

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

SP-7

**Journal
des débats
(Hansard)**

SP-7

**Standing Committee on
Social Policy**

Working for Workers Act, 2021

2nd Session
42nd Parliament

Tuesday 23 November 2021

**Comité permanent de
la politique sociale**

Loi de 2021 visant à oeuvrer
pour les travailleurs

2^e session
42^e législature

Mardi 23 novembre 2021

Chair: Natalia Kusendova
Clerk: Tanzima Khan

Présidente : Natalia Kusendova
Greffière : Tanzima Khan

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House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 1710-9477

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 23 November 2021

Mardi 23 novembre 2021

The committee met at 0900 in committee room 1 and by video conference.

**WORKING FOR WORKERS ACT, 2021
LOI DE 2021 VISANT À OEUVRER
POUR LES TRAVAILLEURS**

Consideration of the following bill:

Bill 27, An Act to amend various statutes with respect to employment and labour and other matters / Projet de loi 27, Loi modifiant diverses lois en ce qui concerne l'emploi, le travail et d'autres questions.

The Chair (Ms. Natalia Kusendova): Good morning, everyone. The Standing Committee on Social Policy will now come to order. We are here for clause-by-clause consideration of Bill 27, An Act to amend various statutes with respect to employment and labour and other matters.

We have the following members present in the room: We have MPP John Fraser—welcome—and we have MPP Wayne Gates. We already did our attendance check for the members participating remotely.

We are joined by Julia Hood from the office of legislative counsel, ministry staff, as well as staff from Hansard and broadcast and recording.

To make sure everyone can follow along, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it may take a little bit of time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments should go through the Chair.

When we do votes during today's meeting, it will be through show of hands. As a reminder to all members, you must have your camera on during all votes. Unless someone specifically asks for a recorded vote after I have asked whether the members are ready to vote, the breakdown of the vote will not show up in Hansard.

I would also like to remind the committee that all amendments must be written before the committee can consider them. This way, we can avoid problems and discrepancies in the wording and intent of amendments. Are there any questions at this time?

The Clerk has distributed the amendment packages to all members and staff electronically. The amendments are numbered in the order in which the schedules appear in the bill. Are there any questions?

We will now begin the clause-by-clause consideration. As you will notice, Bill 27 is comprised of three sections and six schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone consideration of the first three sections, in order to dispose of the schedules first. This allows the committee to consider the content of the schedules before dealing with the sections on the commencement and short title of the bill. We would return to the three sections after completing consideration of the schedules. Is there agreement to stand down the three sections and deal with the schedules first? Agreed? Agreed.

Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendments under consideration. Are there any comments to the bill as a whole at this time? Okay, let's start with MPP Gates. Go ahead.

Mr. Wayne Gates: Thank you, Chair. Good morning, colleagues. I want to thank you for giving me—I should take my mask off; I look better. You're supposed to smile at that, colleagues.

That didn't work. I apologize for that. But it was a good one-liner, early in the morning. I appreciate it.

I wanted to thank you for giving me a few minutes for an introduction here. Having read through the written submissions and having watched the video submissions, I think what we're looking at here is an opportunity. There are many parts of this bill that we can support. In fact, there are many parts of the bill that the NDP have been pushing for a number of years. In various schedules, I think that we can truly make a difference in people's lives.

For workers across Ontario, we can show them we're willing to put aside our political differences and that we're able to truly create change for the better: change that protects workers when going to work in Ontario, change that can protect women in the workplace, change that can help travelling workers from around the world, and change that brings justice to injured workers. We have the opportunity before us here today, and in some cases you'll see we're willing to support your amendments and work with you. We hope you're willing to work with us as well. Chair? Chair, it's okay?

The Chair (Ms. Natalia Kusendova): Yes.

Mr. Wayne Gates: I'm looking forward to clause-by-clause today, starting with schedule 1. I think we've tabled some common-sense amendments to every schedule,

especially schedule 1, and I'm looking forward to working with the government on that. I think throughout this bill, we have the ability to cast a wider net and to protect even more workers.

Chair, I want to say one thing before further proceedings begin. All of the presentations were focused on one aspect of this bill, and that is schedule 6. I simply cannot believe that the government members did not hear loud and clear what the majority of the presenters were telling them.

Schedule 6 is a slap in the face to injured workers and to the families of workers killed on the job. Elsewhere in this bill, we can absolutely find common ground, but schedule 6 must change.

As we work our way through this bill, I encourage the government members to begin the work amongst themselves to seriously, seriously consider changes to schedule 6. Right now, we're looking at around \$3 billion—that's with a B, billion—that would be returned to employers and, in some cases, companies that have had numerous workers die on their watch.

I want to quote CUPE Ontario here, from their written submission:

"CUPE Ontario is uniquely positioned to speak to the proposed changes regarding the Workplace Safety and Insurance Board (WSIB). In addition to being the largest union in the province where our 280,000 members rely on the WSIB, we also represent 3,400 WSIB employees who are members of CUPE Local 1750. As a result, this gives us a keen insight from the perspective of users of WSIB services and WSIB service providers.

"The proposed changes in schedule 6 of Bill 27 will undoubtedly impact workers in this province"—and this is important—"for the worse."

Let me quote Janice Hobbs Martell, the daughter of Jim Hobbs, a hard-working man who just wanted to provide for his family. Her submission was incredibly moving, and I hope that you have all read it. But the line that got me was when she said, "I am fully aware that this is a majority government"—we all are—"and that if you choose to do so, you can enact schedule 6 of Bill 27 into law. But what you cannot do is claim that you did not know that such a decision will harm workers and families in this province. That is the purpose of this submission to the Standing Committee on Social Policy: to ensure that you understand the gravity and the impacts that such a decision will have on workers and families like mine."

Jules Tupker wrote to us and said, "I suggest that this government do the right thing, withdraw schedule 6 of Bill 27, and that the government immediately hold discussions with workers and employer representatives to determine the proper disposal of surplus funds." I actually call them workers' funds. It's workers' money.

If you want to know where that money should go, you need to look no further than the presentation given by Sue and the Occupational Disease Reform Alliance—and this is important, to my colleagues that are listening. They represent grieving families in Sarnia, Peterborough, Dryden, Sudbury, Waterloo and my own area, Niagara, at

the General Motors plant, among many other communities. This is what's important in this part of their statement: They represent communities with PC MPPs. I'm sure you're hearing the same thing I'm hearing. Give their families the money and give the money to WSIB with clear instructions to invest in cancer cluster research, instead of giving it back to employers, because, honestly, once you give this money away, it's gone. How will we ever get back to that surplus?

0910

Chair, this goes on and on in the written submissions. I truly hope this committee reads each and every word of them, because they were moving stories and real-life stories. What you will gather from the submissions is that throughout them, there's a common theme. With some tweaks, schedules 1 through 5 can be supported. They can help workers if we add amendments to them, and we can do that together with my colleagues who are in the room, whether you're Conservative, Liberal, independent. But schedule 6 is wrong. The way it is written here is wrong.

You see, I've tabled a common-sense amendment: Give the money back to workers alongside employers. Ensure that this money goes to end deeming and to make right what this province has gotten so wrong for so many years. Give workers who have been deemed some justice and give their resources back to them so they can get out of poverty. Give to the widowed and grieving families that justice they deserve. Give Sandy from Sarnia the justice she has been seeking for 40 years. That can be done by simply raising your hand and supporting our amendments. That way, we're not pitting workers against each other. We have a bill that can be proudly supported by all of us.

Chair, it is also workers' groups saying this alongside injured workers. This is from the Elementary Teachers' Federation of Ontario: "If passed in its current form, schedule 6 of Bill 27 would deepen the injustice inflicted by Ontario's workplace safety and insurance system on those who have suffered workplace injuries and illnesses in recent decades. As described in the submissions of the Ontario Federation of Labour, the WSIB's funding surplus is the result of benefit cuts, aggressive claims management, and the systemic under-recognition of injuries.... If the proposed amendments are passed a significant part of that surplus may be used to give employers a handout. That should not happen." I agree with the ETFO and these injured workers: That should not happen, Chair. It should not happen.

There is also another piece that is sadly missing from this bill, which this government should add in here immediately, and it's regarding deeming, something that you know I've spoken about since I got up here a number of years ago. For those watching at home and wondering what deeming is, I refer you to the submission from the Ontario Network of Injured Workers:

"The biggest reason why WSIB was able to eliminate its unfunded liabilities so quickly and has been able to post surpluses since has been primarily through their use of deeming" against injured workers. "Deeming is this perverted mechanism by which WSIB pretends that one is

able to work a full-time job and then deducts those imaginary wages from this phantom job from their loss-of-earnings. If deeming involved real jobs the workers were suitable for, with real wages,” the network “wouldn’t have a problem. But when deeming involves telling an injured worker they could be a full-time greeter at Walmart, we have a problem, especially since we know Walmart doesn’t hire full-time greeters—or a high-rise window cleaner who fell and broke both ankles being told he could be a parking lot attendant or a light assembler, even though his doctor ruled that” these were not jobs he was suitable for, or even available in his area.

“The result of deeming now is that many thousands of workers are on the Ontario Disability Support Program instead of WSIB. Based on a 2017 FOI request, we know that there were about 3,300 injured workers who had been deemed and were now receiving so little in loss-of-earnings that they had been forced to rely on ODSP to top their income up to the maximum allowable under that program”—all paid by taxpayers.

Madam Chair, this is a crisis hitting workers, and it’s costing taxpayers. Instead of the WSIB doing what it’s supposed to be doing and returning money to workers, it’s putting them onto a public payroll, and schedule 6 is now giving their money back to the employers. The key there is “their money”; it’s workers’ money. That is an injustice to every worker in Ontario, and it needs to be removed or changed.

If we change it in a way that restores workers’ rights, outlaws deeming and provides justice for injured workers, then we’ll have a really good bill, one that we can say we reached by working across party lines. I hope we don’t have a situation where we have common-sense amendments we can show workers in your riding and leave you to explain why you didn’t support them. We don’t need that, because the stakes are too high.

Chair, the stories we read in the written submissions were heartbreaking. They are guiding the amendments we, the NDP, are putting forward today. A lot of hard work from these advocates has informed these amendments. Voting these down would pit worker against worker, and we can’t have that, not on a bill that’s supposed to be for workers. So as you work through these amendments, I hope you’ll take the time to see them in the grand scheme of the bill.

How can we protect migrant workers? How can we protect new Canadians working here? I can say that in my riding of Niagara, we have a lot of migrant workers in greenhouses in Niagara-on-the-Lake. We need to protect them.

How can we fix schedule 6? How can we amend this horrible schedule and stop the injustice to families affected by occupational cancers, by the WSIB or by deeming? Madam Chair, I’ve been saying this for a long time: The WSIB is broken. It no longer serves workers. I have tabled numerous pieces of legislation to fix this broken system and to provide workers with access to their insurance benefits that they have a right to. That’s important to understand, Chair: They have a right to them. Time and

time again, this government has voted them down or refused to support them.

I hope today we see something different. We have a real opportunity here to make the WSIB work for workers, to get rid of the frustrations of the denials and the appeals, and to truly provide a system that is there for workers when they experience the worst day in their working lives. I’m asking this government to work with us in good faith and to get these amendments passed.

Madam Chair, I want to conclude with this submission from the OFL, and this one really hit home: “In 2019, Enrico Miranda, a temporary agency worker at Fiera Foods in North York, Ontario, was crushed to death when a machine he was cleaning suddenly activated. Mr. Miranda was the fifth of five temporary workers to be killed on the job at Fiera Foods since 1999. His and one other death occurred on the watch of the current” PC “government. Employers such as Fiera Foods that rely primarily on temporary agency workers are aware that the agencies that hire them, and not the client company itself, are responsible for the workers’ health and safety under the Workplace Safety and Insurance Act.” We had lots of discussion around that over the last few days. “This creates a disincentive for employers to maintain minimal health and safety standards in their workplace, as long as they face no consequences for the health and safety of temporary workers.

“Under Bill 27, employers who continue to violate health and safety standards for temporary workers, because the client company is not jointly ... liable with the agencies that hire the workers, could still be deemed ‘safe’ employers and”—this is just amazing to me—“eligible to receive” a surplus from the fund. “Implementing section 83(4), which the government of Ontario could do immediately, regardless of the status of Bill 27, would transform the employment model for temporary workers and dramatically improve their health and safety conditions—in some cases, literally saving lives.”

0920

Chair, that’s from the Ontario Federation of Labour, representing 1.2 million workers in the province of Ontario. I think that shows there are clear issues with this bill and a clear action we can take today. Companies like that shouldn’t benefit from this bill; workers should. So let’s put aside our political differences, let’s listen to these submissions and let’s pass a bill that works for workers in a real sense. I hope you take that seriously today. We have an opportunity here to work together to improve the bill and improve the lives of workers.

I want to say to the Chair and to the committee thank you very much for allowing me to have an opening statement.

The Chair (Ms. Natalia Kusendova): Any other comments to the bill as a whole? MPP Fraser.

Mr. John Fraser: I just simply want to say that I agree with my colleague MPP Gates with regard to the approach that we need to take today in the clause-by-clause. There are good things in this bill, things that will protect workers. Do they go far enough? No, but there are some good

measures in here, especially with regard to access to trades and professions, because there's a basic injustice that has been happening for many years in this province under all of our governments with regard to making sure that people can practice the trade or profession that they have been trained in. There have been too many obstacles for too long. This bill gives some more power and addresses some things specifically. There's more to be done there too, but it's a very good thing.

Schedule 6 is the cart before the horse. When I look at all the things that are in this bill, all the five schedules, they do things in a positive way for workers. Schedule 6 doesn't. As I said, it's kind of like the cart before the horse. Even on a business level, I find it hard to understand why the government hasn't completed a rate review or taken a look at those workers who are doing similar work or the same work in similar settings, but aren't covered by virtue of the fact that they're not a schedule 1 employee.

Workplace insurance in this province is there to protect people. It's a hundred years old or more. I think that when we all go to work and when our families know we're going to work, they want to see us at night, and they want to make sure that if something happens—when we come home at night, I should say—there will be something there to protect them.

And so, schedule 6 is problematic. I'm not saying that from a surplus perspective, you don't have to address that. I mean, you should be doing a rate review to make sure you're not asking for too much. But what are the holes? What are the things that we're not doing for people? Because if we're working for workers in here, I think that at the very least, schedule 6—and I won't go on much longer about this, Chair. We need to put more thought into what we're doing, so enacting that immediately, to me, is not the best thing.

When I look at this bill, it really tears you up, because there are good, positive things that we've all been working for, for a long time, and then we have this piece that's problematic.

Mr. Wayne Gates: A poison pill.

Mr. John Fraser: I'm not sure I would call it a poison pill, but it's tough for a lot of people to swallow.

That's all I'm going to say, Chair, as I look forward to the clause-by-clause. Hopefully we can have an open and frank debate about it and try to work together to make this bill better. I think there are some opportunities, and I look forward to the clause-by-clause.

The Chair (Ms. Natalia Kusendova): MPP Anand.

Mr. Deepak Anand: Good morning, Chair. Thanks for the opportunity to talk about Bill 27. The name is clear: the Working for Workers Act. I truly believe it is the voice from the workers. In this bill, we are balancing the scale and putting workers in the driver's seat. We are leading the way not just in Canada, but across North America.

As you know, Chair, for the last 20 months, we've seen COVID. The world of work is obviously shifting quickly, and to protect our workers, our laws need to keep up. That's what we're doing in this bill. Workplaces are drastically different than they used to be two years ago.

We know people need to feel confident so that they can support their families and provide certainty to their families for their future.

Through this bill, our mission is to give workers a hand up to better jobs and bigger paycheques. That's what we're trying to achieve through this. We also know that they want well-paying jobs where they have their employment rights protected and have an opportunity for growth and investment. Just look around, Madam Chair. When we started talking about this bill, when we were preparing this bill, we were talking about 291,000 jobs going unfilled. Today that number is actually over 315,000 jobs. That shows one aspect.

The second aspect, as you heard from a lot of presenters, Madam Chair, is that when we come to this country, on the one side we have unfilled jobs, and then we have skilled workers who are not working in their field. By giving them a hand, what we're doing is giving them opportunities for life—and it's not just an opportunity for them; it's a win-win situation for all of us. It's actually going to result in a higher GDP. We are expecting between \$12 billion to \$20 billion more for the province of Ontario. What are we going to do with that money? We're going to plow it back into services, into the people. That is why this bill is extremely important for us and for everyone in our province.

This bill would ensure that these basic rights are protected and that our economy remains strong in the years to come. Workers across Ontario are different, but their work ethic and dedication are what unites us all, Madam Chair. We have a plan to build a future for our great province. As I said earlier, the way we work has changed, but I'm confident that the measures outlined in this bill would ensure Ontario continues to be the best and safest place to live, work and raise a family, and I always use the word "thrive" as well.

Madam Chair, thank you for the opportunity. To my colleagues on both sides, let's work together and let's make Bill 27 and Ontario's growth of \$12 billion to \$20 billion for the next five years a reality. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you very much, MPP Anand.

Are there any further comments to the bill as a whole before we proceed?

Seeing none, we can proceed to schedule 1 of Bill 27. We have an amendment by the government. I also would like to ask everyone, if possible, to please turn on your cameras. It will be easier for us to proceed smoothly.

We have an amendment by the government. Do we have a motion? MPP Anand.

Mr. Deepak Anand: I move that schedule 1 to the bill be amended by adding the following section:

"0.1 The Employment Protection for Foreign Nationals Act, 2009 is amended by adding the following section:

"Prohibition against using recruiters that charge fees

"7.1 No recruiter or employer shall, in connection with the recruitment or employment of a foreign national, knowingly use the services of a recruiter who has charged a fee to a foreign national in contravention of subsection 7(1)."

