



Ontario Association of Architects

October 29, 2018

Via E-mail

The Honourable Laurie Scott, Minister of Labour
Ministry of Labour
400 University Avenue, 14th Floor
Toronto, ON, M7A 1T7

Dear Minister Scott,

On behalf of the Ontario Association of Architects (OAA), I'd like to congratulate you on your appointment and thank you for the interest you've shown in the past for architecture, the profession, and our Association.

As you may be aware, the Changing Workplaces Review, launched in 2015, spent some time focusing on regulated professions. Both the interim report and final report examined architecture, concluding that professional exemptions should be subjected to further review "under a new process." The OAA has been consistent in its recommendation to remove professional exemptions from the *Employment Standards Act, 2000* (ESA), including:

- a letter to the Ministry of Labour dated March 20, 2017 (see attached);
- a President's Letter to members encouraging the membership to voluntarily comply while the OAA worked with the Ministry to remove professional exemptions (see attached);
- a 2016 submission to the Changing Workplaces Review (see attached); and
- a 2015 open letter stressing that architectural interns must be paid for their work (see attached).

Having identified the OAA as an exemplary regulator, the Ministry asked the OAA (and, I believe, the pharmacists) to commence a consultation with the members to confirm a final recommendation to government. This was accompanied by a formal government consultation that closed in December 2017. It was communicated by Ministry staff that this consultation was intended to influence the Government's direction toward the remaining professional exemptions.

On January 18, 2018, the OAA issued its final recommendation that the Ministry should remove "professional exemptions that apply to architects and other related professions." The OAA remains committed to this course of action and encourages the Ministry to remove the professional exemptions for architects and other related professions. We believe this can be completed at the same time that changes are being made to the *Fair Workplaces, Better Jobs Act, 2017*.

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The OAA enjoys a longstanding collaborative relationship with Government and we look forward to continuing our work with you on this and other important issues. Please do not ever hesitate to send us a message or give us a call.

Sincerely,

A handwritten signature in black ink, appearing to read "John K. Stephenson". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John K. Stephenson, Architect
OAA, MRAIC
President





Ontario Association of Architects

March 20, 2017

The Honourable Kevin Flynn
Minister of Labour
400 University Ave, 14th Flr
Toronto, ON
M7A 1T7

Dear Minister,

As you are no doubt aware, the Ontario Association of Architects (OAA) is the licensing body and professional association for Ontario's architects established under the *Architects Act* to regulate the practice of architecture "in order that the public interest may be served and protected." The OAA has a membership that comprises nearly 4,050 licensed architects and 1,600 intern architects; and more than 1,750 practices. As part of its regulatory mandate, the Association provides a wide range of services to its members and the public.

Early in 2015, the OAA recently joined the federal advocacy body, the Royal Architectural Institute of Canada, in issuing an open letter to all architectural practices affirming the right of architectural interns to receive payment for their work. The OAA noted that fair compensation recognizes the value of intern architects, but that fair compensation reflects on our larger desire "that society values architects and architecture."

In October 2016, the OAA issued a letter of support for the Changing Workplaces Review but had not yet had the opportunity to study the issue. At that time, we committed to sharing any relevant findings or recommendations with the Ministry when such information became available. On the whole, we are happy to report that the architectural profession appears largely committed to paying overtime to employees working within architectural practices.

The OAA has discussed the professional exemptions associated with the *Employment Standards Act* and has decided to again take a leadership position by recommending that the Ministry of Labour remove professional exemptions that apply to architecture and other related professions.

Removing these professional exemptions will recognize both the OAA and the Government's commitment to protecting all employees in the Province of Ontario while similarly preventing any unfairness from occurring in the competitive market if only the exemptions related to the architectural profession were to be rescinded.

We hope the Government will enact the OAA's recommendation, and remain committed to working with you and your staff on this important file.

Sincerely,

A handwritten signature in black ink, appearing to read 'John K. Stephenson', written over a horizontal line.

John K. Stephenson, Architect
OAA, MRAIC
President



Ontario Association of Architects

September 20, 2017

RE: TREATMENT OF PROFESSIONAL EMPLOYEES

Dear Colleagues,

I am writing you to today to advocate that as practising architects and business owners, we take a strong and proactive leadership position in support of the fair and equitable treatment of all professional employees within our practices regardless of current legislation that permits us to do otherwise. This is a matter of business ethics directly related to the practice of architecture which is clearly in the public interest, both for the fair and equitable treatment of employees and to help promote and protect a strong and economically viable profession of architecture.

As many of you may be aware the OAA has responded to the Provincial Government's consultation regarding the modernization of the *Employment Standards Act* with comments in the interests of the profession of Architecture. OAA Council has taken the position that architect employees, students and interns in architecture should be entitled to the various protections of the *Employment Standards Act* (ESA) regarding such things as limits on hours of work and entitlement to compensation for overtime. Council's view is that the current exemption in the ESA which denies these individuals such protection is an anachronism that does not reflect the modern reality of professional practice and current labour practices. Council's strong view is that its continued existence supports and enables abusive labour practices directed at current and future members of the profession of Architecture. It also contributes to a very imbalanced competitive landscape within our profession which disadvantages the progressive and enlightened employers within it.

