people and get connected. For me it is old friends and new contacts; where you learn new information; and discuss issues to get a collaborative point of view. I know if I go to every meeting, no matter the topic, I will learn and retain something.

# 4. Do you plan on taking any courses?

I have been the teacher for CSC Classes in Vancouver for 3 years. I was also part of the committee that updated the Specifier One Course. I might be talked into teaching a topic or two instead.

# 5. Would you encourage others to become members of the CSC – Toronto Chapter?

Absolutely! The benefits of belonging are great. CSC Chapters are more than a breakfast/ lunch /dinner meeting and I would encourage everyone, old and new, to come out now and again. There are the courses and activities; and there are friendships. When that Sales Rep comes walking through your office door, you know them and it becomes more than about what's in their briefcase. It's about being connected to the people in your industry.



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# Sibling Accreditation: Guillermo and Elsa Cordero

By: Stephanie Fargas

1. What motivated you to seek a certification through CSC?

When I joined the association more than 8 years ago, my main purpose (being an Architectural Technical Representative) was networking. Then, I noticed that some of my best possible contacts were teaching the courses. What better way of getting to know them? They had to see me in class!

After completing the two levels of Construction Documentation, I obtained the CTR designation which made a lot of sense given my line of work. Preparing specifications is an important part of my work, so I decided to take the Specification Writing courses to know what the specifiers had to deal with and to better serve them. After finishing the courses, the next logical step was to obtain the designation. Both designations have fulfilled and expanded my original purpose of joining CSC. As a member I have met hundreds of professionals in the industry. The CTR and CSP designations give me a good door opener. The education gives me the tools to properly address inquiries, and I contribute some work (from time to time)

#### 2. Describe a contribution your sibling has had in your professional development?

At her work Elsa deals with parts of the process that I am not familiar with. Her advice has always been valuable, opportune and complementary. While we took the Specifier courses, it was nice to share questions about the assignments or find out about them if I could not make to class. In addition, I had a guaranteed spot in the first row regardless of the time I got to class!

It is also good that we can share insights and comments about the industry while we attend family gatherings. d. Because we share the same last name, we both often have to clarify that we are not married to each other.

#### How did it feel to receive the Certified 3. **Specifications Practitioner (CSP)** designation with your sibling?

Exciting! Not only we attend industry events together but I also got to receive this designation at the same as my "little" sister. Yes, believe or not, I am older than she is! je je je.

# **Professional Development** Report

By: Peter Wong

We would like to acknowledge the achievement of the following persons for successfully completing



the in-class CSC **Technical Representative** and Specifier 1courses that the Toronto Chapter offered in the spring of 2012.

The course certificates will be presented to them in the October Chapter monthly meeting.

Successful completion of the Technical Representative course is one of the requirements for the Certified Technical Representative (CTR) designation. Although successful completion of the Specifier 1 course is not a requirement for RSW registration, we encourage enrollment in this course for introduction to specification writing.

Technical Representative Course: Shamanna Kelamangalam, Mackenzie Adkin, Steve Thompson and Stacey Bogdanow.

Specifier 1 Course: David Aquilina, Shelley Vanderwal, Kat Lai, Jonathan Dickson, Marco Merolle, Paula Leponiemi, Joseph Kostantin and Paul Wong.

### **Congratulations.**



Guillermo and Elsa Cordero: Siblings and Certified Specifications Professionals (CSP)! Congratulations!

## The Toronto Specifier

# CSC Toronto Chapter 25th Annual Golf Tournament

The 25<sup>th</sup> Annual CSC Toronto Chapter Golf Tournament was held on August 16, 2012 at the Richmond Hill Golf Club in Richmond Hill Ontario on a beautiful bright and sunny day.

This was our 2<sup>nd</sup> year at Richmond Hill Golf Club and the fine men and women at the course looked after our tournament immensely. The tournament was 100% sold out well before the cut off deadline and for the first time the registration process was handled using our online/ internet method.

## This year the organizing committee introduced new

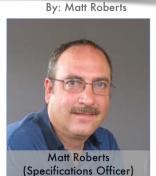
methods of sponsorship and in celebration of our 25<sup>th</sup> Anniversary the Toronto Chapter produced logo'ed golf balls for all participants and changed up the dinner menu – which was served as a buffet.