The Chair (Ms. Natalia Kusendova): Further debate? Any debate on this motion? Are members ready to vote?

Mr. Wayne Gates: Chair?

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Gates.

Mr. Wayne Gates: I'd like to make sure that it's recorded, please.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote.

Shall amendment 1 to schedule 1 carry?

Ayes

Anand, Barrett, Fee, Fraser, Gates, Martin, Skelly, Yurek.

The Chair (Ms. Natalia Kusendova): I declare this motion carried.

We will now move on to schedule 1, section 1. There are no proposed amendments to sections 1 and 2 of schedule 1. I propose we bundle these sections together. Does the committee agree? Thank you.

0930

Shall sections 1 and 2 of schedule 1, inclusive, carry? Those in favour, raise your hand.

MPP Gates, do you have a question?

Mr. Wayne Gates: I'm not sure there, but we have—oh, sorry; that's in schedule 3. You're doing schedule 2?

The Chair (Ms. Natalia Kusendova): We're doing sections 1 and 2, and your amendment is in section 3, so that will be brought forward next.

Mr. Wayne Gates: Okay. Thank you.

The Chair (Ms. Natalia Kusendova): Right now we are voting on schedule 1, sections 1 and 2. Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 1 and 2 of schedule 1 carried.

We will now move on to schedule 1, section 3. We have an NDP amendment. MPP Gates, do you have the motion?

Mr. Wayne Gates: Yes. I move that section 3 of schedule 1 to the bill be amended by adding the following subsection to section 18.1 of the Employment Protection for Foreign Nationals Act, 2009:

“Employer's liability to repay fees

“(1.1) An employer who uses the services of a recruiter in connection with the recruitment or employment of a foreign national is jointly and severally liable to repay fees charged to the foreign national by the recruiter in contravention of subsection 7(1).”

The Chair (Ms. Natalia Kusendova): Thank you. Any debate on this amendment? MPP Gates.

Mr. Wayne Gates: To the Chair of this committee and to my fellow colleagues, I want to thank you for allowing me to speak today on these amendments. Let me just begin this session by saying I'm looking forward to us being able to work together to make this bill truly support workers. You're going to see over the course of the day that there are many pieces of this bill that we agree with, many pieces of this bill that we've been working for years to get

passed, so today we are happy to see some of the aspects in the bill.

Chair, as we move through the amendments today, including the ones I'm speaking to now, I'm hoping the government understands that this goes beyond partisan politics. I hope they understand that in some cases we're reaching out, and hoping to work with you to produce a bill that gives workers the protection they deserve. In some cases, what we've done here is actually put forward amendments that strengthen your amendments. In some cases, we put forward amendments that ensure that the spirit of this bill is made available to even more workers, instead of some of the more narrow classes of workers we see here. We hope that we can go back to the public and tell these groups that we were able to find common ground in our committees and put forward the strongest measures possible.

I think the first place I'd like to start with that discussion is around the motion tabled here. Chair, when I see the first amendment tabled by the government here today, I see something that we can support, an amendment where the NDP and the PCs can actually vote together to make it stronger.

What does this section do? This section, as we know, would actually create an obligation on employers to not knowingly use a recruiter under the Employment Protection for Foreign Nationals Act. Our amendments—and, in fact, the next two amendments—strengthen this by adding employer liability around the first amendment. That's why I think the PCs could support it. Essentially, this is a way to add teeth to the government's intention of penalizing employers who knowingly—knowingly—use abusive recruiters.

Chair, if the government saw fit to support their first amendment, I think they can rationally support this amendment and the next two, to create proper liability when an employer breaks the law.

So why is this amendment necessary? Well, I think the Workers' Action Centre put it best in their presentation to the committee when they said, “Bill 27 does not make employers of foreign nationals liable for illegal recruitment fees. Rather, the bill requires employers to use licensed recruitment fees. The only consequence for using an unlicensed recruiter is a possible compliance order (a request to use a licensed recruiter in the future) or a contravention order”—think about this—“(\$250 first offence for using an unlicensed recruiter).” That is not going to send the right message at all. “These measures do not compel the employer to use licensed recruiters.” So the issue here is that we've acknowledged it's wrong, but the slap on the wrist isn't hard enough to stop employers from doing it.

Chair, I came from the labour movement. I'm proud of that. I'm proud of the 40 years I've been a member of Unifor, what was then CAW, and I'm one of the few people who are still around who actually worked under the UAW—I'm kind of showing off my age there. I'm happy that I've lasted this long. Unfortunately, I've seen firsthand how employers can ignore labour laws if the penalty to them isn't strong enough. We see it all the time, when

it comes to union organizing, when it's cheaper for a company like Amazon to break a union, to face a penalty, than it is to recognize the union. They get away with it. It's why we're calling for stronger labour laws.

It seems my colleagues in the PC Party are trying their hardest to pretend they're a party of labour now, so I challenge them to look at those laws and change them. If they're serious about this, then work with us to fix those unfair laws.

Chair, what I'm trying to say here is what the Workers' Action Centre pointed out: A bill without teeth is barely a bill at all. I'll repeat that so we all understand it: A bill without teeth is barely a bill at all. The amendments we're hoping to make to schedule 1, I believe are amendments that strengthen the government's first amendment. Do you understand what I'm trying to say there? We're trying to strengthen what we've already voted on and agreed upon with the government's first amendment with our second, our third and our fourth amendments.

Just so people at home can get an idea of what we're up against here, I actually want to quote from the opening section of the written submission for Bill 27 from the Workers' Action Centre. They said:

"Ministry of Labour inspections have exposed persistent violations by temporary agencies and recruiters that do not comply with the Employment Standards Act"—which is commonly known as the ESA—"and the Employment Protection for Foreign Nationals Act (EPFNA). There are little capital costs involved in setting up and operating such agencies. Increasingly, agencies operate through the Internet and do not necessarily require much infrastructure. Therefore, owners can easily shut down operations under one name and reopen under another name with or without incorporation," which is really interesting. "Larger agencies may subcontract to smaller agencies without the client company knowing about it" at all. That's kind of interesting.

"An effective and robust legislated licensing architecture could improve compliance with Ontario's ESA, EPFNA and Occupational Health and Safety Act (OHS). Bill 27 provides some features of a licensing regime that could be effective, however, important amendments must be adopted."

So you can see these may not be big buildings we're going after. If we really want to protect workers, we're going to need a strong regime to do that. That involves the amendment I'm talking about here, Chair.

0940

Of our presenters, it wasn't just this submission that highlighted we have a chance to have a truly strong bill here. I want to quote from the CUPE submission. As my colleagues may know, CUPE represents over 280,000 members here in Ontario. So many of our public services operate solely because CUPE does, and what happens in this province affects their members. So I hope the government is listening to the voice of the great members of CUPE.

They said this: The danger and lack of stable work "that many of these overwhelming racialized workers find

themselves in, does not stem from these workers not working their 'tail off' as Premier Ford has stated. Instead, it is a textbook legislative example of the 'systemic, deep roots' of racism that Premier Ford denies exist. It is not novel to state that if the majority of these workers were white this exploitation and trafficking would not occur. Ontario's long history of looking the other way to these abuses for racialized workers must end.

"As noted above, we endorse the joint submission to Bill 27 made by Migrant Workers Alliance for Change, Workers' Action Centre and Parkdale Community Legal Services. We strongly encourage the government to institute the changes recommended in their submission. The recommendations from these organizations come from a deep understanding and connection with workers who are exploited by these policies and" this unfair system.

"While some of the legislative changes in schedule 1 and 2 of the bill are a step in the right direction, further changes to strengthen the licensing regime must be made." That's what the workers of CUPE had to say.

Madam Chair, because I know they're watching, I just want to thank CUPE for the work they've done on this bill to highlight where the bill falls short, and where it can be improved. Above all, I want to thank them for the work they've done highlighting schedule 6, and what they're going to do in this province if it passes without being changed. CUPE has been on the front lines of fighting for injured workers, and the presentation done by their president, Fred Hahn, shows that they are as passionate about it as ever. So, to the members of CUPE, I say thank you. We appreciate the perspective and the voice you bring to politics.

Chair, as you can see, these are groups who represent or work alongside the very workers we're trying to protect with this bill, and they're saying the same thing. They're saying give this bill some teeth. Make sure that we add in the liability that they're calling for and—this is important—that the fines and the punishment for using abusive recruiters fit the crime.

And make no mistake, people are being victimized by these groups, as one of the groups pointed out. Workers are being targeted, exploited—especially migrant workers. Migrant workers are being recruited by some recruiters who charged thousands of dollars in recruitment fees for jobs, including jobs that disappear or are substantially different than agreed to. As the presenters pointed out, that has been well documented. Every single party knows about this. I believe amendment 7 from the government speaks to some of those definitions. Again, that seems like a common-sense amendment to me, and we will be supporting that.

Madam Chair, just to go into more detail on that point, I want to quote the presentation made by the World Education Services. In their presentation they said, "Recruitment fees are highly prevalent in this sector. For migrant workers to secure a minimum wage job in Canada"—listen to this—"they often must pay between \$4,000 and \$10,000 in recruitment fees." I'm going to

repeat that: “They often must pay \$4,000 to \$10,000 in recruitment fees.”

Fay Faraday, a human rights lawyer and professor at Osgoode Hall Law School at York University, wrote in her report, *Profiting from the Precarious*, this amount of money typically represents “between six months”—listen to this—“six months to two years’ earnings in the workers’ home currency and in some cases considerably more.”

When you read that, it should break your heart. It should break all our hearts, quite frankly.

The Chair (Ms. Natalia Kusendova): MPP Gates?

Mr. Wayne Gates: Yes?

The Chair (Ms. Natalia Kusendova): I want to caution to you to have all of your comments be toward this particular amendment. I know there are a lot of generalities but I think quoting people right now when we’re talking about this particular amendment is a little bit of a stretch. If you could just focus your remarks to this particular amendment.

Mr. Wayne Gates: I believe I am, and I think it’s important to read it. I’m trying to put out that we can do better, and I think that is what that amendment is all about. I’ll keep going and we’ll see what happens.

I just wanted to tell a story of my father-in-law, who unfortunately passed a few years ago. He came to this country from Italy. He was able to get a job, raise a wonderful family in Niagara Falls—four kids, grandkids—built two homes. He was able to be part of the community and he put his mark on the community we love. He never would have had a chance to do this if two years of wages were taken away from him. So when I see this, it breaks my heart. How can we sit here and watch this happen in the province of Ontario?

The question is, with the chance before us now, how can we make this bill as strong as possible? How can we collect everything we’ve heard and put forward a bill that stamps out these practices once and for all?

Over the course of the next few hours we have a lot of amendments to discuss, but we can start right here, with schedule 1, and with this amendment. Chair, here are comments the World Education Services made. They said, “We believe it is a positive step for the Ontario government to amend the act by including recruiters in the scope of legislation, section 17. It’s timely to also make the director of the corporations using recruiters jointly and severally liable to repay fees that may have been charged to a worker holding a temporary work permit issued under IRCC or TFWP programs.”

You see, there is a liability we’re talking about here. Chair, you can see that all the presenters speaking to schedule 1 believe the same thing. This is a good start, but it can be so much more. I’m proposing that we work together. We obviously support the first amendment and I’m asking you, the government members, to support our amendments for the rest of the schedule 1 and to include this one here as well. These amendments are directly in line with your amendments and they can make this bill so much better and stronger. In fact, I believe the

amendments offered by the independent members are worthy of support as well and can make this bill stronger.

Chair, I’m here to say we’re willing to reach across the aisle. We’re willing to champion this issue alongside you. It’s the least we can do for the workers who make this province run.

I want to return to the World Education Services’ written submissions, especially their closing remarks. They said to this committee, “The WES believes that Bill 27 contains many measures—

The Chair (Ms. Natalia Kusendova): My apologies, I see we have a point of order from MPP Skelly.

Ms. Donna Skelly: Madam Chair, again, we are straying so far from the amendments that we are dealing with right now. I think that it’s important that we stick to what’s before us, and I would charge that that is not what is happening this morning.

The Chair (Ms. Natalia Kusendova): Thank you, MPP Skelly. I will ask MPP Gates to slowly conclude his remarks to this particular amendment.

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Mr. Wayne Gates: I appreciate that, and I will say to my colleague that I think the entire 20 pages that I wrote out are so important for all of us to hear as we try to make this bill forward—but I only have a little more to go. So I do appreciate all of the MPPs listening because I think it is important, and I think we can do better.

However, we also believe that without significant amendments to the bill, Ontario stands to miss many opportunities to treat immigrant workers more equitably and to benefit from the potential contributions and, really, that’s what these amendments are about. Our amendments are designed to work alongside the government’s first amendments, to add in language around liability. They’re designed to make the law more strict and protect workers.

These are the amendments these workers advocate and are calling for—

The Chair (Ms. Natalia Kusendova): MPP Gates, I’m really sorry—

Mr. Wayne Gates: I’m not done. I have one more paragraph.

The Chair (Ms. Natalia Kusendova): —but you’re talking now about the amendments as a whole. I gave you an opportunity at the beginning to speak to the bill as a whole, so now please talk to this particular amendment, amendment number 2 that you’re bringing forward. Thank you so much.

Mr. Wayne Gates: So you don’t want me to finish?

The Chair (Ms. Natalia Kusendova): You can finish if your remarks are to this amendment. If you are talking to all the amendments that you’re bringing forward, you had an opportunity to do so at the beginning.

Mr. Wayne Gates: I appreciate that. I only have a paragraph left, and I think it falls under my amendments.

If the government members supported their first amendment, there’s absolutely no reason they can’t support these amendments. I hope they will put political parties aside, see the wisdom in this and join us.

Thank you very much, Chair, for allowing me to finish up my comments.

The Chair (Ms. Natalia Kusendova): Thank you so much.

Further debate? MPP Fraser.

Mr. John Fraser: I'll be supporting this amendment, simply because you need to create the pressure for change, and if you don't make the employer jointly and severally liable, you're not going to get any change or the change that you want simply because of what my colleague just said. People can change names and businesses, and you may not be able to get any compensation from them that will be able to compensate people.

What you need to do is, you need to say to employers, simply put: If you're going to use a recruiter, you better make darned sure that that recruiter is not taking advantage of the people that I want to employ—and that has to be in the employer's interests. If it's not in the employer's interest, there's not going to be much change. I'm not saying that—what's in here isn't bad, but it's just not going to get to where you can get to.

One of the things you can do is also register companies that use recruiters. That would be another way of doing that. There's not enough tension in what's proposed to get all the change you want. What you're doing is good; you can make it better. Thanks.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Anand.

Mr. Deepak Anand: I just want to bring us back to what we just did in motion number one. We talked about making that change for employers, but we actually did talk about the recruiters as well.

I just want to say this to the member opposite. First of all, thank you. I absolutely agree with you that we have to make sure we put enough barriers in place so that bad things don't happen; bad actors are hopefully not there at all.

I remember listening to Jhoey on this when she was talking about recruiters. She was talking about how back home there are the recruiters they had to pay, and it is sad. I always tell everybody that a bill is one thing, the government is one thing, the law is one thing, but we need to educate our communities as well, to make sure they do not go to such recruiters. There are employers who are good employers who are looking for good people here. You don't have to go to the bad recruiters back home, and I'm talking about "back home" as the words she used.

But I want to add a few things. When we proposed the new prohibition in the EPFNA that would complement prohibition concerning recruiters under Bill 27, employers would be prohibited from knowingly engaging and using the services of an unlicensed recruiter.

Madam Chair, again, I know you talked about that I only should talk about this motion, but I just want to bring to the member opposite's attention that there is government motion number 16. We will be talking about more amendments on prohibition to make it applicable to recruiters as well. So we will be talking more about it.

But overall, I think we need to take these steps in a way so that we don't overcomplicate. We start with something which is good and we build on it, and I honestly think with

good intention. I agree with the intentions of the member opposite, but I don't want to complicate it. So I, at this time, would oppose this motion. But having said that, let's wait until government motion number 16. We will talk more about this.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Fraser.

Mr. John Fraser: Are you saying that motion 16 addresses this issue specifically?

Mr. Deepak Anand: When we come to motion 16, you will notice that. Let's talk about it at that time, but here at this time I truly believe that we already took care of this in motion number 1. My opinion would be, again, not just this motion, but motion numbers 3 and 4, which are similar to this—I would be opposed at this time.

The Chair (Ms. Natalia Kusendova): MPP Fraser.

Mr. John Fraser: I think it's important, because it's just about making it better. I'm not being critical. What I'm saying is that you've got a licensing regime where people can open and close companies, and the fines that are there could not be paid by—simply, recruiters don't exist anymore. They did exist and then they just disappear, even though they're licensed. I'm just saying you need to create some tension in there, some pressure from an employer perspective, to ensure that you—and this is one way of doing it; I just want to know if you have other ways of doing it—create a situation where there's pressure inside the industry to do it, where the industry says to itself, "We're going to create our own standards." It's not that you're creating standards, but, "We'll create standards because we have some skin in the game. We've got," in this case, "some liability and some responsibility for it." So it creates the pressure for change. That's just what I'm suggesting.

I'm not saying what you're doing is bad or criticizing that. I'm just saying, if you want to get it to where it needs to be, that's what you're going to have to do. You have to create that pressure inside the industry that makes the industry—not only does government regulate it, but it starts to self-regulate itself, so employers will use people who are part of an organization that says, "Here are what our standards are."

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: Obviously I'm—let me get my mask off, because I'm having trouble hearing in here. I don't know if everybody's having trouble.

