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Official Report of Debates (Hansard)

Tuesday 3 May 2011

Journal des débats (Hansard)

Mardi 3 mai 2011

**Standing Committee on
Social Policy**

Occupational Health and Safety
Statute Law
Amendment Act, 2011

**Comité permanent de
la politique sociale**

Loi de 2011 modifiant des lois
en ce qui concerne la santé
et la sécurité au travail

Chair: Shafiq Qadri
Clerk: Trevor Day

Président : Shafiq Qadri
Greffier : Trevor Day

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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 3 May 2011

Mardi 3 mai 2011

The committee met at 1608 in committee room 1.

OCCUPATIONAL HEALTH AND SAFETY
STATUTE LAW
AMENDMENT ACT, 2011

LOI DE 2011 MODIFIANT DES LOIS
EN CE QUI CONCERNE LA SANTÉ
ET LA SÉCURITÉ AU TRAVAIL

Consideration of Bill 160, An Act to amend the Occupational Health and Safety Act and the Workplace Safety and Insurance Act, 1997 with respect to occupational health and safety and other matters. / Projet de loi 160, Loi modifiant la Loi sur la santé et la sécurité au travail et la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail en ce qui concerne la santé et la sécurité au travail et d'autres questions.

The Chair (Mr. Shafiq Qaadri): Colleagues, welcome to clause-by-clause consideration of Bill 160, An Act to amend the Occupational Health and Safety Act and the Workplace Safety and Insurance Act, 1997 with respect to occupational health and safety and other matters.

If there is no business before the committee, then we'll proceed to the presentation of amendments, beginning with amendment 1 from the government. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I'll read the motion into the record.

I move that section 1 of the bill be amended by adding the following subsection:

“(2.1) Subsection 1(1) of the act is amended by adding the following definition:

““chief prevention officer” means the chief prevention officer appointed under subsection 22.3(1); (“directeur général de la prévention”)”

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti. Merci beaucoup pour votre présentation. If there are any comments, I'll invite them.

I should also perhaps inform committee members that I don't think we have to be absolutely that precise on the punctuation. We can kind of follow along, just like close quote, open quote, open bracket, semicolon, hash mark, umlaut. I think we can handle it on our side.

Mr. Paul Miller: Could I have a recorded vote, please, on each one.

The Chair (Mr. Shafiq Qaadri): Sure, that's fine. Any comments on motion 1? None? We'll proceed to the vote, then.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller.

The Chair (Mr. Shafiq Qaadri): None opposed. Government motion 1 is carried.

Shall section 1, as amended, carry? Carried.

Section 2, NDP motion 2: Mr. Miller. And again, a recorded vote on all amendments, as Mr. Miller has asked.

Mr. Paul Miller: I move that subsection 4.1(2) of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following paragraph:

“0.1 To promote health and safety in workplaces and prevent and reduce the occurrence of workplace injuries and disease.”

The Chair (Mr. Shafiq Qaadri): Comments before the floor? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government can't support this motion. While we understand the intent of the motion, the government cannot support it. Government motion number 3 achieves the intent of this motion, and the proposed language is consistent with other references in the bill.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed to the vote, then.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin.

The Chair (Mr. Shafiq Qaadri): NDP motion 2 defeated.

Government motion 3: Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I move that subsection 4.1(2) of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following paragraph:

“0.1 To promote occupational health and safety and to promote the prevention of workplace injuries and occupational diseases.”

The Chair (Mr. Shafiq Qaadri): The Chair feels like commending you on that particular motion. Are there any comments? None? We’ll proceed to the vote, then.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin.

Nays

Paul Miller.

The Chair (Mr. Shafiq Qaadri): Government motion 3 carries.

Government motion 4: Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I move that subsection 4.1(2) of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following paragraph:

“0.1 To promote occupational health and safety and to promote the prevention of workplace injuries and occupational diseases.”

The Chair (Mr. Shafiq Qaadri): Thank you.

Mr. Lorenzo Berardinetti: One moment. I just need to check. There’s a technical point here, if you will just allow me the indulgence to speak with the staff.

Interjections.

Mr. Lorenzo Berardinetti: Mr. Chair, with your indulgence—there is a drafting error in the lead-in wording in bold type, so we’re actually going to be voting against this motion.

The Clerk of the Committee (Mr. Trevor Day): Number 3 was actually passed, which is, in essence, identical to this one, drafting aside. I believe the Chair will rule it out of order. With something like this, you can just choose not to move it.

Mr. Lorenzo Berardinetti: All right, thank you.

The Chair (Mr. Shafiq Qaadri): So it’s just withdrawn—we all understand that—government motion 4. We’ll proceed now to NDP motion 5.

Mr. Paul Miller: I move that section 4.1 of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Duty re notice

“(3) Despite any power or duty under subsection (2), the minister has the additional duty to give the prevention council and the chief prevention officer at least 30 days notice, together with reasons, any time the minister intends to,

“(a) make or change a delegation of powers or duties to the chief prevention officer; or

“(b) make a significant change to the prevention system established by virtue of part II.1, including changes to funding and delivery of services for the prevention of workplace injuries and occupational diseases.”

The Chair (Mr. Shafiq Qaadri): Thank you. Comments on NDP motion 5? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: With the greatest of respect, we cannot support this motion. The subsequent government motions that address these concerns—that the minister would be required to consult the CPO on any significant change that the minister proposes to make in the funding and delivery of services for the prevention of workplace injuries and illnesses. So, for that reason, we will not be supporting this motion.

The Chair (Mr. Shafiq Qaadri): Thank you. If there are no comments—Mr. Hillier?

Mr. Randy Hillier: You’re saying that you’ve got this covered in subsequent motions?

Mr. Lorenzo Berardinetti: Correct.

Mr. Randy Hillier: Do you know which ones? Do you have those offhand?

Mr. Lorenzo Berardinetti: I don’t know right now but as we move along, they’ll come forward. You have my word.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 5?

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): I presume that NDP motion 5 is defeated.

NDP motion 6.

Mr. Paul Miller: I move that section 4.1 of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Consultation

“(3) The minister shall ensure that all recommendations by the prevention council and the chief prevention officer are taken into consideration when exercising the minister’s powers and duties.”

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government cannot support this motion. The government understands the intent of this motion but considers it too narrow to support.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 6?

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
NDP motion 7.

Mr. Paul Miller: I move that section 4.1 of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Purpose

“(3) The minister’s powers and duties shall be exercised with the purpose of preventing and reducing the occurrence of workplace injuries and disease.”