Concurrent with Council's initiative, a member's resolution proposed and passed at the 2017 OAA AGM, asked Council to consider advocating for a policy based approach within the Ministry of Labour which deems interns in architecture not to be 'students in training' included in the current professional exemption and therefore to be fully protected by the *Employment Standards Act*. The member's resolution also suggested that Architects who do not treat intern architect employees in accordance with this interpretation be guilty of professional misconduct and subject to disciplinary action. There is no doubt that interns are a valuable resource within our profession and indeed they represent the future of our profession and should

be treated fairly and equitably as employees. Council applauds the spirit of this initiative and we view its overwhelming endorsement by the members at the AGM as strong support for the overarching goal of broad employment equity within the profession.

While the OAA is continuing its strong advocacy with the government for progressive change within employment legislation, we have investigated the legality of the policy based approach as proposed in the member's resolution. A legal opinion sought by OAA has established that there is no legal basis relative to the current legislation for considering interns not to be students in training within the meaning of the ESA.

The government appears to be very committed to modernizing the Employment Standards Legislation however affecting legislative or procedural change is likely to take some time and may not be completely successful due to the political realities of government. Despite this, our profession has the clear opportunity to demonstrate enlightened leadership in employment practices, and to do this now, without waiting for legislative change to require us to do so.

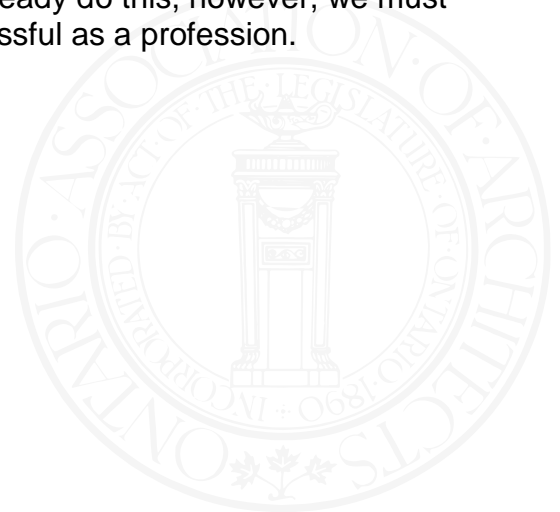
In the meantime, while we are seeking change, on behalf of Council and the profession I encourage all architectural practices to voluntarily adopt the ethical approach of treating all employees equitably regardless of their professional status. It seems abundantly clear to me that if we want society to appropriately value the work that we do, we must lead by example and ourselves value the work of our student, intern and professional employees.

I am convinced that most of our practices already do this, however, we must **all** rise to this standard if we are to be successful as a profession.

With kind professional regards,



John K. Stephenson, Architect
OAA, MRAIC
President





Ontario Association of Architects

Changing Workplaces Review, ELCPB
400 University Ave., 12th Floor
Toronto, ON M7A 1T7

October 13, 2016

To whom it may concern,

The Ontario Association of Architects (OAA) commends the Ontario Ministry of Labour, Mr. C. Michael Mitchell, the Honourable John C. Murray, and the Special Advisors on the consultations leading to the Changing Workplaces Review Interim Report. The OAA actively supports the review of *the Labour Reform Act*, 1995 and the *Employment Standards Act* (ESA), 2000.

As you may be aware, the OAA is the licensing body and professional association for Ontario's architects established under the *Architects Act* to regulate the practice of architecture "*in order that the public interest may be served and protected.*" The OAA has a membership that comprises nearly 4,000 licensed architects and 1,500 intern architects; and more than 1,750 practices. As part of its regulatory mandate, the Association provides a wide range of services to its members and the public.

The OAA has noted that the exemptions applying to architects under the ESA have been classified in the Changing Workplaces Review Interim Report as "exemptions that should be subject to further review in a new process." The OAA would appreciate the opportunity to participate in any future consultation processes regarding the architectural profession.

This review has sparked a number of timely considerations for the profession and, in the interim, the OAA is exploring the opportunity to consult with the architects and architectural practices in Ontario to gather information about the impacts of ESA exemptions on both employees and employers within the profession. We will happily share any relevant findings with the Ministry and Special Advisors as information becomes available.

The OAA hopes to ensure that the industry is well represented within the consultation process and looks forward to working closely with both Ministry officials and the Changing Workplace Review Special Advisors to ensure the best interests of Ontarians are served.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toon Dreessen', with a long horizontal line extending to the right.

Toon Dreessen, Architect
OAA, FRAIC, AIA, LEED AP
President

CC. The Honourable Kevin Daniel Flynn, Minister of Labour



Ontario Association of Architects

January 23, 2015

To the Members of the OAA,

At the December 5, 2014 OAA Council meeting, OAA Council passed the motion to send a letter to all members regarding unpaid internships.

In March 2014, the Royal Architectural Institute of Canada made the following statement in response to a Quebec media outlet inquiry. It was also circulated to all RAIC members and the Ordre des architectes du Québec (OAQ) and the Association des Architectes en pratique privée du Québec (AAPRQ).

The Royal Architectural Institute of Canada (RAIC) upholds the right of architectural interns to receive payment for their work.

The profession has a responsibility to encourage students and graduates. A fair wage shows young people that their work is valued and recognizes the contribution they make to an office.

Compensation creates respect between present-day architects and future architects. It is essential, ethical practice.

Unpaid internships contradict the RAIC's mission – to affirm that architecture matters and to support architects in achieving excellence.

The OAA endorses the RAIC statement on paid internships. The OAA believes that intern architects must be valued – it is part of a bigger picture reflecting how the profession values architecture as well as our desire that society values architects and architecture.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toon Dreessen', written in a cursive style.

Toon Dreessen, Architect
OAA, MRAIC, AIA, LEED AP
President