I'm a little disappointed in what I heard from the opposition considering that what we're trying to do, quite frankly, is just go a little further, a little stronger from what we supported on the government amendment. Maybe my colleague could answer this for me. Our motion would establish joint and several liability for any fees that are illegally charged to a job seeker by a recruiter in contravention of subsection 7(1) of the act. I believe, based on government motion number 1, that this should be an easy one for the government members to support. In talking about—it's exactly what we're saying. We need to put

pressure on the employers as well. Employers should have a standard—exactly what we’re saying.

All we’re doing is trying to make it better so that migrant workers who are coming from different countries around the world aren’t being taken advantage of. I think in my presentation, the one part that really jumped out at me was the fact that some of these recruiters are charging \$4,000 to \$10,000. Think about that. What am I missing here, from your side?

I don’t know how long you’re going to give me, but it was important that I talk about my father-in-law. This is exactly what we want to see happen. We want people to come from all over the world, to settle in this province, settle in this country and establish themselves. I can tell you, my father-in-law, when he came here—he came from Italy—he landed in Halifax, Pier 21. Have you ever heard of that, Pier 21, colleague over there? You ever heard of Pier 21 in Halifax? That’s really where they all landed. He came, went through Montreal and ended up in Niagara Falls. He was able—think about this: He wasn’t charged \$4,000. He came here with \$100 in his pocket, got a job in Montreal and then made his way to Niagara Falls.

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He got a job working in the wine industry for his entire working life. He was able to build two homes. He had four kids. Do you know where their kids are now? They’re teachers, principals—very successful. Isn’t that what you want, and to make sure that we put language in this bill that’s going to protect that migrant worker who is coming to this great, great province? You’re talking about migrant workers quite a bit, actually, in the House, and saying how important they are, whether it be in the skilled trades or whatever. Well, why aren’t you protecting them here? We have an opportunity to protect them.

So, yes, I’m very surprised, quite frankly. I’m extremely disappointed. I don’t know about my colleague here, if he’s disappointed. I’m not going to speak for the independents, although I will if he wants. But really, I’m disappointed. I don’t understand why you don’t want to protect migrant workers. Particularly coming from an area that I come from, I can tell you we embrace our migrant workers in Niagara-on-the-Lake and in Niagara. We have groups that help out, make sure they’re clothed, make sure they’ve got—because around Niagara-on-the-Lake, a lot of it is through bikes. We make sure their bikes are good. We make sure they’re taken care of. We show them what their rights are here in this province. Isn’t that what we should be doing?

I think putting this in place would stop this \$4,000 to \$10,000. There’s got to be something there, and I don’t know how you can’t see that. We saw it in your amendment, quite frankly. I thought we did a good job on saying, “Listen, we told you from the outset we’re going to take a look at amendments that make this bill stronger,” outside of schedule 6. I think schedule 6 has to go; I think that’s for sure, but—

The Chair (Ms. Natalia Kusendova): MPP Gates, we are not talking about schedule 6 right now.

Mr. Wayne Gates: I just threw it in to see if you were listening. That’s all I did there.

The Chair (Ms. Natalia Kusendova): I certainly am.

Mr. Wayne Gates: Sometimes I come to these committees, and the Chair’s not listening. I just threw that out there. I’m really glad you caught that so I know you’re listening, but I really want my colleagues to listen. I think it’s a mistake on your part. I think it’s easily supported, should be supported, and hopefully, maybe you will at least rebuttal me and tell me why you think we shouldn’t do everything we can to stop migrant workers being charged \$4,000 to \$10,000 to come to this great province to work. I just don’t get it; I’m sorry. Maybe my colleague can explain that to me so I understand it better.

The Chair (Ms. Natalia Kusendova): I see MPP Skelly. Go ahead.

Ms. Donna Skelly: Thank you, Chair. I’d like to call the vote.

The Chair (Ms. Natalia Kusendova): Are members ready to vote? Wonderful.

MPP Gates?

Mr. Wayne Gates: I’m not ready to vote yet. Am I allowed to keep talking? But anyway, I would like a recorded vote, please.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote.

Ayes

Fraser, Gates.

Nays

Anand, Barrett, Fee, Martin, Skelly, Yurek.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

MPP Gates?

Mr. Wayne Gates: Can I have a recess, please? Ten minutes would be good.

The Chair (Ms. Natalia Kusendova): We’re going to recess in about 11 minutes anyway. Do you want to call an early end of our session?

Mr. Wayne Gates: That would be good. Thank you.

The Chair (Ms. Natalia Kusendova): Okay. We will accommodate that. We will end our session early, and we will be back here at 3 p.m. this afternoon to continue clause-by-clause consideration of Bill 27.

MPP Anand?

Mr. Deepak Anand: I’m totally fine with this recess. That’s totally fine, but going forward, is there a rationale behind the recess? I’m totally fine this time, but I just want to understand the rationale. We have a lot of work to do, Madam Chair.

The Chair (Ms. Natalia Kusendova): Because this bill is not time-allocated, the member has the right to request recess at this time so that’s what we will do, and we will—MPP Martin?

Mrs. Robin Martin: MPP Skelly was trying to get your attention, but I believe there was a motion on the floor to call for the vote before we agreed to a recess. Doesn’t the vote happen first?

The Chair (Ms. Natalia Kusendova): We did the vote and the motion was lost. So now before we—do you mean a vote for a recess? Is that what you mean?

Mrs. Robin Martin: Did we vote on the provision? That was what I was asking.

The Chair (Ms. Natalia Kusendova): We did, yes, and it was lost. So it was lost, and now we will call for a recess. We will be back here at 3 p.m. this afternoon to continue clause-by-clause consideration. Thank you. That concludes our business for now.

The committee recessed from 1006 to 1502.

The Chair (Ms. Natalia Kusendova): Good afternoon, everyone. The Standing Committee on Social Policy will now come to order. We are here to consider clause-by-clause consideration of Bill 27, An Act to amend various statutes with respect to employment and labour and other matters.

Before we recessed, we were about to consider schedule 1, section 3, and we have an NDP amendment number 3. Do I have a motion?

Sorry. I wanted to acknowledge the presence of MPP Peggy Sattler who has now joined us in the room, and MPP Amarjot Sandhu as well who is joining us in the room.

Other members present from this morning—we have MPP Wayne Gates, MPP Anand and MPP Fraser, and several members joining us on Zoom.

Do I have a motion from the NDP? MPP Sattler.

Ms. Peggy Sattler: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection to section 18.1 of the Employment Protection for Foreign Nationals Act, 2009:

“Employer’s liability to repay fees

“(1.1) An employer who uses the services of a recruiter in connection with the recruitment or employment of a foreign national is jointly and severally liable to repay fees charged to the foreign national by the recruiter in contravention of subsection 7(1).”

The Chair (Ms. Natalia Kusendova): Is there any debate? Go ahead, MPP Sattler.

Ms. Peggy Sattler: This was an important point that was raised by a number of the deputants to the committee: the Ontario Council of Agencies Serving Immigrants, the Ontario Federation of Labour, the Migrant Workers Alliance for Change, Parkdale Community Legal Services—

The Chair (Ms. Natalia Kusendova): Sorry to interject, Ms. Sattler. I believe you moved an incorrect motion. We are on number 3. We already voted on number 2.

Interjection.

The Chair (Ms. Natalia Kusendova): Okay. So, if I can have MPP Sattler read motion number 3 into the record again, please.

Ms. Peggy Sattler: I am going to withdraw motion number 3 because it was a consequential amendment to motion number 2.

The Chair (Ms. Natalia Kusendova): Withdrawn.

We will now move on to consider NDP motion number 4. Do I have a motion from the NDP?

Ms. Peggy Sattler: I am going to withdraw motion number 4 because it is a consequential amendment to motion number 2.

The Chair (Ms. Natalia Kusendova): Withdrawn.

We will now vote on schedule 1, section 3, as amended.
Interjection.

The Chair (Ms. Natalia Kusendova): Oh, that’s right; sorry. That’s right, without any amendments. Shall schedule 1, section 3, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 1, section 3, carried.

We will now move on to schedule 1, new section 3.1. We have a motion by the NDP, motion number 5. MPP Sattler?

Ms. Peggy Sattler: I move that schedule 1 to the bill be amended by adding the following section:

“3.1 The act is amended by adding the following section:

““Burden on recruiter

“20.1 The recruiter named in a complaint filed under section 20 has the burden of proving that no fee was charged to a foreign national or prescribed person in contravention of section 7 (prohibition against charging fees).”

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: This was a change that was recommended by a number of the deputants to the committee, including CUPE, expert Fay Faraday, the Migrant Workers Alliance for Change, the Ontario Council of Agencies Serving Immigrants, the Ontario Federation of Labour, Parkdale community legal alliance and Workers’ Action Centre.

This amendment is designed to basically reverse onus on a recruiter to require the recruiter to prove that they did not charge a fee, instead of the current practice which requires the foreign national to prove that they paid the fees. We heard from those organizations that I just mentioned that it is very difficult for foreign nationals to have the documentation available to be able to establish that they were charged a fee, so really, the burden of proof should be on the recruiter to show that they did not charge a fee.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: Thank you, Madam Speaker—Madam Chair. I’m using this word; MPP Gates called you Speaker, so we call you Speaker now, huh?

The Chair (Ms. Natalia Kusendova): I can be Speaker.

Mr. Deepak Anand: Thank you so much. It’s, again, similar to motions number 2, 3, 4 that we had earlier. It is just picking up a chain like this, making it reverse like this. So I would be opposing this motion.

The Chair (Ms. Natalia Kusendova): MPP Fraser.

Mr. John Fraser: Just very briefly, back to what I said earlier—I won’t drag it out—if you want to actually create some tension that’s going to make the provisions that you made in there work stronger, you’re going to have to take

these kind of measures, like reverse onus or the measures that we debated earlier. I'll be supporting it.

The Chair (Ms. Natalia Kusendova): Okay. Thank you, MPP Fraser. Any further debate? Sorry, can you rephrase what you just said? My apologies. I was distracted.

You're good?

Mr. John Fraser: I'm good. No, I said—I'm done.

The Chair (Ms. Natalia Kusendova): Okay.

Mr. John Fraser: I wasn't waiting to say something; I was just trying to—I was waiting for your direction as to what we're going to do next, that's all. I was listening.

The Chair (Ms. Natalia Kusendova): Right now, we are considering new section 3.1. We are debating the amendment proposed in motion number 5 by the NDP. That's where we're at right now.

Any further debate to this motion? No?

Ms. Peggy Sattler: Recorded vote, please.

Ayes

Fraser, Gates, Sattler.

The Clerk of the Committee (Ms. Tanzima Khan): Mr. Yurek, was your hand up for in favour?

The Chair (Ms. Natalia Kusendova): Or is it a point of order, MPP Yurek?

Mr. Jeff Yurek: No, I was trying to mention something to Mr. Anand. I'll use my text.

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The Chair (Ms. Natalia Kusendova): Okay. So you are not voting in favour of this motion. Okay, thank you.

Those opposed, please raise your hand.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We will now move on to schedule 1, section 4. I don't see any motions, so shall schedule 1, section 4, carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. I declare the motion carried.

Now we will be voting on schedule 1, as amended. Is there any further debate? Seeing none, shall schedule 1, as amended, carry? Those in favour, please raise your hand. Thank you. Those opposed, please raise your hand. I declare schedule 1, as amended, carried.

We are now moving on to schedule 2. We have an independent motion, number 6.

MPP Fraser, go ahead.

Mr. John Fraser: Thank you very much, Chair. I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 1(1) of the Employment Standards Act, 2000 is amended by adding the following definition:

“‘difference in employment status’, in respect of one or more employees, means,

“(a) a difference in the number of hours regularly worked by the employees, or

“(b) a difference in the term of their employment, including a difference in permanent, temporary, seasonal or casual status; (‘situation d’emploi différente’).”

The Chair (Ms. Natalia Kusendova): Thank you. Is there any debate?

Mr. John Fraser: Yes.

The Chair (Ms. Natalia Kusendova): MPP Fraser.

Mr. John Fraser: What I've done here is to put something in that's been missing from this act since 2018, and that's equal pay for equal work. It's pretty self-explanatory. I would encourage the government to consider that. We've opened up this act. It gives the government an opportunity to establish that. I think it's right for Ontario workers. People doing the same job shouldn't be paid less based on how much they work, who they are. I think that's just simply fair and, without being too cute, I think it works for workers. I encourage the government to support it.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? MPP Gates.

Mr. Wayne Gates: I'd like to speak to this bill. It's hard to believe that in 2021, quite frankly, we're still arguing over equal pay for equal work in the province of Ontario. I don't think any worker should go to work and get paid less. Even as MPPs—I guess we can use our example. Some people get paid a little more, depending on different roles they play, but I make the same money as the person beside me here. I don't know about Mr. Fraser. Why would you ever say to somebody—

Interjection.

Mr. Wayne Gates: I don't know what he gets. Why would you ever say to somebody, “We're going to give you a job on an assembly line and one person's going to make \$30 and you're going to make \$20” or “you're going to make \$15”? It makes absolutely no sense. Quite frankly, it usually involves women who are paid, as we know, I believe it's 75% of what men are paid today. Having three daughters and four grandkids, I believe my kids should get paid the same rate of pay as anybody who is working at that particular workplace. It obviously affects workers of colour who, quite frankly, get paid less.

I think this is something that we could certainly talk on and move forward. I think everybody should get equal pay for equal work.

The Chair (Ms. Natalia Kusendova): Thank you. Further debate? MPP Sattler.

Ms. Peggy Sattler: I'm also going to be supporting this amendment. Certainly what we heard in the presentations from many of the organizations that work with temporary workers is that the most meaningful change that could be implemented to help those workers is not licensing the temporary help agency, but actually ensuring that those temp workers are paid equally to the people who they are working alongside and who are doing the same work. As my colleague MPP Gates said, there is no justification for having two people who are working right beside each

other doing exactly the same job, and one is paid less because they are a temporary worker and the other one is paid more.

The Chair (Ms. Natalia Kusendova): Thank you. MPP Anand?

Mr. Deepak Anand: I just want to remind that we are talking about Bill 27, Working for Workers Act, and we're talking about the Employment Standards Act, the changes that we proposed and the motions. But what we're talking about here, this motion from the independent member, is out of order. It is not part of the bill. So I would say I'm not sure if we even need to discuss it or if we can just go to the voting.

The Chair (Ms. Natalia Kusendova): MPP Anand, this motion is in order, so it is part of this consideration today.

Any further debate? MPP Fraser.

Mr. John Fraser: Chair, it is in order. You've opened up the act and the name of the act is "Working for Workers Act." As both of my colleagues on this side said, this protects workers.

There's a thing where you have somebody in a temporary job and they're perma-temp. They're paid less not for two or three months, but for years. That's just not right. This measure was already in law in 2018. The government took it out, just like you ended the raise to the minimum wage and took out a whole bunch of other stuff. You have opened up this bill. It's a chance for the government to correct this, to do the right thing for workers and temporary agencies.

You're doing some good stuff here. I'm just saying you've got more you can do here to protect people. This measure, I would argue, will protect people more than the measures that you're taking here in terms of their families' income and their ability to thrive and feed, clothe and house their family.

I won't drag it out any longer. I hope the government can support it. I think it's the right thing to do.

The Chair (Ms. Natalia Kusendova): Thank you. Any further debate? Seeing none, shall motion number 6—

Mr. John Fraser: Recorded vote, please.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall motion number 6 carry?

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to consider motion number 7, to section 1 of schedule 2. We have a government motion. MPP Anand.

Mr. Deepak Anand: I move that section 1 of schedule 2 to the bill be amended by adding the following definition to subsection 1(1) of the Employment Standards Act, 2000:

“‘foreign national’ has the same meaning as in the Employment Protection for Foreign Nationals Act, 2009; (‘étranger’)”

The Chair (Ms. Natalia Kusendova): Any debate? Seeing none, shall motion 7 carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare the motion carried.

1520

Shall schedule 2, section 1, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 1, as amended, carried.

We will now move on to schedule 2, section 2. We don't have any proposed amendments. Is there any debate? Seeing none, shall schedule 2, section 2, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 2, carried.

We are now moving on to schedule 2, section 3. We have three NDP amendments. We are moving on to number 8. Do I have a motion? MPP Sattler.

Ms. Peggy Sattler: I move that section 3 of schedule 2 to the bill be amended by striking out “25 or more employees” in subsection 21.1.2(1) of the Employment Standards Act, 2000 and substituting “five or more employees.”

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: There were written submissions provided to this committee by a number of organizations that called for a wider application of the disconnecting-from-work policy, including that the requirement apply to employers of all different sizes, not just those with 25 or more employees.

We know from StatsCan data on the workforce in Ontario that there are over one million people, 1.1 million workers, who are employed at businesses with less than 20 employees. That's out of a workforce of just over six million, so that's a sizable number of workers who wouldn't be covered by the policy as is currently written, which is why we are proposing this amendment so that more businesses are covered.

The Chair (Ms. Natalia Kusendova): Further debate? No further debate? Okay. Are the members ready to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to motion number 9. Do I have a motion by the opposition? MPP Sattler.

Ms. Peggy Sattler: I move that section 3 of schedule 2 to the bill be amended by adding the following subsection to section 21.1.2 of the Employment Standards Act, 2000:

“Contents of policy

“(3.1) A written policy required under subsection (1) shall contain rules relating to employees’ right to privacy with respect to their personal lives while disconnecting from work, including the right not to be surveilled.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Sattler.

Ms. Peggy Sattler: This was a change that was recommended by Migrant Workers Alliance for Change, the Ontario Federation of Labour, Parkdale community legal clinic and the Workers’ Action Centre. It is very important that workers feel that their privacy will be protected with this requirement for disconnecting-from-work policies to be in place.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost. We are now moving on to NDP motion number 10. MPP Sattler.