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Unfortunately, we cannot support this motion. Government motion 3 already supports the intent of this motion. For that reason, we’ll not be supporting it.

The Chair (Mr. Shafiq Qaadri): Fair enough. Those in favour of NDP motion 7?

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
Government motion 8.

Mr. Lorenzo Berardinetti: I move that section 4.1 of the Occupational Health and Safety Act, as set out in section 2 of the bill, be amended by adding the following subsection:

“Duty to consider

“(3) In administering this act, the minister shall consider advice that is provided to the minister under this act.”

The Chair (Mr. Shafiq Qaadri): Comments? We’ll vote. Those in favour of government motion 8?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed.
Government motion 8 carries.

Shall section 2, as amended, carry? Carried.

Also, just to make our honourable clerk’s job somewhat more fluid, if you do have the intention of voting, I would invite you to vote enthusiastically so that we can actually verify that you’re voting.

Mr. Ted McMeekin: All right!

Mr. Randy Hillier: That’s more like it.

The Chair (Mr. Shafiq Qaadri): Thank you. So it doesn’t have to be detected.

In any case, we’ll now proceed to NDP notice of motion 9—

Interjection.

The Chair (Mr. Shafiq Qaadri): Fine. Apparently, we are just to debate these as opposed to, apparently, vote on them?

The Clerk of the Committee (Mr. Trevor Day): The question is actually on the section itself. These two notices are to alert members of their intention to vote against this section, but the question itself that the Chair will be putting is on section 3, as in, “Shall section 3 carry?” That’s what the members have an opportunity now to debate.

The Chair (Mr. Shafiq Qaadri): Mr. Miller.

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Mr. Paul Miller: I’ve been notified by the parliamentary assistant that they would support our notice to move this motion to delete section 3 of the bill. He told me that they would be supporting that. I guess I should read it, Mr. Chairman? That’s okay? Are we voting on this?

The Chair (Mr. Shafiq Qaadri): We’ll be voting on section 3, apparently, so I guess there’s no need to actually read that into the record.

Interjections.

The Clerk of the Committee (Mr. Trevor Day): Right now, the question the Chair will be putting is, “Shall section 3 carry?” If you’d like it removed, you vote in the negative.

Mr. Paul Miller: Okay.

The Chair (Mr. Shafiq Qaadri): Any further comments on that before we proceed to the vote on section 3? Does everyone understand what’s at stake here?

Mr. Lorenzo Berardinetti: The government will be voting against section 3.

The Chair (Mr. Shafiq Qaadri): Thank you. We’ll proceed, then, to the recorded vote.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): Section 3 is lost.
Section 4, NDP motion 11.

Mr. Paul Miller: I move that subsection 7.1(1) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. The motion is identical to government motion number 12.

The Chair (Mr. Shafiq Qaadri): I’ll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 11 carries. I'll assume that government motion 12 is withdrawn, as it is a duplicate.

We'll proceed now to NDP motion 13.

Mr. Paul Miller: I move that subsection 7.1(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Unfortunately, the government will not be supporting this motion. The government supports the intent of this motion but considers it too narrow. The government has a motion that would go beyond the scope and intent of the present motion.

The Chair (Mr. Shafiq Qaadri): Thank you. Further comments?

Mr. Paul Miller: Mr. Chair, I'll withdraw it. I'm okay with the government motion.

The Chair (Mr. Shafiq Qaadri): That's truly a spirit of collegiality, Mr. Miller. It's a new era. We'll move forward to government motion 14.

Mr. Lorenzo Berardinetti: I move that subsection 7.1(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be struck out and the following substituted:

"Approval—training program

"(2) The chief prevention officer may approve a training program that is established before or after this subsection comes into force if the training program meets the standards established under subsection (1)."

The Chair (Mr. Shafiq Qaadri): Comments? We'll proceed, then, to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. Government motion 14 is carried.

NDP motion 15. Mr. Miller.

Mr. Paul Miller: I move that subsection 7.2(1) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Thank you. Comments?

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to government motion number 16.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 15 is carried.

Government motion 16 I'll take as withdrawn, as it is a duplicate.

NDP motion 17. Mr. Miller.

Mr. Paul Miller: I move that subsection 7.2(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to government motion number 19.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 17 is carried.

NDP motion 18.

Mr. Paul Miller: I move that subsection 7.2(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "may approve a person who" and substituting "shall, in consultation with the prevention council, approve an organization that".

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government does not support this motion, and the government will be opposing it. It would not be appropriate to consult the prevention council, which is a multi-stakeholder advisory body, on such day-to-day administrative matters.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 18 is defeated.

Government motion 19 is a duplicate.

Mr. Lorenzo Berardinetti: We're going to withdraw this motion.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti.

NDP motion 20.

Mr. Paul Miller: I move that subsection 7.3(1) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to government motion number 21.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): Any opposed? None. NDP motion 20 carries.

Government motion 21 is withdrawn.

NDP motion 22. Mr. Miller.

Mr. Paul Miller: I move that subsection 7.3(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to the next government motion.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 22 carries.

Government motion 23 is withdrawn.

NDP motion 24. Mr. Miller.

Mr. Paul Miller: I move that subsection 7.4(1) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to the next government motion.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 24 carries.

Government motion 25 is a duplicate.

NDP motion 26.

Mr. Paul Miller: I move that subsection 7.4(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “—once again—“chief prevention officer”.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. This motion is identical to the next government motion.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 26 carries.

Government motion 27 is withdrawn.

NDP motion 28. Mr. Miller.

Mr. Paul Miller: I move that subsection 7.4(3) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” wherever it appears and substituting in each case “chief prevention officer”.

Mr. Lorenzo Berardinetti: The government will be supporting this motion, because it is identical to the following government motion.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 28 carries.

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Government motion 29 is withdrawn. NDP motion 30.

Mr. Paul Miller: I move that subsection 7.5(1) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. It is identical to the next government motion.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 30?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 30 carries.

Government motion 31 is withdrawn. NDP motion 32: Mr. Miller.

Mr. Paul Miller: I move that subsection 7.5(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 32? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. While the government agrees with the intent of this motion, we will not support it in order to move motion 33, which accomplishes the same change to the substance of subsection 7.5(2) but, because it is worded slightly differently, allows for a correction to

be made to the French text of the provision at the same time.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed, then, to the vote.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin.

The Chair (Mr. Shafiq Qaadri): NDP motion 32 is defeated.

Government motion 33.

Mr. Lorenzo Berardinetti: I move that subsection 7.5(2) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "The minister may require an approved training provider" and substituting "The chief prevention officer may require an approved training provider".

