



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

**Law Commission of Ontario Recommends Repeal of
the Forestry Workers Lien for Wages Act Project**

FOR IMMEDIATE RELEASE

TORONTO, November 27, 2013 – The Law Commission of Ontario (LCO) today releases its Final Report in its *Review of the Forestry Workers Lien for Wages Act* project and recommends repeal of the Act.

The *Forestry Workers Lien for Wages Act* was enacted in 1891 as a form of wage protection for loggers cutting timber in the northern Ontario bush. It provides loggers with a lien over the logs or timber they work on for the amount owing to them for their work. The Act remains essentially in original form while the logging industry and commercial environment have changed dramatically.

The LCO began this project with the purpose of updating the Act to reflect modern logging practices. However, after extensive research and consultations with industry stakeholders and commercial law experts, it became apparent that not only the language and procedures of the Act were in issue, but also the ongoing suitability of a lien regime in the modern industry.

The Report examines the historical context to the Act and contrasts this with the fundamental changes that have taken place in the technology employed in logging, the relationship between loggers and mills, the regulatory structure of the industry and the commercial law backdrop. These and other factors each have implications for the continued viability of the Act and, taken together, they indicate that a lien regime is no longer a suitable means for protecting Ontario loggers. Although many loggers continue to bear financial risk due to industrial conditions, the Report finds that this risk is no longer comparable to the historical circumstances that the Act was designed to address. The Report concludes that the Act is commercially and legally obsolete and recommends that it be repealed. “This is a case where reform just didn’t make sense,” says LCO Board Chair Bruce Elman, “The lien regime created by the Act is incompatible with the modern logging industry and modern commercial practice.”

Launched in September 2007, the LCO is funded by the Law Foundation of Ontario, the Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada, and is also supported by Ontario’s law schools. It receives funding and in-kind assistance from York University. Housed in the Ignat Kaneff Building, home of Osgoode Hall Law School, York University, it operates independently of government to recommend law reforms to enhance access to justice.

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Aussi disponible en français

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