Ms. Peggy Sattler: I withdraw this motion because it is consequential to motion number 8.

The Chair (Ms. Natalia Kusendova): Withdrawn.

We will now vote on schedule 2, section 3, as a whole. Shall schedule 2, section 3, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 3, carried.

We now have an independent motion on new section 3.1. MPP Fraser.

Mr. John Fraser: That’s great. Thank you very much, Chair.

I move that section 3.1 be added to schedule 2 to the bill:

“3.1 Part XII of the act is amended by adding the following section:

“Difference in employment status

“42.1(1) No employer shall pay an employee at a rate of pay less than the rate paid to another employee of the employer because of a difference in employment status when,

“(a) they perform substantially the same kind of work in the same establishment;

“(b) their performance requires substantially the same skill, effort and responsibility; and

“(c) their work is performed under similar working conditions.

“Exception

“(2) Subsection (1) does not apply when the difference in the rate of pay is made on the basis of,

“(a) a seniority system;

“(b) a merit system;

“(c) a system that measures earnings by quantity or quality of production; or

“(d) any other factor other than sex or employment status.

“Reduction prohibited

“(3) No employer shall reduce the rate of pay of an employee in order to comply with subsection (1).

“Organizations

“(4) No trade union or other organization shall cause or attempt to cause an employer to contravene subsection (1).

“Deemed wages

“(5) If an employment standards officer finds that an employer has contravened subsection (1), the officer may determine the amount owing to an employee as a result of the contravention and that amount shall be deemed to be unpaid wages for that employee.

“Written response

“(6) An employee who believes that their rate of pay does not comply with subsection (1) may request a review of their rate of pay from the employee’s employer, and the employer shall,

“(a) adjust the employee’s pay accordingly; or

“(b) if the employer disagrees with the employee’s belief, provide a written response to the employee setting out the reasons for the disagreement.

“Transition, collective agreement

“(7) If a collective agreement that is in effect on the day the Working for Workers Act, 2021 receives royal assent contains a provision that permits differences in pay based on employment status and there is a conflict between the provision of the collective agreement and subsection (1), the provision of the collective agreement prevails.

“Same, limit

“(8) Subsection (7) ceases to apply on the earlier of the date the collective agreement expires and January 1, 2024.”

Did I miss anything?

The Chair (Ms. Natalia Kusendova): Thank you so much, MPP Fraser, but I beg to inform committee members that I have to rule this amendment out of order. Bosc and Gagnon note on page 771 of the third edition of the House of Commons Procedure and Practice: “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.”

I therefore rule the motion out of order, because part 7 of the Employment Standards Act, 2000, is not opened by the bill.

1530

Mr. John Fraser: Thank you, Chair. I think everybody got my point.

The Chair (Ms. Natalia Kusendova): Thank you so much, MPP Fraser.

We will now move on to amendment number 12: schedule 2, new section 3.1. We have a motion by MPP Sattler.

Ms. Peggy Sattler: I move that schedule 2 to the bill be amended by adding the following section:

“3.1 The act is amended by adding the following part:

“Part XV.0.1

“Non-disclosure agreements

“Prohibition on non-disclosure agreements—sexual misconduct

“Definitions

“67.0.1(1) In this section, and for the purposes of Part XVIII (Reprisal), section 74.12, Part XXI (Who Enforces this Act and What They Can Do), Part XXII (Complaints and Enforcement), Part XXIII (Reviews by the Board), Part XXIV (Collection), Part XXV (Offences and Prosecutions), Part XXVI (Miscellaneous Evidentiary Provisions) and Part XXVII (Regulations) insofar as matters concerning this part are concerned,

““employee” means an employee as defined in subsection 1(1) and includes an applicant for employment; (“employé”)

““employer” means an employer as defined in subsection 1(1) and includes a prospective employer; (“employeur”)

““non-disclosure agreement” means an agreement, or any part of an agreement, between an employer and an employee that requires the parties not to disclose information covered by the agreement. (“accord de non-divulgaration”)

“Prohibition

“(2) No employer shall enter into an employment contract or other agreement with an employee that is, or that includes, a non-disclosure agreement relating to sexual misconduct.

“Same

“(3) For greater certainty, subsection 5(1) applies and if an employer contravenes subsection (2), the non-disclosure agreement is void.”

The Chair (Ms. Natalia Kusendova): Thank you, MPP Sattler. Committee members, the proposed amendment is out of order, as it is out of the scope of the subject matter of the schedule. As Bosc and Gagnon note on page 771, “An amendment to a bill must be relevant in that it must always relate to the subject matter of the bill or to the clause thereof under consideration.”

MPP Fraser, you had a question?

Mr. John Fraser: Yes, I’d just like to ask unanimous consent to consider this.

The Chair (Ms. Natalia Kusendova): MPP Fraser is asking for unanimous consent to consider MPP Sattler’s motion. Do we have unanimous consent?

Mr. John Fraser: Agreed. We can debate it and vote it down.

The Chair (Ms. Natalia Kusendova): I’m seeing noes. We therefore do not have unanimous consent, so I must rule this out of order.

We are now moving on to—

Mr. Wayne Gates: Chair, my apologies. I didn’t see—

The Chair (Ms. Natalia Kusendova): There were several noes.

Mr. Wayne Gates: Okay. I appreciate that. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you.

We are now moving on to amendment number 13 to schedule 2, a new section 3.2, by independent member MPP Fraser.

Mr. John Fraser: I move that section 3.2 be added to schedule 2 of the bill:

“3.2 Part XII of the act is amended by adding the following section:

“Difference in assignment employee status

“42.2(1) No temporary help agency shall pay an assignment employee who is assigned to perform work for a client at a rate of pay less than the rate paid to an employee of the client when,

“(a) they perform substantially the same kind of work in the same establishment;

“(b) their performance requires substantially the same skill, effort and responsibility; and

“(c) their work is performed under similar working conditions.

“Exception

“(2) Subsection (1) does not apply when the difference in the rate of pay is made on the basis of any factor other than sex, employment status or assignment employee status.

“Reduction prohibited

“(3) No client of a temporary help agency shall reduce the rate of pay of an employee in order to assist a temporary help agency in complying with subsection (1).

“Organizations

“(4) No trade union or other organization shall cause or attempt to cause a temporary help agency to contravene subsection (1).

“Deemed wages

“(5) If an employment standards officer finds that a temporary help agency has contravened subsection (1), the officer may determine the amount owing to an assignment employee as a result of the contravention and that amount shall be deemed to be unpaid wages for that assignment employee.

“Written response

“(6) An assignment employee who believes that their rate of pay does not comply with subsection (1) may request a review of their rate of pay from the temporary help agency, and the temporary help agency shall,

“(a) adjust the assignment employee’s pay accordingly; or

“(b) if the temporary help agency disagrees with the assignment employee’s belief, provide a written response to the assignment employee setting out the reasons for the disagreement.

“Transition, collective agreement

“(7) If a collective agreement that is in effect on the day the Working for Workers Act, 2021 receives royal assent contains a provision that permits differences in pay between employees of a client and an assignment employee and there is a conflict between the provision of the collective agreement and subsection (1), the provision of the collective agreement prevails.

“Same, limit

“(8) Subsection (7) ceases to apply on the earlier of the date the collective agreement expires and January 1, 2024.”

The Chair (Ms. Natalia Kusendova): Thank you, MPP Fraser. Committee members, Bosc and Gagnon note on page 771 the third edition of House of Commons Procedure and Practice: “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.” I therefore rule the motion out of order because part 7 of the Employment Standards Act, 2000, is not opened by the bill.

MPP Fraser, do you have a question?

Mr. John Fraser: I'd like to ask for unanimous consent to consider this clause.

The Chair (Ms. Natalia Kusendova): The member is seeking unanimous consent to consider his motion. Do we have unanimous consent? I am seeing some noes. Therefore we do not have unanimous consent, and I am ruling this motion out of order.

MPP Gates.

Mr. Wayne Gates: Maybe that's why I got confused on the last one, although I get confused every once in a while.

I am watching here, but I'm not seeing anybody put their hands up. They're just shaking heads. Would it not make a lot more sense that, if they're not supporting, at least put their hand up so that we can kind of tell?

The Chair (Ms. Natalia Kusendova): For unanimous consent, all we need is one member to signal that they do not agree, and I think a shaking of the head is synonymous with not agreeing.

Mr. Wayne Gates: I appreciate that. I just thought it looked a little more professional; that's all. That's fair.

The Chair (Ms. Natalia Kusendova): Okay. Thank you for that intervention.

We are now moving on to schedule 2, section 4, of the bill. We have a government motion, number 14. MPP Anand.

Mr. Deepak Anand: I move that section 4 of schedule 2 to the bill be amended by striking out subsection 67.2(4) of the Employment Standards Act, 2000 and substituting the following:

“Exception—executives

“(4) Subsection (1) does not apply with respect to an employee who is an executive.”

The Chair (Ms. Natalia Kusendova): Thank you. Is there any debate? MPP Sattler.

Ms. Peggy Sattler: I just want to point out the irony of a bill that is called the Working for Workers Act including

an amendment that protects executives. How many executives do we have in the province of Ontario versus how many workers who work for temporary help agencies who have been injured on the job and all of the other workers that we have been talking about or hearing about at the committee? I appreciate the government bringing this amendment forward. I don't feel that this aligns with a bill that is supposed to be about protecting workers.

1540

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: I just want to point out I don't agree with the member opposite. She's talking about a temporary help agency. What we're talking about here is the proposed subsection 67.2, which would prohibit employers from entering into employment contracts or other agreements with an employee that are non-compete agreements.

What we're talking about, as an example, is that if there's an organization that has intellectual property, they know all about it. And then when we talking about non-compete agreements, what we're saying is that as the head of that company—and we're not talking about workers in general; we're talking about that executive at the head of that company—they should not be allowed to take advantage of this, so C-suite executives become a part of the non-compete agreement. So we're only talking about non-compete agreements here.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: I just want to support my colleague on this. It is kind of interesting that we're talking about executives on a bill that's supposed to be for workers. As we've seen so far—and we're at number 14 of the amendments—the opposition have put forward some very good additions that should have been voted for to help workers, and the government is bringing bills forward to talk about executives. It's just interesting to me.

I support my colleague and her comment.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Shall government motion number 14 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

We are now moving on to section 4 of schedule 2, section 67.2. We have government motion number 15. MPP Anand.

Mr. Deepak Anand: I move that section 4 of schedule 2 to the bill be amended by adding the following subsection to section 67.2 of the Employment Standards Act, 2000:

“Definitions

“(5) In this section,

“‘executive’ means any person who holds the office of chief executive officer, president, chief administrative officer, chief operating officer, chief financial officer, chief information officer, chief legal officer, chief human resources officer or chief corporate development officer, or holds any other chief executive position; (‘cadre supérieur’)

“‘sale’ include a lease. (‘vente’)”

The Chair (Ms. Natalia Kusendova): Any debate? Are members ready to vote? Shall government motion number 15 carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare the motion carried.

Now we will be voting on schedule 2, section 4, as amended. Is there any debate? Are members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 4, as amended, carried.

We are now moving on to schedule 2, section 5. There are no proposed amendments to sections 5, 6, 7 and 8 of schedule 2 to the bill. I propose we bundle these sections together. Does the committee agree? Thank you.

Shall schedule 2, sections 5 through 8, carry? Those in favour? Those opposed? I declare schedule 2, sections 5 through 8, carried.

We are now moving on to schedule 2, section 9. We have government motion number 16. MPP Anand.

Mr. Deepak Anand: I move that section 9 of schedule 2 to the bill be amended by striking out “No employer or prospective employer” at the beginning of subsection 74.1.2(2) of the Employment Standards Act, 2000 and substituting “No recruiter, employer or prospective employer”.

The Chair (Ms. Natalia Kusendova): Thank you. Is there any debate? Are members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare this motion carried.

Shall schedule 2, section 9, as amended, carry? Those in favour? Those opposed. Thank you. I declare schedule 2, section 9, as amended, carried.

We are now moving on to schedule 2, section 10. We have a government motion, number 17. MPP Anand.

Mr. Deepak Anand: I move that section 10 of schedule 2 to the bill be amended by striking out subclauses 74.1.3(1)(a)(v) and (vi) of the Employment Standards Act, 2000 and substituting the following:

“(v) if the applicant is applying for a licence to act as a recruiter,

“(A) a statement that the applicant is aware that subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009 prohibits a person who acts as a recruiter in connection with the employment of a foreign national from directly or indirectly charging the foreign national a fee for any service, good or benefit provided to the foreign national,

“(B) a statement that the applicant is aware that subsection 24(2) of the Employment Protection for Foreign Nationals Act, 2009 provides that if an employment standards officer finds that a recruiter has contravened section 7 of that act, the officer may order the recruiter to pay the amount of the fees to the foreign national or to the director of employment standards in trust,

“(C) a statement that the applicant is aware that subsection 27(1) of the Employment Protection for Foreign Nationals Act, 2009 provides that if an employment standards officer believes that a person has contravened a

provision of that act, the officer may issue a notice to the person setting out the officer’s belief and specifying the amount of the penalty for the contravention,

“(D) a statement that the applicant is aware that the director shall refuse to issue a licence or revoke or suspend a licence if the applicant has charged fees to a foreign national in contravention of subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009, and

“(E) a statement confirming that the applicant has not charged fees to a foreign national in contravention of subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009,

“(vi) if the applicant engages or uses the services of any person, other than an employee of the applicant, in connection with the recruitment or employment of foreign nationals,

“(A) the name and address of each person so engaged or used,

“(B) a description of the person’s business,

“(C) a statement confirming that the applicant has made reasonable inquiries about the person’s business practices with respect to foreign nationals and is satisfied that the person did not charge fees or collect a fee charged to a foreign national in contravention of subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009,

“(D) a statement that the applicant is aware that subsection 18.1(1) of the Employment Protection for Foreign Nationals Act, 2009 provides that a recruiter who uses the services of another recruiter in connection with the recruitment or employment of a foreign national is jointly and severally liable with the other recruiter to repay fees charged to the foreign national by the other recruiter in contravention of subsection 7(1) of that act, and

“(E) a statement that the applicant is aware that the director shall refuse to issue a licence or revoke or suspend a licence if the applicant engages or uses the services of a recruiter that charges fees to a foreign national in contravention of subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009, and

“(vii) such other information or statements as may be prescribed;”

The Chair (Ms. Natalia Kusendova): Thank you very much, MPP Anand. Is there any debate? MPP Sattler.

1550

Ms. Peggy Sattler: I recognize that the purpose of this amendment is to highlight the measures that have been put in place under the Employment Protection for Foreign Nationals Act, but I did want to point out, for example, that in subsection (v)(B), it says that the applicant has to sign off on the fact that they recognize that “the officer may order the recruiter to pay the amount of the fees to the foreign national.” So it’s kind of reinforcing this government’s approach to providing protection for foreign nationals. They’re really not taking the effective measures that are necessary, the input that there should be a requirement that if a recruiter has contravened section 7 of that act, then they “shall” be ordered to repay the fees.

I just wanted to highlight that fact, that this makes the government sound tougher, but, really, they are not taking the measures that were discussed in committee by many of the deputants who came and offered direction on what would actually provide the teeth that's necessary to protect temporary foreign workers.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: Again, I'm going to say that I'm very, very impressed with my colleague picking up the word "may." I'll let our PC MPPs know that I bargained a lot of collective agreements in my day, and "may" is a very interesting word that the company, which in this case is the government, always wants to put in collective agreements, because basically, they may do it, they may not. They may flip a coin. Who knows?

My colleague saying about section 7 and saying that the word "shall"—it's a very important word in any kind of language. And why the government would choose to use a weasel word here when they're trying to show that they actually care—I'm sure that if this was brought forward to all those presenters, they would have spoken very, very badly of the word "may" in this particular part of it. I would suggest that it should say "shall." Maybe you guys could make a friendly amendment and make it "shall" so we can actually take you guys seriously.

The other part I wanted to talk on which I think is interesting is that if this was all in here when we had the presentations, I would think that there would have been a lot of presenters that would have talked to this part. It always looks to me that when you come with a long—a very long, quite frankly—amendment, you're actually—two things: You're either hiding something, which could be the word "may," or you just didn't do your job in the first place and you rushed to get the bill out as quick as you can and now you're trying to fix it. Really, it's a pretty long amendment, Chair. I think you could agree to that. I'm not putting you on the spot, but I just thought I'd say it.

It's almost like a short story that wasn't put in the original documents where presenters could have at least addressed this and said yes or no. So there are two things here: You've got to take the weasel word of "may" out, and it really does look like you just rushed to do this bill.

Thank you very much for allowing me to say a few words.

The Chair (Ms. Natalia Kusendova): MPP Fraser.

Mr. John Fraser: Just very quickly, I agree with my colleagues. I'd just like to ask the government if they would consider a friendly amendment to change that word in subsection (3) to "shall" instead of "may."

The Chair (Ms. Natalia Kusendova): MPP Fraser, are you bringing forward an amendment to an amendment, in which case we would have to recess? Is that what you're doing?

Mr. John Fraser: One second, Chair.

Interjections.

The Chair (Ms. Natalia Kusendova): MPP Fraser?

Mr. John Fraser: Before I'm going to bring it forward, I'm asking the government if they are going to consider it, because I'm not going to take the committee's time if the government is just going to say no. Just give me an indication.

The Chair (Ms. Natalia Kusendova): Does anyone want to respond?

Mr. John Fraser: My understanding is that you're telling me no. Okay. All right.

The Chair (Ms. Natalia Kusendova): Okay. Thank you. We will be moving on, in that case.