The Chair (Mr. Shafiq Qaadri): Period.

Mr. Lorenzo Berardinetti: Period. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you. Further comments? Those in favour of government motion 33?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. Government motion 33 carries.

NDP motion 34.

Mr. Paul Miller: I move that subsection 7.5(3) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Chair, the government will be supporting this motion. This motion is identical to a subsequent government motion.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 34?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 34 carries.

Government motion 35 is withdrawn. NDP motion 36.

Mr. Paul Miller: I move that subsection 7.5(4) of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Chair, the government will be supporting this motion. It is identical to a subsequent government motion.

The Chair (Mr. Shafiq Qaadri): Thank you.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): Carried.

Government motion 37 is withdrawn. NDP motion 38.

Mr. Paul Miller: I move that section 7.5 of the Occupational Health and Safety Act, as set out in section 4 of the bill, be amended by adding the following subsection:

"Council to be advised

"(5) The chief prevention officer shall advise the council, together with reasons, of any approvals under section 7.1 or 7.2 or any amendments to or revocations of an approval under section 7.4 within 30 days of the date of the approval, amendment or revocation."

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. It would not be appropriate for the prevention council, a multi-stakeholder advisory body, to be engaged in such day-to-day administrative matters.

The Chair (Mr. Shafiq Qaadri): Thank you.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 38 is defeated.

Shall section 4, as amended, carry? Thank you. Section 4, as amended, has carried. I hope none of you suffered from any repetitive strain injury on that one.

Section 5, NDP motion 39.

Mr. Paul Miller: I move that subsection 7.6(1) of the Occupational Health and Safety Act, as set out in section 5 of the bill, be amended by striking out "minister" in the portion before clause (a) and substituting "chief prevention officer".

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will be supporting this motion. It is identical to a subsequent government motion.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 39?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qadri): None opposed. NDP motion 39 carries.

Government motion 40 is withdrawn.

Shall section 5, as amended, carry? Carried.

Government motion 41.

Mr. Lorenzo Berardinetti: I move that the bill be amended by adding the following section:

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

“Delegation

“7.7 The chief prevention officer may in writing delegate from time to time his or her powers or duties under subsections 7.1(2) and 7.2(2), sections 7.4 and 7.5 and clause 7.6(1)(b) to any employee in the ministry, subject to such limitations, restrictions, conditions and requirements as the chief prevention officer may set out in the delegation.”

The Chair (Mr. Shafiq Qadri): Comments?

Mr. Randy Hillier: We seem to be getting farther and farther away now from political oversight with this particular motion. Although I agree with the chief prevention officer being delegated certain powers, is the government not concerned that this delegation of powers is moving too far down the line and away from ministerial oversight?

Mr. Lorenzo Berardinetti: The government has had an opportunity to speak with several of the stakeholders who came here to committee. We've listened to them and met with them, and I think we've reached an agreement on how these functions are going to operate.

The Chair (Mr. Shafiq Qadri): The honourable Ted McMeekin.

Mr. Ted McMeekin: The government is kind of caught here. We had legislation that we proposed. We always have this debate, Mr. Hillier. Some people want to see everything vested in the government so they can be held politically accountable. But I think the thrust of most of the comments we had here was that the stakeholders didn't want to see that happen. So what we've done, in the traditional fashion of our party, is try to forge some kind of balanced approach that would meet the legitimate needs being expressed, and that finds expression in the motion.

Mr. Randy Hillier: I just find that “may ... delegate from time to time”—there are not many limitations on that delegation, on whom it may get delegated downwards to.

Mr. Ted McMeekin: We appreciate your point. We're trying to respond to the stakeholders as best we can.

The Chair (Mr. Shafiq Qadri): Any further comments? Debates? Rebuttals?

This is, again, with reference to government motion 41. The question is, shall the new section, 5.1, carry? Carried.

Section 6: We've received no amendments to date, so we can proceed to the vote. Shall section 6 carry? Carried.

We'll proceed to section 7, NDP motion 42.

Mr. Paul Miller: I move that subsection 9(19.1) of the Occupational Health and Safety Act, as set out in subsection 7(1) of the bill, be struck out and the following substituted:

“Powers of co-chairs

“(19.1) Where there has been no agreement, either co-chair of the committee has the power to make written recommendations to the constructor or employer.”

The Chair (Mr. Shafiq Qadri): Comments? Mr. Berardinetti?

Mr. Lorenzo Berardinetti: We will not be supporting this motion. Encouraging debate and discussion of workplace health and safety issues is at the heart of a well-functioning joint health and safety committee. In order to maintain a strong internal responsibility system, the committee must be able to work together to achieve consensus so they can speak with one voice, labour and employer representatives together, on the health and safety issues in their workplace.

The Chair (Mr. Shafiq Qadri): Comments? We'll proceed to the vote. Those in favour of NDP motion 42?

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qadri): Defeated. NDP motion 43.

Mr. Paul Miller: I move that subsection 9(19.2) of the Occupational Health and Safety Act, as set out in subsection 7(1) of the bill, be struck out.

The Chair (Mr. Shafiq Qadri): Comments on NDP motion 43? Mr. Berardinetti?

Mr. Lorenzo Berardinetti: On section 43 of the bill: The government will be supporting this motion. The government supports this motion, which is identical to a motion the government filed, that would remove the requirements for supporting information, making it easier for committee co-chairs to make the employer aware of health and safety issues discussed by the joint committee and possible resolutions to those issues.

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The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote on NDP motion 43.

Ayes

Berardinetti, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. NDP motion 43 is carried.

Government motion 44.

Mr. Lorenzo Berardinetti: It's withdrawn. I think we're going to withdraw it.

The Chair (Mr. Shafiq Qaadri): Withdrawn.

Government motion 45.

Mr. Lorenzo Berardinetti: We're not going to move this motion.

The Chair (Mr. Shafiq Qaadri): Pardon me?

Mr. Lorenzo Berardinetti: The government will not be moving this motion.

The Chair (Mr. Shafiq Qaadri): It's withdrawn.

Shall section 7, as amended, carry? Carried.

We'll proceed now to section 8. PC motion 46: Mr. Hillier.

Mr. Randy Hillier: I move that subsection 22.2(2) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out and the following substituted:

"Composition

"(2) The council shall be composed of such members as the minister may appoint, and shall include representatives from each of the following groups:

"1. Trade unions and provincial labour organizations.

"2. Employers.

"3. Non-unionized workers.

"4. The Workplace Safety and Insurance Board and persons with occupational health and safety expertise.

