



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

The Modernization of the Forestry Workers Lien for Wages Act – Backgrounder

Under the *Forestry Workers Lien for Wages Act* (the Act), forestry workers are entitled to claim a lien for wages on certain wood products. The Act has not been significantly amended since its enactment in 1891. However, the cultural and technological context of logging has completely changed. Trees were once felled with saws and axes; now they are felled using huge mechanical harvesters. Logging workers used to spend the entire winter in live-in camps, cutting until spring; now they log year-round and do not usually stay in camps long-term. Almost all logs used to be transported to mills via log drives down watercourses; now almost all are transported via road.

These changes have undermined many of the assumptions upon which the Act rests. The outdated drafting of the Act frustrates workers' attempts to protect their interests since complex and costly litigation is required to interpret the Act in contemporary circumstances. In this project, the Law Commission of Ontario is undertaking a law reform project of the most classical type: the review of an outdated statute that requires revision to be properly applicable in a modern context.

After research and preliminary consultation, the LCO has issued a Consultation Paper which considers the problems with the Act and will provide the basis for discussion with the public over the next three months. The Consultation Paper reviews:

- the changes that have occurred in the logging industry between the passage of the Act in 1891 and the present day;
- the history of the law of liens and the current state of the relevant law;
- the major problems with the Act;
- possible reforms that would make the Act more effective; and
- the issues that require particular attention when reforming the Act, including:
 - the scope of lien rights;
 - how filing and registration of liens should be handled;
 - what priority liens should have relative to other security interests;
 - the process for enforcing a lien; and
 - the possibility of a compensation fund.

In addition to feedback on the questions raised in the Consultation Paper, the LCO also welcomes submissions identifying other issues that have been missed in the Consultation Paper.

Based on the LCO's research, including the responses to the Consultation Paper, the LCO will make a number of recommendations for reform to the Act that will be set out in a final report for the project.

Public input is an essential part of the reform process. Written submissions on the Consultation Paper will be accepted until **December 14, 2012**. The Consultation Paper also explains how people may provide feedback in more informal ways.

All interested parties are invited to provide submissions by mail, fax, or e-mail to:

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In addition, comments can be submitted using the LCO website comments form at <http://lco-cdo.org/en/content/get-touch>.