Is there any further debate to this government motion number 17? Are members ready to vote? Shall motion number 17 carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare the motion carried.

We are now moving on to section 10, schedule 2, clause 74.1.3(1)(b) and (c). This is government motion number 18. MPP Anand.

Mr. Deepak Anand: I move that section 10 of schedule 2 to the bill be amended by striking out clauses 74.1.3(1)(b) and (c) of the Employment Standards Act, 2000 and substituting the following:

"(b) paying the prescribed fee;

"(c) providing the director with the prescribed security; and"

The Chair (Ms. Natalia Kusendova): Any debate? Seeing none, shall motion 18 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion carried.

We will now move on to section 10 of schedule 2, clause 74.1.3(1)(c). We have NDP motion number 19.

Ms. Peggy Sattler: I'd like to propose an amendment to government motion number 18—

The Chair (Ms. Natalia Kusendova): It's passed already. We voted on it.

Ms. Peggy Sattler: Oh, okay; sorry.

The Chair (Ms. Natalia Kusendova): MPP Sattler, do you want to read your motion number 19 into the record?

Ms. Peggy Sattler: I do. I move that section 10 of schedule 2 to the bill be amended by striking out clause 74.1.3(1)(c) of the Employment Standards Act, 2000 and substituting the following:

"(c) providing the director with security in the amount of \$25,000; and"

The Chair (Ms. Natalia Kusendova): Committee members, I am ruling this amendment out of order as it is inconsistent with a previous decision the committee made on this section of the bill. It's out of order.

We are now moving on to section 10 of schedule 2, new subsection 74.1.5(1). We have a motion by the government, motion number 20. MPP Anand.

Mr. Deepak Anand: Before I proceed with that, Madam Chair, in the previous section, MPP Yurek had wanted to say something, so I would say maybe what we could do is that any time somebody raises their hand is when they are trying to say something.

The Chair (Ms. Natalia Kusendova): Okay, thank you. MPP Yurek, did you want to say something?

Mr. Deepak Anand: Not at this time, I think.

The Chair (Ms. Natalia Kusendova): Okay, thank you. Let's proceed with government motion number 20.

Mr. Deepak Anand: I move that section 10 of schedule 2 to the bill be amended by adding the following clauses to subsection 74.1.5(1) of the Employment Standards Act, 2000:

“(a.1) the applicant has ever charged a fee to a foreign national in contravention of subsection 7(1) of the Employment Protection for Foreign Nationals Act, 2009 or the applicant engages or uses the services of any person, other than an employee of the applicant, that has ever charged a fee or collected a fee charged to a foreign national in contravention of subsection 7(1) of that act;”

The Chair (Ms. Natalia Kusendova): Is there any debate? Are members ready to vote? Shall motion number 20 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion carried.

We are now moving on to section 10 of schedule 2, section 74.1.9. We have NDP motion number 21. MPP Sattler.

1600

Ms. Peggy Sattler: I move that section 10 of schedule 2 to the bill be amended by adding “or assignable” at the end of section 74.1.9 of the Employment Standards Act, 2000.

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: Once again, this was a recommendation that was brought to this committee by a number of presenters: CUPE, Fay Faraday, Migrant Workers Alliance for Change, Parkdale legal, Workers' Action Centre, and others. This is an important amendment that would prohibit a recruiter from assigning their licence to another recruiter who would not have been subject to the same level of review in terms of obtaining a licence. It's very important to help reduce the exploitative recruiters who take advantage of temporary foreign workers.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: Madam Chair, my understanding is that this motion would amend proposed section 74.1.9 to stipulate that licences could not be transferred or assigned to another party. If that is the case, I believe the proposed section 74.1.9 already prohibits licences from being transferred to another party, so adding “or assignable” to the section may create confusion as to what that actually means and how it is different. So I think it is redundant, and I would oppose this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote.

Shall motion 21 carry?

Ayes

Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to motion 22. We have a motion by the opposition. MPP Sattler.

Ms. Peggy Sattler: I move that section 10 of schedule 2 to the bill be amended by adding section 74.1.12.1 to the Employment Standards Act, 2000:

“Public record of employers using licensed recruiter, temporary help agency

“74.1.12.1(1) The director shall publish and maintain, in accordance with such requirements as may be prescribed, a public record of the following on a website of the government of Ontario:

“(1) The name of every person who, as an employer or prospective employer, engages or uses the services of a person licensed under this act.

“(2) Any other prescribed information respecting employers or prospective employers described in paragraph 1.

“Freedom of information legislation

“(2) The disclosure of personal information in a public record under this section is deemed to be in compliance with clause 42(1)(e) of the Freedom of Information and Protection of Privacy Act.

“Duty on employer, etc., to report

“(3) For the purpose of facilitating the public record required under subsection (1), any person who, as an employer or prospective employer, engages or uses the services of a person licensed under this act shall confirm this fact to the director in writing within 15 days after the engagement or use.”

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: Any other Canadian province that has a regulatory framework for recruiters and temporary help agencies also has a requirement for a public record of employers that use those licensed recruiters or licensed temporary help agencies. So this amendment was something that was called for by a number of deputants: CUPE, Fay Faraday, Migrant Workers Alliance for Change, Parkdale legal, Workers' Action Centre. It is an amendment to establish a registry of employers to go along with the licensing requirements, and it will ensure that there is transparency to the public about which employers are using temporary foreign workers or using employees of temporary help agencies.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: My understanding is that the proposed scheme that we already have establishes strict rules and consequences for employers and prospective employers. That includes a prohibition against knowingly engaging or using the services of unlicensed temporary help agencies and recruiters, and penalties prescribed by

the regulations for knowingly engaging or using the services of unlicensed temporary help agencies and recruiters. So I believe at this time there is no need for an employer and prospective employer registry in our proposed licensing scheme.

The Chair (Ms. Natalia Kusendova): Any further debate? Shall motion 22—

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall motion 22 carry?

Ayes

Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

Shall schedule 2, section 10, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 10, as amended, carried.

We will now take a brief eight-minute recess. We'll be back at 4:15. Thank you.

The committee recessed from 1608 to 1615.

The Chair (Ms. Natalia Kusendova): The Standing Committee on Social Policy will now come to order. We are here to do clause-by-clause consideration for Bill 27, An Act to amend various statutes with respect to employment and labour and other matters.

We are now at schedule 2, section 11. There are no proposed amendments to sections 11 through 31 of schedule 2 to the bill. I propose that we bundle these sections together. Does the committee agree? Thank you very much.

Is there any debate on schedule 2, sections 11 through 31? Seeing none, are members ready to vote? Shall schedule 2, sections 11 through 31, carry? Those in favour, raise your hand. Those opposed, please raise your hand. I declare schedule 2, sections 11 through to 31, carried.

We are now moving on to schedule 2, new section 31.1. We have an NDP amendment, number 23. MPP Sattler?

Ms. Peggy Sattler: I move that schedule 2 to the bill be amended by adding the following section:

“31.1 The act is amended by adding the following section:

““Minimum fines re: recruiters

“132.1 The minimum fine for a person who is convicted under section 132 of contravening section 74.1.2 is \$15,000.””

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: This is a change that was proposed by CUPE, the Migrant Workers Alliance for Change, OCASI, Parkdale legal, the Workers' Action Centre and

others. Certainly we heard repeatedly at the committee that there need to be financial penalties that are actually going to discourage unscrupulous recruiters, and also the businesses that use them. This recommendation for a fine of \$15,000 was recommended to the committee as an appropriate financial consequence for recruiters who are convicted of contravening the act.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: There will be financial penalties, and the minister has openly talked about it in the media. They will be the most stringent in the whole country, the penalties that would be put in place, but it will be set out in the regulations. That is why these prescribed penalties will go beyond this motion. They will also apply to the temporary help agencies and employers and prospective employers, not just the recruiters. So I would say it is, again, redundant. There will be penalties above and beyond this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall motion number 23 carry?

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to schedule 2, section 32. We don't have any amendments. Is there any debate? Are members ready to vote? Shall schedule 2, section 32, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 32, carried.

We are now moving on to schedule 2, section 33. We have an NDP amendment, number 24. MPP Sattler?

Ms. Peggy Sattler: Chair, I will withdraw this amendment, because it was consequential to motion number 23.

The Chair (Ms. Natalia Kusendova): Thank you very much. Withdrawn.

We have motion number 25. MPP Sattler?

1620

Ms. Peggy Sattler: I will also withdraw this motion, because it was consequential to the earlier motions 22 and 24.

The Chair (Ms. Natalia Kusendova): Withdrawn. Thank you.

We now have motion 26, also by the opposition. MPP Sattler.

Ms. Peggy Sattler: I move that subsection 33(3) of schedule 2 to the bill be amended by adding subsection 141(2.6.1) to the Employment Standards Act, 2000:

“Regulations re security for licensing

“(2.6.1) The Lieutenant Governor in Council shall make regulations under clause (2.6)(i) within 30 days after the day subsection 33(3) of schedule 2 to the Working for Workers Act, 2021 comes into force.”

The Chair (Ms. Natalia Kusendova): Any debate? MPP Sattler.

Ms. Peggy Sattler: This is another one of those instances where the government wrote its bill to use a “may” instead of a “shall,” so this amendment would ensure that a security will be required rather than may be required.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: Madam Chair, I understand the intent of the member opposite: They want to get it done and get it fast. I agree with her that we need to get it done and get it as fast as possible, but 30 days might not be adequate to get it right. It does include developing supporting regulations that accurately address the complex nature of the licensing scheme. I would, at this point, oppose the motion.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: I just want to talk about the importance of words in any kind of bill or collective agreement or regulations. “May” is a weasel word, and I encourage the government to continue to put “shall.” If you’re really serious about anything that’s in a bill, put “shall,” and then that’s very clear on exactly where we’re heading. Using “may” is—I keep saying this, but you can look up and watch. “I may do it; I may not. I might. I may.” It’s just not the same. So I would agree with my colleague that they should be using the word “shall.”

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote?

Ms. Peggy Sattler: Recorded vote, please.

The Chair (Ms. Natalia Kusendova): We shall have a recorded vote. Shall motion number 26 carry?

Ayes

Fraser, Gates.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

Mr. John Fraser: Chair?

The Chair (Ms. Natalia Kusendova): Yes, MPP Fraser?

Mr. John Fraser: I think my colleague unintentionally abstained. Can we redo the vote?

The Chair (Ms. Natalia Kusendova): Does the committee agree to redo the vote? Agreed.

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

Shall schedule 2, section 33, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 33, carried.

We are now moving on to schedule 2, section 34. There are no proposed amendments. Is there any debate? Shall schedule 2, section 34, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, section 34, carried.

Interjection.

The Chair (Ms. Natalia Kusendova): I declare schedule 2, section 34, as amended, carried.

Interjection.

The Chair (Ms. Natalia Kusendova): Dear members, shall schedule 2 as a whole, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 2, as amended, carried.

We are moving on to schedule 3. We are on schedule 3, section 1. There are no proposed amendments to sections 1 to 15 of schedule 3 of the bill. I propose we bundle these sections together. Do we have agreement? Yes? Thank you.

Is there any debate on schedule 3, sections 1 through 15? Are members ready to vote? Shall schedule 3, sections 1 to 15, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 3, sections 1 through 15, carried.

Shall schedule 3 as a whole carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 3 carried.

We are now moving on to schedule 4, section 1. Is there any debate on schedule 4, section 1? Shall schedule 4, section 1, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 4, section 1, carried.

We are now moving on to schedule 4, section 2, and we have government motion number 27. MPP Barrett.

Mr. Toby Barrett: I move that section 2 of schedule 4 to the bill be amended by striking out paragraph 4 of subsection 4.1(2) of the Ministry of Agriculture, Food and Rural Affairs Act and substituting the following:

“4. To further such purposes as may be prescribed for the purposes of this section relating to the following aspects of agriculture, food or rural affairs:

“i. Food safety.

“ii. Animal health or human health.

“iii. Economic, environmental or social interests.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Barrett.

Mr. Toby Barrett: Just by way of discussion, the reason I recommend voting for this motion: These are amendments that would help clarify and codify the existing functions of the ministry. In addition, it would provide additional clarity with respect to any regulation-making down the road.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sattler.

Ms. Peggy Sattler: I appreciate the government's attempt to try to address some of the concerns that were raised strongly during the public presentations to the committee, but the government fails to realize that it's not the fact that information is being collected for certain purposes; it's the concern about information being collected at all. Migrant workers are among the most vulnerable workers in our province. They are in very, very precarious situations. They worry about their employment if they refuse to provide the information that is required. For many migrant workers, because of their vulnerability, they feel that they don't have the opportunity to not give consent for the collection of information that is required by this schedule. So this is not an amendment that we would support, because it fails to address the real concerns that were raised at the committee.

1630

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote? Shall government motion number 27 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion carried.

We have government motion number 28, on section 2 of schedule 4. Who's bringing forward the motion? MPP Barrett.

Mr. Toby Barrett: With respect to motion number 28, I move that section 2 of schedule 4 to the bill be amended by adding the following subsection to section 4.1 of the Ministry of Agriculture, Food and Rural Affairs Act:

“Restriction, prescribing purposes

“(7) The Lieutenant Governor in Council shall not make a regulation under clause (6)(a) unless the minister has conducted public consultation respecting the contents of the proposed regulation.”

If I may, Chair, the reason this is being put forward, and the request to vote in favour, is it's an amendment that would provide an additional check by requiring these public consultations to occur prior to the ministry recommending a regulation to cabinet that would allow for additional purposes for the collection and use of information, including personal information.

The Chair (Ms. Natalia Kusendova): Any debate? MPP Fraser.

Mr. John Fraser: I can see why this amendment was put in. The only question that I have is, a public consultation is not overly prescriptive. A public consultation can mean a consultation that occurs between individuals that's made public. There's no size and scope of that.

I'm not trying to be negative about this. I just think you may not get what you want out of this. It may give people the idea that they've got some relief, but it could be up to

any government—this government, a future government—to determine what those words, “public consultation,” meant. I think it's broad. I'll support it, but I don't think you're going to get what you need out of it.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sattler.

Ms. Peggy Sattler: I just want to reiterate my comments about the earlier amendment. The problem is not the lack of consultation about rules for the data that's being collected. The problem is that the data is being collected from these temporary foreign workers, ag workers, who are among the most vulnerable workers in our entire province. We have a concern that the government has failed to respond to the input that was provided to this committee about the extreme vulnerability of migrant workers, their concerns about how their data will be used and, really, their inability to provide meaningful consent to the collection of their data because of the precariousness of their employment situation.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote? Shall motion 28 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion carried.

Shall schedule 4, section 2, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 4, section 2, as amended, carried.

We are now moving on to schedule 4, section 3. There are no proposed amendments. Shall schedule 4, section 3, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 4, section 3, carried.

We are now moving on to schedule 4, and we have an NDP notice of motion.

Interjection.

The Chair (Ms. Natalia Kusendova): Thank you. Is there any debate on schedule 4, as amended? MPP Sattler.

Ms. Peggy Sattler: Despite the government's amendments, schedule 4 does not address the concerns that were brought to this committee by a number of deputants: Migrant Workers Alliance for Change, the Ontario Council of Agencies Serving Immigrants, the Ontario Federation of Labour, Parkdale legal clinic, Workers' Action Centre. All of them recommended voting against schedule 4 or they recommended removing schedule 4 from this bill because of the issues I mentioned earlier: the extreme precarity and vulnerability of migrant workers and their concerns about how the data that's collected will be used and also, as I mentioned, their inability to provide meaningful consent to the collection and use of their data.

The Chair (Ms. Natalia Kusendova): Is there any further debate? Seeing none, are members ready to vote?

Ms. Peggy Sattler: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall schedule 4 of the bill, as amended, carry?

Ayes

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

Nays

Gates, Sattler.

The Chair (Ms. Natalia Kusendova): I declare schedule 4, as amended, carried.

We are now moving on to schedule 5, Occupational Health and Safety Act. We are considering schedule 5, section 1, and we have NDP motion number 29. MPP Sattler.

Ms. Peggy Sattler: I move that section 1 of schedule 5 to the bill be amended by adding “to a worker who works for a public transit system operated by a municipality, to a worker who is present at the workplace to perform a service at the workplace, or” after “on request” in subsection 29.1(1) of the Occupational Health and Safety Act.

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Sattler.

Ms. Peggy Sattler: We had submissions from a number of organizations. The Ontario Waste Management Association recommended that waste collection workers be provided access to washrooms in the bill. Certainly, the Amalgamated Transit Union strongly urged that transit workers be covered by the bill. There was a request that long-haul truckers be added to the bill. The presentation from UFCW and CUPW, talking about gig workers, also recommended that other gig workers be added to the bill, those who deliver persons rather than goods. And then there was the request that tradespeople—electricians, meter readers, others who are entering workplaces to perform a service—be covered by this bill. That is the purpose of the amendment: to respond to the input that was provided and to ensure that those workers have the dignity and the access to health and safety that is provided when they are able to access a washroom.

1640

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: I’ll just kind of back up my colleague’s call. I want to talk about—she listed a number of workers here, but I can remember John, the president from ATU. He really put it in words that I probably couldn’t do justice to, talking about his workers. He talked about—has anybody ever used a porta-potty? With COVID and the germs that can be spread, he said, “Try to find a porta-potty that actually has clean water, where you can actually wash your hands after you go to the washroom.” He also talked about women, women who need to go to the washroom, and women who have issues where they’d bleed through their clothes and they couldn’t go to the washrooms.