"Same

"(2.1) In appointing members of the council, the minister shall ensure that,

"(a) an equal number of members are appointed to represent the groups described in paragraphs 1, 2 and 3 of subsection (2); and

"(b) the group described in paragraph 4 of subsection (2) is represented by not more than one quarter of the members of the council."

I think it should be self-evident what we're trying to achieve here with some balance.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The government does not support as a requirement that an equal number of members are appointed to represent (1) trade unions and provincial labour organizations, (2) employers and (3) non-unionized workers. It does not reflect the stakeholder advice on the composition of the council.

The Chair (Mr. Shafiq Qaadri): Further comments? None. We'll proceed to the vote.

Ayes

Hillier.

Nays

Berardinetti, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

Government motion 47.

Mr. Lorenzo Berardinetti: I move that subsection 22.2(2) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out and the following substituted:

"Composition

"(2) The council shall be composed of such members as the minister may appoint, and shall include representatives from each of the following groups:

"1. Trade unions and provincial labour organizations.

"2. Employers.

"3. Non-unionized workers, the Workplace Safety and Insurance Board and persons with occupational health and safety expertise.

"Same

"(2.1) In appointing members of the council, the minister shall ensure that,

"(a) an equal number of members are appointed to represent the groups described in paragraphs 1 and 2 of subsection (2); and

"(b) the group described in paragraph 3 of subsection (2) is represented by not more than one third of the members of the council."

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Randy Hillier: I'm just really concerned here that the government is failing to recognize the non-union sector of the workplace in lumping those in with others and not giving them the same regard, the same status, as the unionized sector. I'm sure that government members know that unionized workers represent a much smaller portion of the workplace than non-union workers. I'd like to just understand and hear from the government sector how they square this argument that the largest sector of our workplace—non-union—gets less representation on this council.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: This motion would strengthen the council's membership structure, ensure the council has broad-based representation and ensure that a link between the WSIB, the council and the CPO is maintained.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Paul Miller: Section 2, composition: It does say "non-unionized workers" in the composition. Number 3: Could I have an explanation for that? Mr. Hillier said there was nothing in there for non-unionized.

Mr. Lorenzo Berardinetti: We heard concerns from stakeholders about the need to balance employer and labour representation on the council and to be more specific with respect to the overall composition. This motion would ensure that there is fair balance between members who are representing employers and labour on the prevention council.

The proposed motion would ensure equal numbers of representatives of employers and trade union provincial labour bodies, that the number of other representatives can be no more than one third of the total membership of the council and, further, that representatives of non-

unionized workers and the WSIB must be included in the “other” category.

Mr. Paul Miller: So they are included?

Mr. Lorenzo Berardinetti: Yes.

Mr. Paul Miller: Okay. That’s all I wanted to know.

Mr. Randy Hillier: Well, maybe. Possibly.

Mr. Paul Miller: Maybe.

The Chair (Mr. Shafiq Qaadri): Thank you. We’ll proceed to the vote. Government motion 47.

Ayes

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

Nays

Hillier, Paul Miller.

The Chair (Mr. Shafiq Qaadri): Government motion 47 carries.

NDP motion 48.

Mr. Paul Miller: I move that section 22.2 of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following subsection:

“Same

“(2.1) The following rules apply to the composition of the council:

“1. There shall be equal numbers of members representing trade unions and employers.

“2. No more than one third of members may be persons who do not represent trade unions or employers.”

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: We will not be supporting this motion, as we already brought forward the previous government motion, which supports the objective of balanced representation on the council.

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of NDP motion 48?

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 48 defeated.

NDP motion 49?

Mr. Paul Miller: I move that subsection 22.2(6) of the Occupational Health and Safety Act, as set out in subsection 22(1) of the bill, be amended by adding “and recommendations” after “provide advice” wherever that expression occurs.

The reason for this—I’ll give you an explanation—is to make it clearer that you provide not only advice, but also recommendations.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The addition of “and recommendations” is redundant, given that use of the word “advice” is broad enough to include recommendations.

The Chair (Mr. Shafiq Qaadri): Mr. Miller?

Mr. Paul Miller: I disagree with the government. I don’t think that it spells it out very clearly at all, and I think that this should be included. If you want to make it an open concept, an open venue, you want to have advice and recommendations go hand in hand.

Advice can change from paragraph to paragraph, and recommendations can change from paragraph to paragraph, so why wouldn’t the two go hand in hand? It’s only natural. Why would the government be opposed to adding the word “recommendations”? That’s what a committee’s all about.

I’m a little foggy about why you would oppose this. It doesn’t make sense at all. The word “recommendations” is not a scary word.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: This motion would specify that the prevention council’s functions would include providing advice and recommendations. The advice provision is also strengthened through the addition of a new duty on the minister to consider any advice given to him under the act that includes the CPO’s advice. We feel that that’s sufficient.

The Chair (Mr. Shafiq Qaadri): Thank you. Further comments? If not, we’ll proceed with the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 49 defeated.

NDP motion 50.

Mr. Paul Miller: I move that subsection 22.2(6) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following clause:

“(0.a) establish competency based stakeholder sub-committees or working groups for specific initiatives;”

Basically, what we’re saying here is we want to spell it out in the legislation. We don’t want a grey area. This is a simple housekeeping amendment, and I don’t see any reason why the government shouldn’t support this.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting the motion. The government's intent is that the prevention council provides advice. If the council wishes to seek other expertise to help inform that advice, nothing in the bill precludes them from doing that.

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The Chair (Mr. Shafiq Qaadri): Thank you. Comments on NDP motion 50? Seeing none, we'll proceed to the vote.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
NDP motion 51.

Mr. Paul Miller: I move that subsection 22.2(6) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following clause:

“(b.1) provide advice and recommendations to the chief prevention officer in the establishment of training standards under sections 7.1, 7.2, 7.3 and 7.6, in the setting of standards for the designation of entities under section 22.4 and the authorization of grants under section 22.5;”

The explanation for this is that we want to make the role of the council as clear as a bell. We don't want any grey areas.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 51? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion and I'll tell you why. With respect to developing standards for training programs, the Ministry of Labour is committed to consulting with stakeholders in the development of such standards and has already publicly committed to do so, and would also engage designated entities with respect to standards that would apply to them. There is nothing in this bill that would prevent the minister or the CPO from seeking advice on the council on these matters.

The Chair (Mr. Shafiq Qaadri): Mr. Miller?