As always the Toronto Chapter supports a charity at the golf tournament. This year, the beneficiary of the holein-one competition entrance tickets and the raffle was Pathways to Education. Pathways to Education is helping youth in low-income communities graduate from high school and successfully transition into postsecondary education. Pathways to Education addresses systemic barriers to education by providing leadership, expertise and a community-based program proven to lower dropout rates.

The Pathways to Education program provides a comprehensive set of academic, financial and social supports to youth. The results of this unique program have been ground-breaking, reducing high school dropout rates by over 70%, and increasing the rate at which youth go on to college or university by as much as 300%.

# New Peer Discussion Group for RSW, CCCA, CTR and CSP

As mentioned before, the CSC Toronto Chapter has introduced a new initiative to enhance the development and professionalism of our various classifications of members within our Association. This initiative will also be a valuable



mentoring tool for those in the process of obtaining one of the above designations.

The initiative involves creating a developmental relationship program outside the working environment using a discussion format for all current and future CSC designation recipients/holders. We feel this could bring together peers with similar learning interests or needs to share problems encountered, find solutions and discuss any other ideas to facilitate learning.

To achieve this, we see the group setup in the format of a reverse pyramid (i.e have young or new recruits set the agenda for each discussion). They would also encourage others of the same stature to join the discussion. Our first meeting is scheduled for Monday, September 24, 2012; 6:00 – 9:30 p.m. in Committee Room #2 at Toronto City Hall. Hope to see you there.



# CSC Toronto Chapter 25th Annual Golf Tournament (Cont.)



I am pleased to inform you that the participants at the tournament raised \$2300.00 for Pathways to Education and the official cheque will be presented to representatives of the charity an upcoming dinner meeting. Special thanks to our Golf Cart and Hole-in-One Sponsor, Tremco Sealants and their Technical Representative, Mr. Gord Crix for arranging the sponsorship and donation of the 51" Samsung T.V. Of course this tournament wouldn't have been a huge success without the assistance of our sponsors and partners (who are listed below).

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- Sound Solutions Architectural Products

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- Wentworth Associates

# CSC Toronto Chapter 25th Annual Golf Tournament (Cont.)



### Hole in One Sponsor

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I would like to thank the organizing committee which included Mr. Steve LeBlanc (Contract Glaziers) and Mr. Matthew Roberts (B+H Architects) for their hard work, dedication and commitment to ensuring a smooth, seamless and enjoyable day. I would also like to thank Ms. Stacey Bogdanow (W.R. Meadows) and the CSC Toronto Chapter Administrative Assistant, Ms. Donna Fournier, for their hard work and assistance on the day of the tournament. Our graphics and signage for the tournament would not have been possible without the assistance of Mr. Adam Boyce (B+H Archtiects) and Mr. Rino Dambrosio (Astley Gilbert Limited).

The 2013 CSC Toronto Chapter Golf Tournament will be held on August 15, 2013 at the Richmond Hill Golf Club. Make sure you pencil in the date from now! Are you interested in sponsoring the 2013 golf tournament? Contact me directly at any time! Sponsorship registration is already open! Reserve your spot to avoid disappointment. Looking forward to seeing you all in 2013!

Kazim (Kaz) Kanani Tournament Chair

www.csctoronto.ca

# Legal Corner: Terminating An Employee

By: Sean Sinclair

So, on a fairly frequent basis, I'm contacted by an employer looking to fire an employee; perhaps the employee continues to show up late, is disruptive or just generally does not give a damn.

The vast majority of the time the employee is being fired "without cause". Establishing just cause in Saskatchewan is a difficult test and generally requires that various written warnings first be given to an employee. Without this paper trail, it is going to be the rare case where you can fire an employee for cause (theft, criminal activity, severe insubordination are some examples of cases where you might be able to justify an immediate dismissal). Even with warnings, courts are reluctant to order that a dismissal is for cause.

So, long story short, if you are going to fire someone, you have to expect to pay the piper. The question is what you have to pay to get rid of the employee.

### The Labour Standards Act

Although most of our clients expect to pay a dismissed employee something for firing him, they often misjudge the amount that they have to pay. One of the biggest misperceptions is that The Labour Standards Act stipulates what the employer has to pay.

The Labour Standards Act is the absolute minimum that an employer has to pay to a dismissed employee without just cause. However, a judge is likely going to give far more than the amount set out in the Act.