Older workers: Look around this room. There are a few older workers here, quite frankly. I’m not sure about your age; I can’t really tell. But older workers who have

medical conditions like diabetes where they have to go to the washroom—he was telling us they’re actually driving and going to the washroom in their pants when they’re 55 years old, because they couldn’t get into a washroom. And there are other obvious examples that my colleagues have used already.

I don’t think it could be clearer why it should be expanded and why this motion should not only be put forward by the NDP, but supported by the PC Party. It’s been a tough day for us on amendments, quite frankly, because going through the 20 amendments that we put forward here, you haven’t voted for one. That’s disappointing. But I don’t know how you can turn this down, with what I just told you, if you’re for workers. Workers, when they go to work, go to the washroom sometime during that eight-hour shift, and we should make it as easy as possible.

So, I have no idea how your party can say to ATU and their membership, particularly here in Toronto where they have a lot of members, “We don’t really care whether you can go to the washroom or not. We don’t care if a porta-potty is dirty. We don’t care if women are in situations”—which, quite frankly, can be embarrassing, I would think, as well. “We don’t care about older workers who have diabetes who have to go to the washroom.”

I’m really encouraging you. I know you haven’t said yes to any of our amendments so far today. What are we at here, two and a half hours? Plus this morning, so for three and a half hours it has been “no, no, no, no.” This is one of the times that I believe you should say yes and show workers that you actually care. That’s all I have to say on that, but I can’t even believe it’s an issue here, quite frankly. Thank you, Chair. I appreciate it.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Anand.

Mr. Deepak Anand: Madam Chair, I just started to think this way and my thought process went to the place where I kind of thought maybe it’s saying that anyone who needs washroom access should have access to a washroom: You’re taking your kids to drop them to the school, it is a snowstorm, you have to stop on the way and then you need to go to the washroom. I was challenging myself. I was challenged just to say, “Yes, probably. Maybe we need to look into and to think in a way where we come to a society where no one should say no to somebody who needs a washroom, and has access to the washroom—should be allowed to go to the washroom.”

But when we’re talking about this bill, I think that when we talked to those drivers, when we heard them, it was when they were picking up at a place or dropping at a place, and that’s what we included at that point of time. So I think I’m not going to completely say no to the member opposite. I don’t want to lie. I don’t want to say that, “No, no, you’re wrong.” I’m not saying you’re wrong. What I’m saying is maybe we need to look at and think in a broader perspective what should be the total scope in terms of the washrooms, but when it comes to this bill, we’re only talking about those who are picking up and delivering, and that’s what has been included. So that’s my two cents, Madam Chair.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Sattler.

Ms. Peggy Sattler: I want to point out to the government members that this amendment is very specific to workers who are present at the workplace to perform a service at the workplace, as well as workers who work for public transit systems operated by a municipality. But the member talked about workers who are picking up or dropping off. Let's think about gig workers. Let's think about Uber and Lyft drivers, and taxi drivers. They are picking up and dropping off people rather than goods. The member only wants this legislation to apply to workers who are dealing with the pickup or delivery of goods, and that excludes a sizable number of gig workers.

When the government talks about this particular amendment as responding to the concerns of gig workers, I don't know if the government has had a chance to look at the gig workers' bill of rights, but gig workers want a lot more than washroom access. Washroom access is an important health and safety provision that every worker should be able to count on, but if this is responding to the needs of gig workers in this province, it is woefully short of what gig workers actually need and what they have asked for, and in particular because this doesn't even cover all gig workers. It only covers those gig workers—food couriers, for example—who are picking up or dropping off meals. It does not cover those who work for ride apps.

I just want to echo the comments of my colleague MPP Gates about the testimony that we heard from the Amalgamated Transit Union about the hardship that their workers experience because of lack of washroom access. They don't have scheduled breaks, because of the unpredictability of their routes, when they will be able to access a washroom. The consequences for workers who aren't able to rely on having access to the washroom mean that they are put in these positions that no person, no worker in this province should be put in—that position of not being able to access a washroom when you need one.

And especially, as my colleague pointed out, the concerns are greater for women workers or workers who menstruate and who need access to a washroom for personal hygiene reasons. Especially in a pandemic, when “wash your hands” has been the mantra from the very beginning, not having access to a washroom prevents workers from washing their hands and, therefore, contributes to increased risk of transmission in the workplace.

So I would certainly hope that the government would support this amendment. It is important to all workers in this province.

The Chair (Ms. Natalia Kusendova): MPP Fraser.

Mr. John Fraser: I'll be supporting this amendment. I think it's reasonable. Those of us who live in large urban areas all have transit systems that we depend on, that many people in our communities depend on, and I think it's a perfectly reasonable thing to do.

What we're trying to do with this legislation, I think, is legislate common decency, right? Taking care of each other. And that's a hard thing to do because it's hard to capture everybody. So we shouldn't overstate what we're

doing. We're just trying to send a message to people, and I think that by adding transit workers, we'll send that message, and hopefully that will capture other people just by default, because it will be highlighted, so people understand that you've got to treat people decently. I don't want to go in the wormhole here, but there's a whole issue of access to public washrooms, just in general, for many people.

1650

So I'd encourage the government to accept this amendment. It's not going to weaken the bill; it's only going to make it stronger. And it's your opportunity to take an opposition motion, which I think is a good thing to do when you're in government.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Gates.

Mr. Wayne Gates: I listened to my colleagues. I think the key here is the health and safety issue.

Maybe my colleagues can answer this. They're listening, I'm sure. I believe that no worker in the province of Ontario shouldn't be able to go to work and go to the washroom in this day and age. I want to say clearly to my colleagues, the Chair, and the workers here, we're lucky. I'm an MPP. I come to work in this beautiful building. I go to the washroom here, and I can eat off the floors. That's the reality. That's our life here. You've got to go to the washroom. That's the way it is. Maybe not eat off the floors—but you know what I'm saying; it's clean. I guess that might have been a little bit of a stretch, but you know what I'm trying to say here. We're lucky. But can you imagine a worker out there who has to go to the washroom and they're trying to hold it for an hour, an hour and a half, while they're driving a bus, or a skilled tradesperson who doesn't have a porta-potty that works?

I think you hit it right on the nail. It's a reasonable request to give to the government. If you say you care about workers, well, prove it with this particular amendment.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, are members ready to vote?

Interjection: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall motion number 29 carry?

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare this motion lost.

We are now moving on to NDP motion number 30. MPP Sattler.

Ms. Peggy Sattler: I move that section 1 of schedule 5 to the bill be amended by adding “or to a worker who

works for a public transit system operated by a municipality” at the end of subsection 29.1(1) of the Occupational Health and Safety Act.

The Chair (Ms. Natalia Kusendova): Any debate?

Ms. Peggy Sattler: By defeating the previous motion, this government has shown that they don’t care about those gig workers I mentioned—the Uber, Lyft, other ride-app workers—the tradespeople who need access to washrooms, waste collection workers, some of the others who made submissions to this committee. But this motion lets the government redeem themselves. This motion lets the government at least recognize the need for transit workers to be able to access washrooms. We’ve already talked about the situation that many transit workers face because of lack of predictable access to washrooms. Let’s respond to that testimony in the deputation that was made to this committee by the Amalgamated Transit Union, and let’s pass this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote?

Interjection: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall motion 30 carry?

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to independent motion number 31. We are still on section 1 of schedule 5. I recognize MPP Fraser.

Mr. John Fraser: I move that section 1 of schedule 5 to the bill be amended by striking out clause 29.1(2)(b) of the Occupational Health and Safety Act and substituting the following:

“(b) if providing access would not be reasonable or practical having regard to the security of any person at the workplace and the location of the washroom within the workplace; or”

The Chair (Ms. Natalia Kusendova): Debate?

Mr. John Fraser: I think it just makes the language much more straightforward and clear. If you take a look at the original clause, there’s a lot in there. There are a lot of opportunities for people to say no. I think these are two basic, simple tests that will provide the right kind of protections and rules around allowing people to use the washroom. That’s it. Please support it.

The Chair (Ms. Natalia Kusendova): Any further debate?

Ms. Peggy Sattler: We’re going to support this amendment because one of the big concerns about this schedule of the bill all along has been the exclusion. Even if the

government had agreed to include transit workers, gig workers and other workers, there is a gaping loophole in the bill, as currently written, that allows businesses to deny access, regardless of who is covered.

This is an attempt to tighten that up and to reduce the number of exclusions that would be permitted. I’m concerned that it doesn’t go far enough, but it is certainly an improvement over what’s currently in the bill.

The Chair (Ms. Natalia Kusendova): Further debate? Are members ready to vote?

Mr. John Fraser: Recorded vote.

The Chair (Ms. Natalia Kusendova): Shall independent motion number 31 carry?

Ayes

Fraser, Gates, Sattler.

Nays

Anand, Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

Shall schedule 5, section 1, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 5, section 1, carried.

We are now moving on to schedule 5, section 2. We don’t have any amendments, so shall schedule 5, section 2, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 5, section 2, carried.

Shall schedule 5, as a whole, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 5 of the bill carried.

We are now moving on to schedule 6 of the bill, Workplace Safety and Insurance Act. We have an independent motion, number 32. MPP Fraser.

Mr. John Fraser: I move that section 0.1 be added to schedule 6 to the bill:

“0.1 The Workplace Safety and Insurance Act, 1997 is amended by adding the following section:

1700

“Residential care facilities and group homes

“2.0.1 An employer, whether public or private, in either of the following industries is a schedule 1 employer for the purposes of this act:

“(1) Residential care facilities, including retirement homes, rest homes and senior citizens’ residences.

“(2) Group homes.”

The Chair (Ms. Natalia Kusendova): Committee members, the proposed amendment is out of order as it is out of the scope of the subject matter of the schedule. As Bosc and Gagnon note on page 771, “An amendment to a bill must be relevant in that it must always relate to the subject matter of the bill or to the clause thereof under consideration.” Therefore, I am ruling this out of order.

Mr. John Fraser: I'd like to ask for unanimous consent to consider this amendment.

The Chair (Ms. Natalia Kusendova): The member is seeking unanimous consent to consider his motion.

We do not have unanimous consent and I am, therefore, ruling it out of order.

We are now moving on—

Mr. Wayne Gates: Chair, I'd like to ask for a 15-minute recess, please.

The Chair (Ms. Natalia Kusendova): There's a question put forward by MPP Gates for a 15-minute recess. Does the committee agree?

Interjection: No.

The Chair (Ms. Natalia Kusendova): There's a no, therefore we will continue the proceedings.

Mr. Wayne Gates: I'm not allowed to have a recess, is that what you're telling me?

The Chair (Ms. Natalia Kusendova): You cannot have it at this time. You can have it after there's a vote called. At that point, you can call for a recess.

Mr. Wayne Gates: Okay.

The Chair (Ms. Natalia Kusendova): You can move a motion, and that's a debatable, amendable motion, but at this time the committee does not agree for a recess and therefore we are moving on.

We are now moving on to consider schedule 6, new section 0.1. We have an NDP motion number 33. MPP Gates.

Mr. Wayne Gates: I'm certainly looking forward to talking about schedule 6.

I move that schedule 6 to the bill be amended by adding the following section:

“0.1 Section 43 of the Workplace Safety and Insurance Act, 1997, is amended by adding the following subsection:

““No earnings after injury

“(4.1) The board shall not determine the following to be earnings that the worker is able to earn in suitable and available employment or business:

“1. Earnings from an employment that the worker is not employed in, unless the worker, without good cause, failed to accept the employment after it was offered to the” employee.

“2. Earnings from a business that the worker does not carry on.””

The Chair (Ms. Natalia Kusendova): Committee members, Bosc and Gagnon note on page 771 of the third edition of House of Commons Procedure and Practice: “An amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent act, unless the latter is specifically amended by a clause of the bill.” I therefore rule this motion out of order because section 43 of the Workplace Safety and Insurance Act, 1997, is not opened by the bill.

MPP Fraser.

Mr. John Fraser: I'd like to ask for unanimous consent to debate my colleague's amendment.

The Chair (Ms. Natalia Kusendova): MPP Fraser is seeking unanimous consent to debate this motion.

We do not have unanimous consent, and therefore I am ruling it out of order.

MPP Gates?

Mr. Wayne Gates: I've got a question: Am I allowed to talk to your ruling?

The Chair (Ms. Natalia Kusendova): You cannot challenge a ruling of the Chair.

Mr. Wayne Gates: I can't challenge the Chair?

The Chair (Ms. Natalia Kusendova): Unless you want to put on boxing gloves. We could—no, you cannot challenge the ruling of the Chair.

We are now moving on to schedule 6, new section 0.1. We have another NDP motion, number 34. MPP Gates.

Mr. Wayne Gates: I move that schedule 6 to the bill be amended by adding the following section:

“0.1 The Workplace Safety and Insurance Act, 1997 is amended by adding the section:

““Timeline for regulations, temporary help agencies

“83.1 The Lieutenant Governor in Council shall make the initial regulations under subsection 83(4) respecting temporary help agencies by the day on which the Working for Workers Act, 2021 receives royal assent.””

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Gates.

Mr. Wayne Gates: I think that our motion is looking to obligate the government to enact existing regulations related to section 83(4) of the WSIA that would provide protection for temporary help agencies, as has been called for by the OFL, Parkdale legal and so on.

We previously introduced a motion, 81: that, in the opinion of the House, the government of Ontario shall immediately implement 83(4) of the Workplace Safety and Insurance Act, 1997, to help improve the protection available to indirectly hired temporary help agencies—83(4) would, among other things, help to attribute to the injury and the accident costs arising from injury to other employers. This creates joint and several liability for employers to use THA workers who are injured on the job.

The regs are on the book; they need to be enacted. This motion would do that with passage of the bill, the Working for Workers Act. If this government wants to be responsible to a large number of workers in places like Scarborough, Etobicoke, Brampton and elsewhere, they'll pass this motion.

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Fraser.

Mr. John Fraser: This is a really critical piece of protections for temporary workers and workers just in general that isn't there. It's not right that an employer can employ someone as an agency person or from an outside firm who gets injured in their workplace and have no responsibility.

We've all heard about Fiera Foods. They use temp agencies. Because they use temp agencies, when workers get injured they're not liable. So they have a clean record, and they'd be eligible to get the kind of rebates that you're talking about in schedule 6. It's a huge hole that needs to be fixed. The irony of the whole thing is, this piece of legislation is already on the books, but it's just sitting

there, doing absolutely nothing. It's there to protect people. The government has had the opportunity for three years—three years—to do something about it. I have an amendment that's similar to this later on in the bill. It's a massive hole. People are left unprotected, and employers are gaming the system.

I think if you're in a workplace and the person who owns that workplace is hiring somebody else to employ you—you should be responsible for that workplace. That's the only way you're going to make workplaces safer.

It's on the books. It's nothing new. It's just saying you need to enact this and make some regulations. We all saw what happened at Fiera Foods—and it's not the only place.

I think it's a very reasonable amendment. I think the government should do it. Whether it will or not is totally another question. Thank you, Chair.

1710

The Chair (Ms. Natalia Kusendova): Any further debate? MPP Gates.

Mr. Wayne Gates: I certainly appreciate some of the comments of my colleagues. I have no idea why we're the only ones who have talked about Fiera Foods for the last three days, where five people died on the job because they had temporary agency employees, with no liability going to that company. Think about that.

The last man who died there had worked there close to 20 years as a temporary employee. Think about that: as a temporary employee. How does somebody ever call somebody who's working in a plant or in a workplace—that after 20 years, you're still temporary? It doesn't make sense. He wasn't the only one who unfortunately died due to his injuries in that workplace. There were five in total.

The PCs can't run and hide from this one. Two of those workers died under your watch. That's why this amendment is fair, it's reasonable and it's something that you should support. I know you've had trouble supporting any of our NDP amendments all day, which is a little surprising, so we're asking you to support this amendment.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote?

Mr. Wayne Gates: Recorded vote.

The Chair (Ms. Natalia Kusendova): We are voting on an NDP amendment, motion number 34.

Ayes

Fraser, Gates.

Nays

Barrett, Martin, Sandhu, Triantafilopoulos, Yurek.

The Chair (Ms. Natalia Kusendova): I declare the motion lost.

We are now moving on to—

Mr. Wayne Gates: Chair, I would like a recess of at least 15 minutes, please.

The Chair (Ms. Natalia Kusendova): MPP Gates is asking for a 15-minute recess. Do we have agreement from the committee for a 15-minute recess? We do not have such agreement.

MPP Fraser.

Mr. John Fraser: I need some clarity around the rules for recess. I spent a few years in government, where we had constant recesses. Members just requested them, literally 10 minutes and then 20 minutes. I just need to understand the process, not because I'm calling for one, but because I'm trying to understand what's happening here.

The Chair (Ms. Natalia Kusendova): The process is if you would like a recess, you must call it when a vote is called. So when I ask, "Are members ready to vote?" that is the time to ask for a recess.

Now if you'd like to call for a recess, we must go to the next time when I ask, "Are members ready to vote?" Then is the appropriate time to ask for a recess, at which time I will grant it. If you call it at any other time, we put it forward to the committee, and if there is no agreement, then we will move on.

Mr. John Fraser: Thanks, Chair. I remember now.

Mr. Wayne Gates: In fairness to myself, it was my own mistake. Just saying.

The Chair (Ms. Natalia Kusendova): Okay. We are moving right along. Schedule 6, section 1: There are no proposed amendments to sections 1 and 2 of schedule 6 to the bill. I propose we bundle these sections together. Does the committee agree? Thank you. We have agreement.

Therefore, shall schedule 6, section 1 and section 2, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 6, sections 1 and 2, carried.

We are now moving on to schedule 6, section 3. We have an NDP motion, number 35. MPP Gates.