Mr. Paul Miller: Well, with all due respect, I said “standards for the designation of entities.” Entities are part of the whole, so any entities would be involved in the designation. Why would you put this down when you're actually contradicting yourself? I don't understand your explanation at all.

Mr. Lorenzo Berardinetti: Okay, I'll make it very brief, then. The government doesn't support this motion that would add new functions to the prevention council.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 51 defeated.

NDP motion 52.

Mr. Paul Miller: I move that clause 22.2(6)(b) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by striking out “and” after subclause (ii) and by adding the following subclause:

“(ii.i) on key performance indicators for measuring improvements in health and safety, and”

The reason for this, once again, is to make the role of the council clearer.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. Bill 160 already achieves the intent of this motion by providing the prevention council with an advisory role with respect to the CPO's development of the provincial occupational health and safety strategy. The occupational health and safety strategy will include a statement of occupational health and safety goals as well as key performance indicators for measuring the system's health and safety goals.

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
NDP motion 53.

Mr. Paul Miller: I move that subsection 22.2(8) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out and the following substituted:

“Remuneration and expenses

“(8) Any member of the council who is not a public servant within the meaning of the Public Service of Ontario Act, 2006 shall receive such remuneration and benefits and reimbursement for such reasonable expenses as may be determined by the Lieutenant Governor in Council.”

The reason for this is that it makes the expenditures and benefits clearer of all council members.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. It would arguably have the same effect as the existing provision in the bill respecting remuneration and expenses of the prevention council.

The Chair (Mr. Shafiq Qaadri): Mr. Miller?

Mr. Paul Miller: I don't understand the position of the government on this one. What the government touts every week in that House is accountability, and it appears that you don't want accountability, so I'm a little confused.

Mr. Lorenzo Berardinetti: The language of the provision currently in the bill mirrors the language in the Occupational Health and Safety Act with respect to the remuneration of section 21 committees.

The Chair (Mr. Shafiq Qaadri): Comments? We'll proceed to the vote, then, on NDP motion 53.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 54.

Mr. Paul Miller: I move that section 22.2 of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following subsection:

“Meetings

“(9) The council shall meet at the call of the chair and in no case shall more than two months elapse between meetings of the council.”

This motion is to clarify set schedules of meetings; there will be set scheduled meetings in a year. The way it's in the bill right now, it's kind of left up in the air. I think that for optimal effect you want to have scheduled meetings that are exposed to the public as well as the members of the groups that are meeting. I think it's basically to make it up front and that there is no worry about in-camera meetings or unnecessary meetings that the public should have attended.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government does not support this motion, because such determinations would be best left to the discretion of the council and its members once it is established.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed to the vote, if no one else has comments.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 55.

Mr. Paul Miller: I move that subsection 22.3(1) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, [be amended] by striking out “to” in the portion before clause (a) and substituting “on the advice of the prevention council under clause 22.2(6)(a), to”

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. It is an addition of a provision that already exists, and it is redundant.

One of the functions of the prevention council outlined in Bill 160 is that the council provide advice on the appointment of a CPO. You can see that in clause 22.2(6)(a).

The Chair (Mr. Shafiq Qaadri): Thank you. Comments? We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 56.

Mr. Paul Miller: I move that clause 22.3(1)(a) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding “on the prevention of workplace injuries and occupational diseases” at the end.

The Chair (Mr. Shafiq Qaadri): Thank you. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. It would have the effect of limiting the scope of the provincial occupational health and safety strategy to be developed by the chief prevention officer.

Mr. Paul Miller: Why would it limit the scope?

Mr. Lorenzo Berardinetti: Thank you for that question. The intent of the government regarding the development of such a strategy is to create a single provincial strategy that would align all the elements of the health and safety system, including prevention, policy and enforcement priorities, as a whole. Furthermore, we heard from stakeholders who had concerns with respect to the duplication of services within the current system. The establishment of a single strategy will result in better alignment of system activities. The CPO would develop

the occupational health and safety strategy collaboratively.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed to the vote.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
NDP motion 57.

Mr. Paul Miller: I move that subsection 22.3(1) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following clause:

“(a.1) lead and manage a provincial system to prevent workplace injuries and occupational diseases;”

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. While we understand the intent of the motion, which is to establish the CPO as a single accountable authority for the prevention system, the government does not support that. We have heard from stakeholders about the need to make it clear that the CPO has a broad role with respect to prevention. The government is bringing forward a number of motions that would enhance the role of the CPO, and those motions, as a whole, would achieve the intent of this motion.

The Chair (Mr. Shafiq Qaadri): Mr. Miller.

Mr. Paul Miller: With all due respect, I think it lacks clarity. Once again, you've left it up in the air under the CPO. I don't see any involvement with any of the user groups or the safety and health organizations. I think this is a direction that could come from the ministry right to the CPO. He could move ahead on this without consulting the other agencies, and I think that's a bad move.

1700

Mr. Lorenzo Berardinetti: Mr. Chair, just to respond, we do have motions coming up that, in my view, will address those concerns.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Motion 57 is defeated.

NDP motion 58.

Mr. Paul Miller: I move that clause 22.3(1)(c) of the Occupational Health and Safety Act, as set out in sub-

section 8(1) of the bill, be amended by adding “assigned by this act or” after “power or duty”.

This simply is confirming the role of the chief prevention officer without interference from the minister. That's all this is doing.

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: We want to go a bit further. There's a government motion that we brought forward that achieves the intent of this motion and, in addition, would further amend this section to explicitly detail the powers and duties assigned to the CPO.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Paul Miller: Where is that motion, and what section is it in? You say it's coming forward.

Mr. Lorenzo Berardinetti: Mr. Chair, it's in more than one of the motions coming up. With the greatest respect, we will be debating those in a few minutes, hopefully.

Mr. Paul Miller: Well, Mr. Chair, I don't want to miss the opportunity to vote on this if I don't know where this is being addressed.

Mr. Lorenzo Berardinetti: One moment, Mr. Chair. I'll look for those sections.

If you look at motion 61, Mr. Miller, we do provide a number of changes—(f), (g), (h), (i) and (j), new clauses that are being added—and it assigns five functions to the role of CPO.

Mr. Paul Miller: Okay, we'll deal with it then. That's fine.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 58 is defeated.

NDP motion 59.

Mr. Paul Miller: I move that clause 22.3(1)(d) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding “and recommendations” after “advice”.

Once again, this is to clarify the ability to make recommendations and advice.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Mr. Chair, the government will not be supporting this motion, as the addition of “and recommendations” is redundant, given that use of the word “advice” is broad enough to include recommendations.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. Miller.