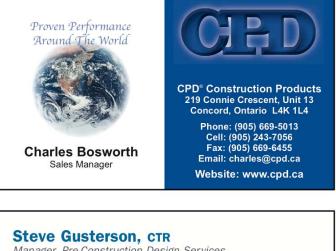
The Act has very little relation to the amount that will have to be paid. In fact, the Act normally speaks in terms of the number of weeks that have to be paid to an employee (with a maximum of 8 weeks). The courts talk about the number of months (with a flexible 18 month maximum) that has to be paid to the employee.

So, if you are looking at firing an employee, know that you will likely have to pay more than what is set out in the Act.

### **Reasonable Notice**

When an employee is dismissed without cause, the law is "reasonable notice" or pay in lieu of reasonable notice.

"Reasonable notice" means that the employee has to be given notice that he is being let go on a certain date. That date has to be a reasonable period of time in the future. This gives the employee a reasonable period of time to find new employment and move on with his life. The amount of notice that has to be given varies depending on a number of factors: length of service, age of the employee, seniority of the position (managers are normally paid more), availability of suitable alternative employment, enticement from a previous job, etc.



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# Legal Corner: Terminating An Employee (Cont.)

By: Sean Sinclair

### **Reasonable Notice (Cont.)**

Instead of giving reasonable notice, the employer can pay an employee an amount in lieu of notice. Basically, the employer is paying out the notice period.

Most of the time, employers do not want an employee hanging around work making everyone else miserable, barely working and being a negative influence after he is let go. Also, the longer the employee is around the workplace, the greater likelihood that he will find some type of human rights or occupational health and safety complaint that he can lodge against the employer.

So, employers often want to buy out the notice and get rid of the employee right away. This triggers the question of what needs to be paid.

## **Calculating Notice**

It is impossible to give a catch-all rule for what an employer has to pay to a dismissed employee for "severance" (which is what we call pay in lieu of notice). It is dependent on a number of factors. What lawyers generally do in determining an appropriate amount of severance is find similar cases (cases with similarly aged employees, similar jobs and/or similar periods of service) that went through trial and determine how many months of severance were given in those cases.

A very rough rule of thumb that some people use is one month of severance for every year of service. However, that can be quite inaccurate and should be checked against previous cases. Courts have recently spoke out against the one month for every year of service calculation.

### **Employee's Duty on Dismissal**

A dismissed employee has a duty to try to find another job within a reasonable time frame after he is fired. If the employee finds a job, the wages that he earns at the new job are deducted from the amount of wages owing by his old employer.

## Getting Rid of the Employee

So, if you are looking at getting rid of the problem employee, first speak to your lawyer. He or she will be able to give some advice about how to approach the employee with the news, what not to say (because you can get in a



lot of trouble with human rights complaints) and how to structure a severance offer to the employee.

### **Real World Example**

A recent case dealing with reasonable notice is Coppola v. Capital Pontiac Buick Cadillac GMC Ltd., 2011 SKQB 318. There, the worker was employed with the employer for around 2 years. He started off as the fleet manager for a dealership and was promoted within a short period of time to be the finance manager. He was 36 years old when he started with the employer and seemed to have a bright future.

The employer then dismissed the employee without warning after 2 years. The judge found that two factors likely played into the decision to terminate: high wages for the employee and a refusal of a transfer to a different dealership.

The employer, thinking that his obligation was what was set out in The Labour Standards Act, paid 2 weeks notice to the employee. The employee sued and was given 6 months notice (which amounted to \$77,263). After deducting the wages earned by the employee during the notice period and the two weeks already paid, the employer had to pay the employee \$66,384.

Also, the judge found that the employer suggested to others that the employee had been guilty of fraudulent or dishonest conduct.

# Legal Corner: Terminating An Employee (Cont.)

By: Sean Sinclair

### **Real World Example (Cont.)**

The employer attempted to defend the lawsuit at the outset on the basis that it had just cause for dismissing the employee because of fraudulent or dishonest behaviour (which was later retracted by the employer). As a result of the employer's unfounded allegations, the employee was given an extra \$20,000 as aggravated damages against the employer.

### How Can You Avoid Dealing with this Problem?

By now, you are probably looking at all of the dollar signs here: pay the severance, pay the lawyer, etc. So, can you avoid some of this?

### Well, a couple of options you might consider are:

- 1. Having employment contracts with your employees which specify what a dismissed employee gets in the event of dismissal;
- 2. Having independent contractors do your work instead of employees.

### **Employment Contracts**

You can specify the amount of notice that is to be given to an employee in the event of dismissal in an employment contract. However, you have to be very careful in the drafting of employment contracts.