Mr. Wayne Gates: I move that section 3 of schedule 6 to the bill be amended by striking out subsection 97.1(1) of the Workplace Safety and Insurance Act, 1997 and substituting the following:

"Distribution of surplus

"(1) If the amount of the insurance fund meets a sufficiency ratio that is equal to or greater than 115 per cent and less than 125 per cent, the board shall distribute any amount in excess of the amount prescribed under clause 100(c) that it considers appropriate as follows:

"1. First, amounts shall be distributed to eligible programs and initiatives for the purpose of improving the health and safety of workers until those programs and initiatives are fully funded.

"2. Second, any amounts remaining may be distributed among eligible schedule I employers.

"Distribution among schedule 1 employers—restrictions

"(1.1) For the purpose of paragraph 2 of subsection (1), an employer is not eligible to receive amounts unless,

"(a) the employer demonstrates to the board that it has a record of protecting the health and safety of workers;

“(b) the board is satisfied, after consulting relevant stakeholders, that the employer will use the amounts effectively in order to improve the health and safety of workers; and

“(c) the employer meets such criteria as may be prescribed.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Gates.

Mr. Wayne Gates: This is probably the part of the bill where I think we should have some debate from the PCs, but I’m not sure they’re going to.

This bill says that between 115% and 125%, the WSIB can return money to employers, and after 125%, it has to. This is among the lowest thresholds in Canada to return money to employers. Alberta, if you can imagine—we all know who runs Alberta—gives the option to send money to workers. Why won’t the PCs do the same?

Our amendment says the money goes to workers, to correcting injustices, and then it goes to employers. This bill will give \$3 billion—that’s with a B, my friends—of the WSIB workers’ surplus, and I’ve said a number of times it’s workers’ money, back to employers like Amazon, and Fiera Foods, which we know killed five employees, or had five employees die in that particular workplace. I know the PCs are aware of this, because some of the presenters came, I guess it was, just a few days ago.

The ODRA had a press conference that brought together families from across Ontario who lost loved ones to occupational cancers. They had four demands for the minister. Now, think about this: These are people who have been fighting WSIB for 20 years. They lost their partners. They lost their partners in places like GE in Peterborough. They sent their four demands to the minister. This is the minister who continues to talk about how he’s for workers. To date, as of today, he has not even met with them. Their loved ones died just because they went to work. Some of these people have fought for four decades to get coverage they deserve.

My suggestion to the PCs who are listening would be—because in a lot of these places where they have these cancer clusters, guess who represents them? They’re being represented by PCs: places like Sarnia, places like Peterborough, places like Niagara, where we have a member up there who is a PC, where people died. Why would we not send this money to them and help WSIB recognize workplace cancers? Why wouldn’t we do that?

And then, unfortunately, the Chair ruled I was out of order, talking about deeming.

1720

It’s no secret to the people who are listening here from the PCs. You all know what deeming is. We all know where the surplus came from. We know it started around 2016, when they started deeming workers. Once the deeming started, guess what happened? You know what happened, Chair? I don’t know if you’re listening, because I want you to listen; I want you to hear this, because it could happen to any of us. Every day, we just go to work. I’m lucky. I’m in a pretty safe environment. But it’s workers out there, whether they’re skilled trades, whether

they work at auto plants, whether they work at Shoppers: They can get hurt on the job.

They’re going to work for one reason: to provide for their family, hopefully pay the rent, buy a house maybe, send their kids to figure skating—in my case, it was figure skating, because I had all girls; that was the first thing that came into my head. But also, they may be playing baseball or hockey or something. All of a sudden, you get hurt on the job, and the WSIB deems you. They deem that you can do a job that you can’t do, that your doctor says you can’t do.

I’ll use an example because I’ve used it already: a place like Walmart, a Walmart greeter. Remember they used to have that when Walmart first came into the province? Well, they don’t have those anymore, but they deem that you could do it and then they cut your benefits, and 50% of those injured workers live below the poverty line now. Quite frankly, under this government—because I brought deeming up. I’ve asked you to pass the bill. Actually, in this very seat, I begged you to please pass that bill, because I don’t believe a worker in the province of Ontario who’s just going to work to provide for his family and gets injured on the job should be sentenced to live in poverty.

Bill 119 ended this practice by using the language EI uses. You can only be cut off if you say no to a real job. It’s the same around the federal EI program. The PCs have had so many opportunities to pass Bill 119. I’m asking you to right that wrong.

We need to change. We need to end deeming, because what’s happened with deeming is exactly what we’re discussing. Some \$3 billion is going back to employers, as those same families have been fighting to get justice not only for themselves, but for their family, for their community. You’re going to take that money and give it to Amazon. I may be wrong, and I’ll apologize to the committee ahead of time, because these are numbers that I don’t have in my bank account.

Amazon is one of the richest corporations in the world—worth billions; we know that. Shoppers Drug Mart—another corporation that’s got so much money, they don’t know what to do with it. Why are we taking that billion dollars and giving it to Amazon? Walmart: I mean, that one guy who owns Walmart, he’s got jets now. He’s flying up into the sky, trying to look at the stars, trying to figure out if there’s more money up there. I don’t get it.

I’m looking right at the PCs. Some have got their heads down; some aren’t paying attention. My colleague across from me I think is listening to me, which I appreciate.

As a society, as a province, we can do better. We can do better. Let’s support this amendment. Let’s take care of workers, because the bill is about workers. How can it be about workers when you’re giving \$3 billion to employers, as those injured workers live in poverty? This isn’t something I haven’t said before in these committees. They’re living in poverty. They’re losing their homes. In some cases, they lose their family because of the financial hardships. They end up splitting up with their partners—which we can understand. Even if you have two jobs, there are probably a lot of discussions—I wouldn’t say fights,

because it might not be the right word here—around money in our households, paying our bills, making sure our kids are taken care of, getting an education, making sure when they grow up we can help them get a house. That’s even a whole other story in the province.

So I’m saying I know you haven’t supported anything the NDP has said today, none of our amendments. But look at me. Tell me you don’t have a problem with a mom or a dad going to work, getting injured on the job, getting deemed, living in poverty, losing their family, losing their community—mental health issues. Do you think that’s right in our province?

I don’t get it. I don’t understand why PCs don’t understand it. You should, because as I said, most of the cancer clusters are in PC ridings. Sarnia is not an NDP riding. Kitchener is not an NDP riding, not all of it. Niagara: we have PCs down in Niagara. I just don’t understand you. So I’m asking my colleagues: Somebody can talk about it.

I don’t know how much time I have got left. Is there a time limit on how long I can talk? I’m not sure.

Interjection.

Mr. Wayne Gates: Oh, there isn’t. I can keep going? Oh, God, you shouldn’t have told me that. That might even work out.

The Chair (Ms. Natalia Kusendova): I’ve been informed that there is a rough 20-minute limit.

Mr. Wayne Gates: “A rough 20 minutes”; that’s an interesting statement. “How long do you get to speak today at committee?” “A rough 20 minutes.” But do you know what? It’s a pretty good word. You know why? This is rough to speak about. It’s rough to know that people go to work and get cancer.

I worked in a plant—I’ve said this many, many times. I was a tool setter. Some would say I wasn’t a very good tool setter, but I worked at the components plant in St. Catharines. I worked around metalworking fluids. A lot of those workers got cancer. I’ve been lucky at my age. I haven’t—so far; touch wood, or whatever we touch—gotten cancer, but my colleagues did. They died from cancer. That’s where the clusters are coming out of.

So, yes, it is a rough time to talk about workers—cancer—widows making presentations and crying, going to Peterborough like we did and listening to those workers, listening to workers in Sarnia. We can do better.

I’m asking you to consider adding deeming to this bill. I know it’s been ruled out of order, but you have a majority government and you can pretty well do whatever you want, we know that—and you have, quite frankly. I don’t know how much more I can beg the PCs and say you’ve got to go to bed at night, just like I do. And I toss and turn many, many nights, knowing that workers are living in poverty because of deeming. And we’re taking that surplus, and instead of putting it into health and safety, putting it into programs making our workplaces safer, we’re just giving it to employers.

I don’t know this, so I’m not going to say that I do, but the way it’s set up right now, where agency employees were providing the workers for Fiera Foods, none of that

liability goes to Fiera Foods. They may be deemed a safe employer even though we’ve had five people die on the job in those workplaces.

So I’m asking you, reconsider deeming. Let’s lift people out of poverty.

Chair, do you know what else I should tell you on the deeming issue? Guess what happens when they deem them and they end up living in poverty? They go to ODSP, OW. And who pays for that? It should be the employer. It should be our money, because we pay into it as workers. Who pays for it? And I know you can’t say, but I’ll ask my colleagues across. Who pays for it? Not the employer—taxpayers. Taxpayers are paying. You think that’s right? They get injured on the job, the responsibility is the employer’s, and the taxpayers pay for it.

I don’t think I can be more clear on this issue and I know I’m probably getting close to my 20 minutes or whatever you called it, whatever you said I had—approximately a 20-minute speech—but I’m very passionate about this, and I would think my colleague here, who’s been around as long as me—I’m sure he’s passionate about it.

I’m going to close by saying this: I have a very good relationship with most employers in Niagara, and particularly small employers, because in Niagara, what a lot of people don’t know is, although it’s a wonderful place—Niagara Falls is great, Niagara-on-the-Lake is great, Fort Erie is great; Stevensville, Queenston Heights, St. Davids—they’re all wonderful, but most of those businesses are owned by people who live right in those communities. They’re family-owned and they’re family-run. I talk to them. I asked them about this particular bill on deeming, Bill 119, Do you know what they said to me, Chair? “We have great employees. They work hard for us.” And if they get injured on the job, you know the last thing they want to see? Them living in poverty and losing their families. Because that’s what it’s about; it’s what communities are about.

I believe that small employers, medium-sized employers—I’m not sure about Amazon and these other players. I’ve never dealt with them. I’ve never bargained with them. I just know they’ve got lots of money and they don’t need any of this \$3 billion going back to them. Those employers said, “I do not want my employees to live in poverty.” They don’t want them to get hurt. They’re doing everything they can to keep them safe. We understand that. But there are accidents. There are incidents in workplaces right across the province of Ontario. So I’m saying to the PC Party and the independent who’s here, please support our amendment 35. I appreciate you letting me speak.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, are members—

Mr. John Fraser: Chair, do we want to take a 15-minute recess?

The Chair (Ms. Natalia Kusendova): Yes. We will take a 15-minute recess. We will be back at 5:47.

The committee recessed from 1732 to 1747.

The Chair (Ms. Natalia Kusendova): The Standing Committee on Social Policy will now come to order. We are continuing our consideration of Bill 27.

We left off at the vote for motion 35. This was the NDP motion with regard to schedule 6, section 3. Members are ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion lost.

We are now moving on to motion 36, an NDP motion. MPP Gates.

Mr. Wayne Gates: I appreciate that. Thank you. I'll take off this wonderful mask of mine.

I move that section 3 of schedule 6 to the bill be amended by striking out subsection 97.1(2) of the Workplace Safety and Insurance Act, 1997 and substituting the following:

“Same

“(2) Except in such circumstances as may be prescribed, if the amount of the insurance fund meets a sufficiency ratio that is equal to or greater than 125 per cent, the following rules apply:

“1. The board shall distribute the difference in the amount prescribed under clause 100(f.1) and the amount in the insurance fund as follows:

“i. First, amounts shall be distributed to programs and initiatives for the purpose of improving the health and safety of workers until those programs and initiatives are fully funded.

“ii. Second, any amounts remaining shall be distributed among schedule 1 employers having regard to such criteria as may be prescribed and such other factors as the board considers appropriate.

“2. If no amount is prescribed under clause 100(f.1), the board shall distribute any amount in excess of the amount prescribed under clause 100(c) as follows:

“i. First, amounts shall be distributed to programs and initiatives for the purpose of improving the health and safety of workers until those programs and initiatives are fully funded.

“ii. Second, any amounts remaining shall be distributed among schedule 1 employers having regard to such criteria as may be prescribed and such other factors as the board considers appropriate.”

The Chair (Ms. Natalia Kusendova): Is there any debate? MPP Gates.

Mr. Wayne Gates: Yes, I want to give you some examples of what we're talking about in this particular amendment. These programs could include occupational illness clinics, which I've already talked about, with our cancer clusters; rehabilitation programs run by worker-led groups; legal clinics—I can't tell you how important legal clinics are, probably right across the province, but certainly in my riding—which have seen their funding cut to nothing.

After years of underfunding, we expect that the \$2 billion to \$3 billion the government is attempting to legislate back to the biggest employers is wrong. If any surplus funds remain, these can be distributed only to eligible prescribed employers that can demonstrate, in the public record, that they are safe employers. This precludes companies such as Fiera Foods—who have come up quite a bit over the last week—that have records of employee

deaths, despite having qualified under experience rating rules.

This has been done with expert stakeholder consultation.

This motion would require that sufficient surplus be distributed to workers' programs once the ratio reaches 115%, up to 122%. Part ii would allow any remaining funds to be distributed to safe employers.

I think that's fair and reasonable, and I think it's something we should do. You've listened to the cancer clusters, you've listened to the deeming—you've listened to all the problems with health and safety. It's something that I think you guys could support, for sure.

The Chair (Ms. Natalia Kusendova): Further debate? Mr. Fraser.

Mr. John Fraser: I'll be supporting this amendment. I think the basis of the principle for supporting it is—and I said this earlier, in my opening remarks—you've done all these good things for workers in this bill; there are things we could do to make it stronger. But this doesn't address the issues around workplace safety for workers, so this part is not really working for workers. It's good for small business people. There's a lot of pressure on them. They need that help right now. But the government should have done some things to signal to workers that they realize that there are some important things for them in the Workplace Safety and Insurance Act, too, as my colleagues mentioned.

So I firmly believe the government needed to send a signal in here on workplace safety and workplace safety insurance, and they didn't send the signal to workers that they were ready to take a look at the things that they needed to take a look at—or at least some of them.

The Chair (Ms. Natalia Kusendova): Further debate? Seeing none, are members ready to vote?

Shall motion 36 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare the motion lost.

We will now move on to motion 37, by the NDP. Who would like to move this motion?

Mr. Wayne Gates: We'll withdraw 37.

The Chair (Ms. Natalia Kusendova): Withdrawn.

We can now move on to motion 38 by the NDP.

Mr. Wayne Gates: I think we'll withdraw that as well.

The Chair (Ms. Natalia Kusendova): Withdrawn.

We will now consider schedule 6, section 3, as a whole. Shall schedule 6, section 3, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 6 of section 3 carried.

We are now moving on to schedule 6, section 4. There are no amendments. Is there any debate? Seeing none, shall schedule 6, section 4, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 6, section 4, carried.

We're now moving on to schedule 6, section 5. Is there any debate?

Mr. Wayne Gates: This is our notice signalling our intention to vote against section 5 of schedule 6. Workers' groups had pointed out with alarm that section 5 appears

to open up the administration of the WSIB to outside management privatization. Section 5 reads, currently:

“5. Section 159 of the act is amended by adding the following subsection:

““Agreement re administration of part VII

“(11.1) The board may enter into an agreement with any person or entity for the purpose of administering part VII.””

This reads like privatization provisions.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, shall schedule 6, section 5, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 6, section 5, carried.

We’re now moving on to schedule 6, section 6. We have an independent motion. MPP Fraser.

Mr. John Fraser: I move that section 6 of schedule 6 to the bill be struck out and the following substituted:

“Commencement

“6. This schedule comes into force on the later of,

“(a) the day on which the first regulation made under subsection 83(4) of the Workplace Safety and Insurance Act, 1997 is filed; and

“(b) a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Ms. Natalia Kusendova): Committee members, the proposed amendment is out of order as it is placing a condition on the coming into force clause of schedule 6. As Bosc and Gagnon note on pages 773-4 of the third edition of House of Commons Procedure and Practice, “An amendment intended to alter the coming into force clause of a bill, making it conditional, is out of order since it exceeds the scope of the bill.” I am therefore ruling this out of order.

Mr. John Fraser: Chair, I would like to get unanimous consent so that we could debate this amendment. This is our last one, we have a bit of time on our hands. Maybe my colleagues would—

The Chair (Ms. Natalia Kusendova): The member is seeking unanimous consent to debate his motion. Do we have unanimous consent?

Interjection.

The Chair (Ms. Natalia Kusendova): We do not have unanimous consent and therefore I am ruling this motion out of order.

Shall schedule 6, section 6, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 6, section 6, carried.

We are now considering schedule 6 as a whole. There were no amendments.

We have a notice. Now we can debate schedule 6 as a whole. Who would like to debate? MPP Gates.

Mr. Wayne Gates: I have a motion for schedule 6.

The Chair (Ms. Natalia Kusendova): It’s not a motion, MPP Gates. It’s a notice.

Mr. Wayne Gates: A notice? Sorry. Okay.

Now we can talk about whatever we like on this bill—

The Chair (Ms. Natalia Kusendova): Not whatever we like; schedule 6, please.

Mr. Wayne Gates: I appreciate that, but it was worth a try, right? I’ve already talked for a good 25 minutes earlier today on why we think schedule 6 is something that should be taken out of the bill. I think I’ve been pretty clear on that.

1800

The Chair (Ms. Natalia Kusendova): Sorry to interrupt, MPP Gates. Seeing that it’s 6 o’clock, there are two options before this committee: We can continue, as we are close to the end, or we can recess and come back at 6:30, as it is the next time of our sitting. I propose that we continue to finish the work of this committee. Do we have agreement? Thank you very much.

Back to MPP Gates.