Mr. Paul Miller: With all due respect to the member, why would we have two different words if it means the

same thing? Recommendations and advice can be different depending on the level of severity or the approach you take. Paragraphs change in any bill, and I'm wondering why you consider advice and recommendations the same thing.

Mr. Lorenzo Berardinetti: Mr. Chair, the advice provision is also strengthened through the addition of a new duty on the minister to consider any advice given to him under the act. This includes the CPO's advice. You'll recall that the committee has already considered a motion that outlines this new ministerial duty. That was way back in motion 8.

Mr. Paul Miller: Why would the government be afraid of the word "recommendation"? Why is it necessary to use just "advice"? Advice is not a strong situation on any committee. That's what committees are all about: to make recommendations on the advice of user groups or any other entities that may be involved in the process. I'm not quite understanding why you're afraid of the word "recommendation."

Mr. Lorenzo Berardinetti: Mr. Chair, with the greatest respect, we have a difference of opinion. We think that "advice" encompasses recommendations.

The Chair (Mr. Shafiq Qaadri): Any further comments or queries on this? We'll proceed, then, to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 59 is defeated.

NDP motion 60.

Mr. Paul Miller: I move that clause 22.3(1)(e) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out.

Once again, this is to clarify independent decisions made by the chief prevention officer—to clarify.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. We understand the intent of the motion, along with subsequent opposition motions: basically to ensure consultation with the prevention council when significant changes to the funding and delivery of prevention services are being contemplated.

The government is proposing an approach which differs in its substance from this proposed approach to ensure that the prevention council is consulted on significant proposed changes to the prevention system. The government will explain the approach in more detail when we deal with those proposed amendments to the bill.

The Chair (Mr. Shafiq Qaadri): Comments? No comments. We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin.

The Chair (Mr. Shafiq Qaadri): NDP motion 60 is defeated.

We are to proceed to government motion 61, but for its life it requires the enabling of government motion 79, so we'll proceed to 79.

Mr. Miller, you're aware of what has happened?

Mr. Paul Miller: We've gone to 79?

The Chair (Mr. Shafiq Qaadri): Yes. It enables 61.

Mr. Lorenzo Berardinetti: I move that subsection 8(2) of the bill be amended by adding the following section to the Occupational Health and Safety Act:

"Compliance and monitoring of designated entities

"22.5.1(1) The chief prevention officer shall monitor the operation of designated entities and,

"(a) may require a designated entity to provide such information, records or accounts as the chief prevention officer specifies; and

"(b) may make such inquiries and examinations as he or she considers necessary.

"Report to minister

"(2) The chief prevention officer shall report to the minister on the compliance of designated entities with the standards established under section 22.4 and with any directions given by the minister under section 22.5.

"Advice to minister

"(3) Where the chief prevention officer determines that any of the following have occurred, the chief prevention officer shall report that determination to the minister and may advise the minister with respect to any action the minister may decide to take under section 22.5:

"1. A designated entity has failed to operate in accordance with a standard established under section 22.4 that applies to it.

"2. A designated entity has failed to comply with a direction given by the minister under section 22.5 or a requirement of the chief prevention officer under clause (1)(a).

"3. A designated entity has failed to co-operate in an inquiry or examination conducted by the chief prevention officer under clause (1)(b)."

The Chair (Mr. Shafiq Qaadri): Any comments?

Mr. Lorenzo Berardinetti: I could specifically say that this motion is proposing that we add a new section to the bill. The new section addresses stakeholder concerns and the need for the CPO to have a more explicitly prominent role in the prevention system.

The Chair (Mr. Shafiq Qaadri): Any further comments on government motion 79? Seeing none, I'll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller.

The Chair (Mr. Shafiq Qadri): None opposed. Government motion 79 is carried.

We return now in sequence to government motion 61.

Mr. Lorenzo Berardinetti: I move that subsection 22.3(1) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by striking out “and” at the end of clause (d) and by adding the following clauses:

“(f) provide advice to the minister on the establishment of standards for designated entities under section 22.4;

“(g) exercise the powers and perform the duties with respect to training that are set out in sections 7.1 to 7.5;

“(h) establish requirements for the certification of persons for the purposes of this act and certify persons under section 7.6 who meet those requirements;

“(i) exercise the powers and perform the duties set out in section 22.5.1; and

“(j) exercise such other powers and perform such other duties as may be assigned to the chief prevention officer under this act.”

1710

I can provide a quick explanation. Bill 160 currently assigns five functions to the role of the CPO, which are outlined in subsection 8(1) of the bill. This motion would expand the provision and add five more functions to the CPO.

The Chair (Mr. Shafiq Qadri): Further comments? We’ll proceed to the vote.

Ayes

Berardinetti, Dhillon, Johnson, Hillier, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qadri): None opposed. Carried.

NDP motion 62?

Mr. Paul Miller: I move that subsection 22.3(2) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out and the following substituted:

“Changes, funding and delivery of services

“(2) If the chief prevention officer is considering a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases,

“(a) the chief prevention officer shall report the proposed change to the prevention council; and

“(b) if the prevention council determines that the proposed change is significant, the chair of the council shall inform the chief prevention officer whether the council endorses the proposed change.”

This ensures the role of the prevention council with any changes to funding or delivery of services in the prevention system.

The Chair (Mr. Shafiq Qadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. As previously mentioned, the government is proposing an approach which differs in its substance from this proposed approach to ensure that the prevention council is consulted on significant proposed changes to the prevention system. However, an issue with the approach contained in this motion is that if the CPO were to consider any change, irrespective of how minor that change is, it must be brought to the attention of the prevention council. This could have the effect of hampering decision-making and implementation of minor but necessary administrative changes.

The Chair (Mr. Shafiq Qadri): Comments on NDP motion 62? Those in favour of NDP motion 62?

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qadri): NDP motion 62 is defeated.

NDP motion 63?

Mr. Paul Miller: I move that section 22.3 of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding the following subsection:

“Consultation

“(2.1) No change may be made to the funding and delivery of services for the prevention of workplace injuries and occupational diseases unless the chief prevention officer has determined whether the change is significant, and, in the case of a significant change, the minister has consulted with the chief prevention officer.”

This is basically the same argument as the former motion.

The Chair (Mr. Shafiq Qadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: Although we understand that argument, we do not support this motion, and I’ll tell the committee why. As previously mentioned, the government is proposing an approach which differs in its substance from this proposed approach to ensure that the prevention council is consulted on significant proposed changes to the prevention system.

The Chair (Mr. Shafiq Qadri): Comments? We’ll proceed to the vote.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): It's defeated.