In one Saskatchewan case (Duguay v. Mudjatik Thyssen Mining Joint Venture, 2010 SKPC 183), the judge was clear that terms in an employment contract that change the common law period of notice have to be set out in the clearest of terms so that the employee understands what he is giving up. Because the drafting of the employment agreement was unclear in this case, the judge refused to limit the amount of notice to the amount set out in The Labour Standards Act as specified in the employment agreement. In another case (Hrischuk v. Lobstick Golf Club Inc., 2011 SKQB 151), Justice Smith of the Saskatchewan Court of Queen's Bench emphasized the wisdom of making sure that a contract is well drafted by a lawyer:

"A lawyer did not prepare the Agreement. The defendant had a template contract that it used for various management positions such as the plaintiff's, general manager, food and beverage manager, and the like. No doubt a lawyer had prepared the original contract years before but the defendant had developed the habit of simply making adjustments to the original contract template as and when a new management employee was brought on. I leave it to the defendant to assess if that proved to be a false economy."

In short, you should make sure that your employment agreements are the best possible agreements if you are going to rely on them to fire a worker.

### **Independent Contractors**

Another thing that we often see are employers terminating relationships with an "independent contractor". The employer generally assumes that terminating this relationship will not result in any severance.

This is correct to a point: severance is not payable to a truly independent contractor. However, the issue is whether there is a truly independent contractor relationship or whether it could be construed as an employee-employer relationship.

A whole paper could easily be written on what constitutes an independent contractor relationship versus an employment relationship. However, it is important to realize that courts do not particularly care whether you characterize it as an "independent contractor" relationship or whether the employee pays taxes as an independent contractor. There is a lot more that goes into it than that.

# Legal Corner: Terminating An Employee (Cont.)

By: Sean Sinclair

#### Some of the things that courts look at are:

- 1. The level of control the employer has over the worker's activities;
- 2. Whether the worker provides his or her own equipment;
- 3. Whether the worker hires his or her own helpers;
- 4. The degree of financial risk taken by the worker;
- 5. The degree of responsibility for investment and management held by the worker; and
- 6. The worker's opportunity for profit in the performance of his or her tasks.

Thus, if you are using independent contractors, make sure that they are truly "independent" so that you can avoid a potential employment severance situation.

### Conclusion

Firing workers in Saskatchewan is financially hazardous and has to be approached with caution. Make sure that you get good advice if you are looking at getting rid of an employee and expect that you will likely have to pay some form of severance to get rid of the problem.

# Message from the Website Officer

By: Kazim (Kaz) Kanani

# Readers & Web Surfers, welcome back!

As your new Website Officer, I look forward to serving you – the membership – by reviewing our existing web site, upgrading our web pages and posting new and current information. While my predecessor has left me with big shoes to fill, I certainly aim and will try my utmost to fill them.



In addition to the web site, it is my responsibility to look after our online payment system (Karelo); to continue informing the membership about our events; and to issue the Specifier via our email distribution system.

If you have any suggestions for our Toronto Chapter web site, please do not hesitate to contact me directly at any time. My coordinates can be found on the last page of the Specifier.

Looking forward to an exciting 2012-2013 term.

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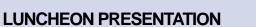
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October 2012



# **MEETING NOTICE**





**EFFECTIVE THERMAL PERFORMANCE** 

ADDRESSING NEW CODE REQUIREMENTS & OPTIONS TO MEET ASHRAE E90

when:	Thursday, October 18, 2012
venue:	Royal Canadian Legion, 828 Legion Road, BURLINGTON, ON.
time:	<b>Registration: 11:30 AM</b> Literature/Product Tables*: Before lunch and after the Presentation.
	Lunch: 12:00 Noon
	Presentation: 12:45 PM (Meeting to end by 2 PM)
	*A Networking opportunity for manufacturers and suppliers. Literature /product tables are available at \$50.00 each, book with Terry
cost:	\$25.00 Per Person, payable at the door. Receipts on arrival, ATM on site. (Cheques payable to CSC Hamilton/Niagara Chapter).
target audience:	Architects, Landscape Architects, Engineers, Specification Writers, Building Code Professionals, Owners, Property Managers, Contractors, Sub-Contractors.
reserve:	With Terry Johnson FCSC, Preferred Email: <u>tjohnson32@cogeco.ca</u> Cell: 905 220 5366

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# **MEETING NOTICE**





**EFFECTIVE THERMAL PERFORMANCE** 

ADDRESSING NEW CODE REQUIREMENTS & OPTIONS TO MEET ASHRAE E90

**course description:** In response to the new Building Code and ASHRAE E 90 changes combined with increasing energy costs, John Kubassek has designed, engineered and produced a Canadian made solution. Engineered Assemblies is pleased to introduce you to the T-Clip. This clip combined with standard construction materials and methodologies creates a thermally broken façade. Benefits:

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- Tested and proven my Morrison Hershfield
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# seminar presenter: John Kubassek.