Mr. Wayne Gates: Schedule 6 really—and I use the words “poison pill,” but sometimes people disagree with that particular call. But schedule 6 is really where all the problems are. Let’s be honest; you didn’t consult with labour at all, and certainly not all of labour. The OFL was here. They represent 1.2 million workers, and they were not consulted. I know that the building trades were another one that have lots of issues around schedule 6. I know exactly what the employer is trying to do with the other five schedules, and I think my colleagues will agree with me: They’re trying to pit us like we’re against workers. That’s what’s going on. We put a number of amendments, very good amendments, both ourselves and others today, and they were all voted down. It doesn’t make any sense, but that’s what they do.

When we talk about our skilled trades and the problems that they’re having around health and safety and injured workers, WSIB, who—they’re not reporting injuries because of the deeming issue that we have in the province of Ontario. What they do, because they’re construction workers—not all of them, but a lot of them are pretty big guys, and women. They don’t report their injuries because they’re scared that WSIB is going to deem them and they’re going to end up living in poverty. So what do they do? They go on opioids. It’s a big issue. The carpenters’ unions have raised it.

In talking to the trades—which I think you guys probably should have done on this bill, but you didn’t—they’re raising their concerns around construction workers getting injured on the job. The number of deaths that are happening on construction sites in the province of Ontario isn’t going down. They’re consistent right across the board. Some of the things that I had a real problem with—and I think even my colleague from London can talk about this—we had a young man get killed on the job, 21 years old. He had a young family. It’s happening in construction sites across the province, and the trades are saying, why would you not talk to them about this bill? Why didn’t you talk to the OFL? I don’t understand why you didn’t.

But what you’re trying to do here very clearly in schedule 6 is give back \$3 billion to employers. Chair, think about that. It sounds like a lot of money. I never could imagine what \$1 billion looks like, never mind \$3 billion. And I’m showing my age again today—I’ve done it once before, today. Do you remember that song, If I Had

\$1,000,000? Remember that song? We thought we'd "be rich." Now, we don't talk in millions; we talk in billions. Where should that money go? Should it go to the trades workers who are hurt on the job? Should it go to the cancer clusters? Should it go to the drivers or the guy who works in a plant? What we're saying very clearly is that it shouldn't go to employers. We put some amendments forward where we said, "Here are some ways that we could probably live with," and you turned them down; you turned those amendments down.

I keep asking my colleagues, and they never say anything. They sit there, day after day after day—which I don't understand—and they don't talk about workers who get hurt on the job.

They don't support my "deeming" bill, Bill 119. They prefer to have injured workers live in poverty. I'm going to say this stat again, and I want the Chair and my colleagues over there to listen: 50% of injured workers in the province of Ontario live below the poverty line. Under your government—I can say this very clearly—being injured on the job is a sentence to poverty. You can't be proud of that. I talked earlier about Bill 119. You have got to end the practice of deeming, which is causing people to live in poverty—phantom jobs.

And then I talked earlier about ODRA, a group right across the province of cancer clusters that can't seem to get the attention of your government. They sent their four recommendations—really, their demands, I guess, to be fair to the group. The minister, who will come here and sit at the end of the table, tell us how he cares about workers, how he cares about families, how he cares about communities, has allowed these workers to fight for 40 years—not just him. Other governments have done it. But 40 years, and now they're saying they've had enough.

We drove that, by the way. What really got them organized? When they found out that your government, the Conservative government, was going to give \$3 billion back to employers. I mentioned their name: Amazon. They don't need your help. Amazon is doing quite well. They're building more; they're expanding more. It's a licence to print money at Amazon. They're doing quite well.

Walmart: I've already talked about the owner there, spending all kinds of money to fly up into space. Do they really need money? Do they need part of that \$3 billion?

The one that we're all talking about—but you know what, Chair? I will be very clear on this. Not once has the PC Party talked about Fiera Foods. Not once during this entire—not once did they say, "It's not right, what happened at Fiera Foods. We could have done better as a government." We could have done better as a province. We could have done better as a society, protecting those workers.

As we know, a lot of those that use temp agencies are foreign workers. They don't understand, in a lot of cases—not all of them—what their rights are under workers' compensation or EI. And then we talked earlier during this debate: Some of these migrant workers are paying between \$4,000 and \$10,000 to recruiters. And I've asked you. I've asked you guys. You're over there. I know some

are still on TV. I've asked you, why don't you address that? So we put an amendment forward. Guess what happened? You turned it down.

It is so disheartening, quite frankly, on schedule 6. As my colleagues have all said, there are parts of this bill that we think we can live with. There are parts of this thing that we think we could work with. The schedule 6, giving \$3 billion to employers, Fiera Foods, Amazon, Walmart, Shoppers Drug Mart—I think that's your new favourite company you like to give money to—it makes no sense to me. And I don't understand why you won't include Bill 119, the deeming bill, so workers don't live in poverty. I don't understand that part.

1810

I said this earlier in my speech, Chair. Remember this from my speech? Remember when you were telling me that I've only got X number of minutes to talk? I said in my speech that Alberta gives an option to spend money on workers—better health and safety, better training. So why won't the PC Party do the same thing as their brothers in Alberta? I think their leader is Jason Kenney. I think that's who their leader is out there. He understood, so he decided to give some of that money to workers.

This bill will say that between 115% and 125%, the WSIB can return money to employers, and after 125%, it has to. Think about it. This is the lowest amount, the lowest threshold in Canada to return money to employers. The amendments we put forward were clear—I believe they were clear: It says the money goes to workers, to correcting injustices, and then it would go to employers after you put all the programs in place—how you took care of the cancer clusters.

I'll just talk a little bit on cancer clusters, because I don't know how I can get your attention. I know they're listening, by the way. They've been listening all week. They're hoping your government will finally hear them. They hope your government will read the four demands that they gave to Minister McNaughton. To date, unfortunately, there has been no contact between your government and the group. Ask anybody: Their loved ones died just because they went to work. Some of these people had fought for four decades to get justice, to get coverage, and they deserve justice. I'm asking you: Send the money to them. Recognize WSIB. Recognize these workplace cancers.

I'm asking my colleagues—I'm not sure if they're listening to me or not—but do you think that's fair? Do you think that would be fair, to make them whole? They're never really going to be whole, Chair. You know why? Because they lost a loved one. They lost a grandpa, who will never get to see his grandkids, or a grandmother who will never get to see their grandkids grow up. Or a daughter or a son—never get to see them get married. That's what happens. You get cancer, you die, and they're trying to get justice for them. They want closure, and we can do that today.

So when you think of us as being unreasonable around schedule 6—absolutely not. Like I said, the other five schedules, we could work with. I think the other parties

have said the same thing. There are some good things in here. There are some bad things in here, too. There's no way that you're not supporting ATU and letting them have their opportunity to go in a clean washroom in the province of Ontario—that's wrong. You should fix that.

And I'm going to ask you one more time. Please answer me, instead of being silent. You've been silent for the last hour and a half, two hours. You've said very little, except you turned down our amendments. Do you think a worker that only goes to work to provide for his family, to be a good citizen in his community—sometimes these guys are coaches of hockey—gets injured on the job, gets deemed by WSIB so they can get a surplus—that's what this is about. Make no mistake about it. I know you're not looking. Can you hold these up in committee? I know they get mad at you if you do it in the House. Can you do it in committee? I'm not sure. I'm just asking.

The Chair (Ms. Natalia Kusendova): I believe so, yes.

Mr. Wayne Gates: It's okay? So I'll hold this up, to say: In schedule 6, why aren't you taking care of the workers? No worker who goes to work wants to live in poverty—none. I've been injured on the job. I was lucky enough that I recovered. I was able to go back to my job, but not everybody is that lucky, depending on the injuries.

I could probably talk a lot longer about WSIB and what it has done to workers: the building trades who you never consulted with on the bill, the OFL. I don't know if you guys know what the OFL is. Do you know the OFL, the Ontario Federation of Labour? Do you know how many members they have? It's 1.2 million. Here's the bill. You never consulted with them. You never consulted with the building trades. Why would you not do that? If it's a bill for workers and you care about workers—or you say you care about workers; I'd certainly have that debate with you any day. But in the bill you're saying you do, yet you don't consult with the Ontario Federation of Labour, representing 1.2 million workers. Somebody explain that to me on your side.

My understanding is that you might have talked to some in the labour movement, but wouldn't it make sense to talk to the Ontario Federation of Labour? Wouldn't it make sense to talk to the building trades or skilled trades—who, by the way, are losing their lives on the job at around the same numbers as last year? It's not getting better. It's a very dangerous job: electricians and some of these other jobs, the labourer jobs. I know we lost some labourers this year—some young labourers, by the way. Why not talk to the labour movement on this bill, if it's a bill for workers? Who did you talk to? Why would you not talk to unions and talk to the labour movement? None of that happened.

I don't know if my colleague wants to say a few words as well. I'm going to close by saying, take care of the cancer clusters. Make some closure for those families who have been fighting for years. Or better yet, why don't you talk to Monte and ask him—I don't know if you can say that either, but the minister, Monte. Ask him. Make some contact with the ODRA. Talk to them. Maybe you can work together and fix the cancer clusters.

Put the deeming bill, Bill 119, in this bill for workers and stop people living in poverty. Take the \$3 billion that Amazon and Walmart don't need and put it into programs that make our workplaces safer. It makes a lot of sense to me. Get rid of deeming, because that's where it came from. It's where the surplus has come from, and it's workers' money. Can I say that enough? It's workers' money that they're taking in, \$3 billion.

I'm going to finish by saying that again, I'm only going to talk about Niagara. I don't know about London. I don't know about Ottawa—right?

Mr. John Fraser: Yes.

Mr. Wayne Gates: Remember I told you the Ottawa Senators were going to be good this year? I was wrong. They're not. But—

Mr. John Fraser: It's not December yet.

Mr. Wayne Gates: I know. They're not, though. They're struggling with COVID.

But I want to say that small businesses in my riding are all—not all of them, but most—family-owned. They're owned by Italians, they're owned by all kinds of nationalities, and they really do care about their workers. I've asked them about this. I've asked them about this bill. I said I don't know what they're going to get. Let's say a small business may get \$5,000. We'll just use a number. Every small business I talked to—locally owned, local families, whatever the business is, and we have lots—all said the same thing: “If my employee gets hurt, I do not want him living in poverty. I don't want to get a few thousand dollars. Take that money and put it into training. Put it into health and safety. Put it into deeming. Take care of the cancer clusters.” That's what small business people want in my riding.

1820

So I'll close with that. I'm sure my colleagues will want to say a few words.

Schedule 6 should be taken out of the bill.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Sattler.

Ms. Peggy Sattler: I echo the comments of my colleague, although nowhere near as eloquently as him, about our concerns with regard to schedule 6. We simply cannot support this schedule as written.

I know my colleague made a number of amendments that would have possibly improved the schedule to the point where we could support it, but the government rejected every single one of those motions, including a motion from the independent member dealing with WSIB coverage for workers in retirement homes and other congregate living settings.

What we have heard repeatedly from experts who have reviewed the WSIB is that there's a need for expanding access to WSIB coverage. The way that this bill is written—by redistributing the proceeds to employers, that expansion of access is not going to be possible to do with the limited funds that are currently available.

At committee, several people pointed to the fact that 94% of mental health claims are denied by WSIB—94%. We have seen, under COVID-19, skyrocketing needs for mental health support. We think of the workers, we think

of the PSWs who lived through what was like a war zone on the front lines of the battle against COVID-19, as the virus was raging through long-term-care homes and retirement homes. We heard from nurses and PSWs about the trauma that they experienced, the PTSD that they will be living with as a result of that experience. And yet, this bill doesn't talk about expanding access to WSIB to support those mental health needs.

It doesn't talk about the fact that 50% of injured workers in this province are living in poverty because the meagre benefits that WSIB provides are not sufficient to help them deal with their workplace injury and recover and move forward.

We are at a point in this pandemic where long COVID-19 is something that we don't know enough about. We don't know what the lasting impacts of COVID-19 will be on workers who contracted COVID-19 in their workplace as a result of the work that they do. Once again, this schedule is restricting the ability of WSIB to provide those extended benefits that may be necessary to deal with long COVID-19.

I just want to highlight a couple of the changes that my colleague tried to get introduced into this bill that were rejected by this government, that would have made a huge difference. The first, of course, is ending deeming. That is something that we heard repeatedly from deputants to this committee—about the need to end deeming, to determine that a worker was able to do a phantom job that didn't exist and use that as a justification to take away their benefits.

I understand that this committee rejected an amendment that would have moved forward with the changes that are enshrined in subsection 83(4) of the Workplace Safety and Insurance Act. That would have made employers responsible for the workplace injuries and deaths of temporary workers that were working in their workplaces. That's one of the huge loopholes and the huge risks of schedule 6. We could see employers of temporary workers like Fiera Foods, where five workers have died on the job, five temp workers have died since 1999—Fiera Foods might have a clean, injury-free record, and that's looked on favourably by WSIB, and would now be eligible for a redistribution of the funds that are available.

This schedule is absolutely not supportable as it stands. I am disgusted, frankly, that the government chose to ignore the near-unanimous opposition that was heard by this committee from workers, from the labour movement, from worker advocates and allies who came and told us that schedule 6—not only is it not going to help workers, it's going to harm workers. It is a harmful schedule that could jeopardize workers in this province. So I just echo the call to repeal schedule 6 and state once again that the NDP is not supporting this schedule.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Fraser.

Mr. John Fraser: I won't rehash everything I've said about schedule 6 other than to say the government missed an opportunity. When you open up a piece of legislation, it allows you to do some minimal work for the benefit of getting legislative time to actually pass something. That's

something that is very valuable around here, which we're using a lot of right now. But it's valuable.

When you actually open up a bill, you have an opportunity to change things in there that need to be changed, like the motion that I put forward with the workers who are doing the same work in retirement homes as people are in long-term care, and in group homes, where people are doing the same work as in group homes that are run by the province, but they're working for an agency and they're not covered. They're doing the same work and they have the same risks, but they're not in schedule 1. My point is, this bill is called Working for Workers, but schedule 6 doesn't do any of that work, so it makes it really hard to support. I'll leave it at that.

The Chair (Ms. Natalia Kusendova): Further debate? MPP Anand.

Mr. Deepak Anand: I just want to thank you, first of all, for giving us the opportunity to speak, and I want to thank all the presenters who were here. Talking about this bill, some of the things which I want to say is that when we introduced Bill 27, the Working for Workers Act, the idea and the intent is, again, about giving workers a hand to get better jobs and bigger paycheques while protecting them.

I just want to talk a little bit—very briefly; I'm not going to take much time—with respect to the WSIB. The changes that we proposed in this bill would not impact—and I repeat, the changes that we have proposed in this bill would not impact—any of the benefits, compensation or services provided by the WSIB to workers who become injured or ill on the job. I do know that 88% of injured workers return to 100% of their earnings, pre-injury wages, within one year. This is the data as of 2019.

I do recognize and I do appreciate the organizations that came forward, especially on the occupational diseases. I said to them at that time, also, and I'm saying it again, that the health and safety of every worker is our top priority. All workers deserve to come home safely after a hard day's work. Our thoughts and prayers are with the workers who were injured, and their families. Occupational diseases are as serious as physical injuries, so we do take them equally seriously.

Madam Chair, I know it's been a long day, but I want to thank each and every member who came and spoke. I have learned a lot, and we will continue to work and strive for making sure that we stand with the workers. That is our job, and we will continue to work harder to do more for the workers. We are team Ontario, and we will continue to work for team Ontario.

1830

The Chair (Ms. Natalia Kusendova): Further debate? MPP Gates.

Mr. Wayne Gates: I'm not going to rebut for very long, but you just made a statement that you stand with workers, and you made another statement that said that what's in this language isn't going to hurt workers. You can't hurt them much more than having deeming in the province of Ontario and having them live in poverty. You can't hurt them much more. In a lot of cases—I've been

repeating it—they lost their families; they lost their partners.

I'm going to finish by saying that I'm glad you learned here today—I think you're a pretty good guy—but at the end of the day, we're all learning. Your closing comment—I do appreciate everybody being here, like yourself and the Chair, who conducted themselves extremely well and allowed me to speak as much as I wanted to, so I appreciate that. But you can't stand there and look across at me and say that you stand with workers. You can't say it—none of you can—when you have schedule 6 in this bill. You can't say it.

I'm looking at you guys—I guess you're not looking at me—but I'm going to say it again: You can't say you stand with workers if you're going to have schedule 6 in this bill. We've been very clear that there are some good things in the bill that we can support; schedule 6 has to be taken out of this bill.

I'll say it again: You can't say you stand with workers and then have schedule 6 in a workers' bill. You just can't do it, my friend.

The Chair (Ms. Natalia Kusendova): Thank you very much.

We will now be voting on schedule 6 as a whole.

Ms. Peggy Sattler: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. Shall schedule 6 carry?

Ayes

Anand, Barrett, Martin, Sandhu, Triantafilopoulos.

Nays

Fraser, Gates, Sattler.

The Chair (Ms. Natalia Kusendova): I declare the schedule carried.

We will now consider section 1. Shall section 1 of the bill carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare section 1 carried.

Section 2: Shall section 2 carry? Thank you. Those opposed, please raise your hand. I declare section 2 carried.

Section 3, the short title: Shall section 3 carry? Those in favour? Those opposed? I declare section 3 carried.

We will now consider the title of the bill. Shall the title of the bill carry? Those in favour? And those opposed? I declare the title of the bill carried.

Shall Bill 27, as amended, carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare Bill 27, as amended, carried.

Shall I report the bill, as amended, to the House? Those in favour? And those opposed? I shall report the bill to the House.

Thank you, everyone. This concludes our business for today. Thank you for your respectful participation. Thank you to our staff. We really appreciate all of you. Thank you for the coffee. That was wonderful.

Have a great evening, everyone. Be safe. This committee is now adjourned.

The committee adjourned at 1836.

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