Government motion 64R.

Mr. Lorenzo Berardinetti: I move that subsection 22.3(2) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments? Those in favour of government motion 64R?

Mr. Paul Miller: Comments?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Miller?

Mr. Paul Miller: Yes. We're not thrilled with this, but it's a start. So I guess we can live with it for now, but we want to see changes to it.

The Chair (Mr. Shafiq Qaadri): Further comments? We'll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed; 64R carries.

Government motion 64R.1?

Mr. Lorenzo Berardinetti: I move that subsection 8(1) of the bill be amended by adding section 22.3.1 to the Occupational Health and Safety Act:

"Changes to funding and delivery of services

"If minister proposes change

"22.3.1(1) If the minister is considering a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases, the minister shall determine whether the proposed change would be a significant change.

"If proposed change significant

"(2) If the minister determines that the proposed change is significant, the minister shall seek advice from the chief prevention officer with respect to the proposed change.

"If chief prevention officer advising on change

"(3) If the chief prevention officer is considering providing advice to the minister concerning a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases, the chief prevention officer shall determine whether the proposed change would be a significant change.

"Prevention council endorsement

"(4) If the minister asks the chief prevention officer for advice under subsection (2) or if the chief prevention officer determines under subsection (3) that a proposed change would be a significant change, the chief prevention officer shall,

"(a) ask the chair of the prevention council to state whether the council endorses the proposed change; and

"(b) include that statement in the advice to the minister.

"Matters to consider in determining if change is significant

"(5) The minister and the chief prevention officer shall consider such matters as may be prescribed when determining whether a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases would be a significant change.

"Regulation

"(6) On the recommendation of the minister, the Lieutenant Governor in Council may make regulations prescribing matters to be considered when determining whether a proposed change to the funding and delivery of services for the prevention of workplace injuries and occupational diseases would be a significant change.

"Same

"(7) Before recommending to the Lieutenant Governor in Council that a regulation be made under subsection (6), the minister shall seek the advice of the chief prevention office and require the chief prevention officer to seek the advice of the prevention council with respect to the matters to be prescribed."

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Miller.

Mr. Paul Miller: Once again, we're not exactly doing somersaults over this, but we can live with it for now.

The Chair (Mr. Shafiq Qaadri): Thank you. Those in favour of government motion 64.R.1?

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. Motion 64.R.1 carries.

Government motion 64.

Mr. Lorenzo Berardinetti: Mr. Chair, I think we're going to be withdrawing this motion.

The Chair (Mr. Shafiq Qaadri): Government motion 64 withdrawn.

NDP motion 65.

Mr. Paul Miller: I move that subsection 22.3(5) of the Occupational Health and Safety Act, as set out in subsection 8(1) of the bill, be amended by adding "and recommendations" after "advice".

Once again, I don't understand why the government is afraid of this word, but here we are again with "recommendations."

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Mr. Chair, we're on motion 65, right now, and the government will not be supporting this motion. We'll explain why: As previously mentioned, the addition of "and recommendations" is unnecessary, and the word "advice" is strong enough to capture making recommendations. In addition, the advice provisions of the bill are strengthened with the addition

of a corresponding duty of the minister to consider all advice given to him under the Occupational Health and Safety Act. This includes the advice of the prevention council.

The Chair (Mr. Shafiq Qadri): Mr. Miller.

Mr. Paul Miller: Mr. Chairman, I'd like the parliamentary assistant to explain to me the difference between "advice" and "recommendation." I think there's a big difference. Advice you can give someone, but a recommendation may take a different form. You can advise someone; they don't necessarily take your advice, but they take it under consideration. When you make a recommendation, that's in a form that's acceptable to everyone on that voting body. I don't understand what your problem is with the word "recommendations." Maybe you can further explain to me the difference between "advice" and "recommendation," in your opinion.

Mr. Lorenzo Berardinetti: Mr. Chair, I don't have a problem. I'm just reiterating what I said earlier. The advice provisions of the bill are strengthened with the addition of a corresponding duty of the minister to consider all advice given to him under the Occupational Health and Safety Act. This includes the advice of the prevention council.

Mr. Paul Miller: But with all due respect, the advice that is given forms the body of a recommendation. They go hand in hand. I still haven't had an explanation of why you don't like the word "recommendation." I'm still waiting for that.

Mr. Lorenzo Berardinetti: I've already provided my explanation, Mr. Chair—

Mr. Paul Miller: But that's not an explanation.

Mr. Lorenzo Berardinetti: If you want me to call up staff from the Ministry of Labour, we can do that—

Mr. Paul Miller: To give me the difference between advice and recommendation?

Mr. Lorenzo Berardinetti: Yes. I've explained my position already.

Mr. Paul Miller: Okay. I'd like that.

1720

The Chair (Mr. Shafiq Qadri): That's fine. I would invite staff to enlighten us upon the difference between "advice" and "recommendations" and any other words of the English language that perhaps are troubling us today that they may choose.

Mr. Randy Hillier: How about if I recommend that we take the third party's advice?

Mr. Paul Miller: I like that advice.

Interjections.

The Chair (Mr. Shafiq Qadri): Okay, go ahead.

Mr. Nick Robins: The term "advice" is used—

The Chair (Mr. Shafiq Qadri): I'd invite you to state your name and your designation.

Mr. Nick Robins: Thank you, Chair. My name is Nick Robins, and I'm with the policy division of the Ministry of Labour.

The Chair (Mr. Shafiq Qadri): Welcome. Proceed.

Mr. Nick Robins: The term "advice" is used throughout the OHS Act, the Occupational Health and Safety Act. For instance, it's used in section 21 in relation to section 21 committees, which provide advice to the Minister of Labour on health and safety matters. In providing that advice, section 21 committees often will provide recommendations; thus, the view that the term "recommendations" is included in the term "advice."

Mr. Paul Miller: You concur with me that they go hand in hand.

Mr. Nick Robins: The term "recommendation" is included in "advice." Advice encompasses recommendations is what I'm saying.

Mr. Paul Miller: Thank you.

The Chair (Mr. Shafiq Qadri): Are there any further comments, linguistic or otherwise, on NDP motion 65? Fair enough. We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qadri): NDP motion 65 is defeated.

Government motion 66.

Mr. Lorenzo Berardinetti: I move that section 22.4 of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by adding the following subsection:

"Eligible for grant

"(0.1) An entity that is designated under this section is eligible for a grant from the Ministry."

The Chair (Mr. Shafiq Qadri): Thank you. Comments on government motion 66? We'll proceed to the vote.