Mr. John Kubassek's background includes design as well as supplying and installing cladding systems of all types. John has years of hands-on experience as a tradesperson, supervisor and advisor on some of the most exciting jobs in the Ontario region. In addition, he teaches a course entitled "The Creativity in Business". John attributes his success to the awareness that we are part of a greater force which when effectively harnessed will co-create with us.

John decided to start his own company and apply the extensive experience and knowledge that he had gained along with his core values and guiding principles in Engineered Assemblies Inc. The industry responded with tremendous support and Engineered Assemblies has close to doubled in growth each year in business and has expanded from East to West coast. A year and a half after starting Engineered ssemblies, John started a full service installation company called Praxy Cladding Corp. which has also grown at a fast rate.

Disclaimer. The opinions and comments expressed by the authors and presenters do not necessarily reflect the official views of CSC. Also appearance of advertisements and new products or services information does not constitute an endorsement of products or services featured. Door Prizes appreciated. **PLEASE CONTACT TERRY**. Thank You.

### The Toronto Specifier



# BBS

Brian Ballantyne Specifications is a firm of independent architectural specification writers located in Oakville, Ontario. Established in 1992, we are team of 7, currently working with over 25 architectural and design firms on a wide range of projects throughout North America. We are currently seeking an:

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Please send your resume and cover letter via e-mail to the attention of Richard Bryant at <u>rbryant@bbspecs.com</u>. We do thank all applicants for their interest however only those selected for an interview will be contacted.

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CSC Members in good standing or firms with members in good standing may place career advertisements in *The Toronto Specifier* free of charge, space permitting and at the discretion of the editors.

Help-wanted advertisements must be seeking a professional with, or working towards, a recognized CSC professional designation and must be no longer than 250 words.

Corporate logos may be included. Advertisements can run for up to 3 issues, provided space is available. To place your ad, please contact Stephanie Fargas at <u>sfargas@designdialog.ca</u>

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**October 2012** 





Advertising in the Toronto Specifier offers the benefit of distribution to a minimum of 700 members every month for 10 issues (September 2011 to June/July 2012). The issue preceding the No Frills Trade Show is forwarded to the four other Ontario

CSC chapters in addition to our regular e-mail distribution. Th e cost for the advertisement is as follows:

# 3-1/2" x 2" business card ad

\$300.00 + \$39.00 HST = \$339.00

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To returning advertisers, we would like to express our thanks for your support and we look forward to your continued sponsorship. Advertisers must be a member of CSC with a maximum of one (1) name per single business card ad and three (3) names per double business card ad.

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Artwork is the same as 2011/2012 Toronto Specifier

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**Note:** There will be a \$40 + HST charge for changes to business card ads.

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- One complimentary dinner ticket
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- Advanced notification of your display dates in the Specifier Choice of monthly dinner sponsorship is on a first-come, first-served basis. Cost of package if purchased individually: \$210 + HST

# Bronze Sponsorship \$425+HST

- One Dinner Sponsorship
- Single Business Card ad placed in the *Specifier* for 10 issues (one name only/\$50 charge for changing the card during the print run)

Cost of package if purchased individually: \$510+HST

# Silver Sponsorship \$685+HST

- One Dinner Sponsorship
- Double Business Card ad placed in the *Specifier* for 10 issues (three names maximum on business card/\$50 charge for changing the card during the print run)
- Company name and logo posted on CSC Toronto Chapter website (September through August) *Cost of package if purchased individually:* \$830+HST

# Gold Sponsorship \$1,525+HST

- Silver Sponsorship Benefits, as well as the following:
- Registration for CSC No Frills Trade Show: aisle table
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- Website Package, which includes:
  - Company name and/or logo recognition on the Toronto Chapter website, with hot link to your home page, or page link provided to us.
  - o Will run for 12 months (September through August)

Cost of package if purchased individually: \$1,920+HST

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- CSC No Frills Luncheon Wine Sponsorship
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