Ayes

Berardinetti, Dhillon, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qadri): None opposed. Government motion 66 carries.

NDP motion 67.

Mr. Paul Miller: I move that subsection 22.4(1) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

"Designation by CPO

"22.4(1) The chief prevention officer may designate an entity as a safe workplace association or as an occupational health clinic or training centre specializing in occupational health and safety matters if the entity meets the standards established for it."

The Chair (Mr. Shafiq Qadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government does not support this motion, and I'll explain why. The Minister of Labour is accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities. This motion in front of us, along with other opposition motions, would have the effect of removing powers from the minister that relate to the financial accountability and oversight of the designated entities and placing them with the CPO. As the minister would ultimately be accountable for the designated entities, it is not appropriate to remove such powers and responsibilities from the minister.

Specifically in relation to this motion, under the bill, entities that are designated are eligible for grant or funding from the ministry. As such, these designation powers should remain with the minister. The government, however, has and is proposing a number of motions that would enhance the CPO's role, including with respect to designated entities.

The Chair (Mr. Shafiq Qadri): Comments? Mr. Miller.

Mr. Paul Miller: I think the whole purpose of this is to eliminate any control by the ministry's office on who the work or the grants go to, so that they can eliminate any political interference. That's what this is about, this amendment.

By designating the chief prevention officer as the person who has the ability to recommend or advise or designate a safety organization to the minister, it actually is a buffer that eliminates any political interference by the ministry, or any favouritism or any questionable direction of the funding, so that the government stays out of trouble. I don't know why any government would vote against this. It doesn't make sense to me.

The Chair (Mr. Shafiq Qadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Just to respond: We heard from a number of the presenters over the past several days, and I think some of them made it clear that, at the end of the day, the buck has to stop with the minister, and the minister has to be responsible. Under this bill, entities that are designated as eligible for grants or funding from the ministry—that these designation powers should remain with the minister.

Mr. Paul Miller: Okay, my question to you is: How does that eliminate any political interference from a favourable situation, where the minister may favour some organization that somehow supports the governing body? If you eliminate that and have an impartial third party to handle that, like the chief prevention officer, it eliminates and takes flack away from the government. Why would you be opposed to having someone who's further removed from the designation of the minister's office to handle the direction and the recommendations of what safety and health organizations will be used or funded or grants given to?

To me, you're just complicating it by allowing it to stay where it is. This simply alleviates any problem that the government—whatever the government of the day is—may take from the public and private sectors, that

you are allowing the chief prevention officer, who is not taking the marching orders from the ministry or the minister, to openly discuss, designate, advise or recommend organizations that he feels meet the criteria of the ministry and of the chief prevention officer. I don't understand why you'd be opposed to that.

Mr. Lorenzo Berardinetti: I can respond to that, Mr. Chair. I think earlier on we heard from a number of deputants, including Mr. Sid Ryan on behalf of the Ontario Federation of Labour. He was concerned that if you get a different minister—come election time, another minister from a different party gets into power, not yours and not ours, but let's say another party gets into power, and that minister decides to—

Mr. Paul Miller: That's exactly what I'm trying to say.

Mr. Lorenzo Berardinetti: Well, at the end of the day, we have always spoken about transparency and accountability. We want the minister to be responsible.

Mr. Paul Miller: Well, wait a minute. I'm getting a conflicting message here. One minute you're telling me that there could be a problem if different governments change; you just stated that.

Mr. Lorenzo Berardinetti: Yes.

Mr. Paul Miller: And that was the concern I brought forward to you. So you agree with me that there could be a problem if governments change, and there could be some political influence on that particular person. The chief prevention officer is not changing; he's there. It doesn't matter which government is in place. So I'm a little confused with your answer.

Mr. Lorenzo Berardinetti: Okay. Well, I'll explain it again. At the end of the day, the minister is accountable to the Legislature. You're saying that the minister should stay out of it. I think the government's made it clear that the minister should be accountable at the end of the day for any of those aspects regarding funding.

Mr. Paul Miller: With all due respect to the parliamentary assistant, I agree with you that the accountability issue is important, and that would eliminate the accountability of being forced onto the minister of the day, which you agreed that it could change from party to party, depending on who's in power. This is exactly what this is about: to eliminate any influence from the ministerial offices. And you agreed with me, and then you disagree with the motion. So I'm—

Mr. Lorenzo Berardinetti: No, I think, with the greatest respect, that it's an issue of accountability.

Mr. Paul Miller: Yes, that's what I'm looking for: accountability.

Mr. Lorenzo Berardinetti: But why would you want to shield it from the minister?

Mr. Paul Miller: I want the accountability to be eliminated from the minister so the chief prevention officer could do it.

Mr. Lorenzo Berardinetti: But questions cannot be asked of the chief prevention officer in the Legislature.

The Chair (Mr. Shafiq Qadri): Mr. Hillier.

Mr. Randy Hillier: I'll just say that because we've added the financial component into this, it is indeed most suitable that the minister be the one who makes any decisions in this regard. Anything less could be construed as taxation without representation, even. I really think accountability is—

Mr. Paul Miller: I'm confused.

Mr. Randy Hillier: You've got financial considerations in there now. The financial considerations must remain with the Legislature, in my view.

The Chair (Mr. Shafiq Qadri): Thank you. Any comments on NDP motion 67?

Mr. Paul Miller: No, I don't have any comments.

The Chair (Mr. Shafiq Qadri): Fair enough.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

1730

The Chair (Mr. Shafiq Qadri): NDP motion 67 is defeated.

NDP motion 68.

Mr. Paul Miller: I move that subsection 22.4(2) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out "minister" and substituting "chief prevention officer".

This is actually giving the CPO a greater role and eliminating any influence or misdirection from any government minister's office.

The Chair (Mr. Shafiq Qadri): Comments on NDP motion 68?

Mr. Lorenzo Berardinetti: The argument is similar to the one just made, and so the government will not be supporting this motion. This motion and other similar motions would have the effect of removing powers from the minister and placing them with the CPO, that relate to the financial accountability and oversight of designated entities, including the power to establish standards. As the minister would ultimately be accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities, it is not appropriate to remove such powers and responsibilities from the minister.

As I mentioned earlier, the government is proposing a number of motions that would enhance the CPO's role with respect to the designated entities.

The Chair (Mr. Shafiq Qadri): Comments on NDP motion 68? We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qadri): That's defeated. NDP motion 69.

Mr. Paul Miller: I move that subsection 22.4(3) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

"Same

"(3) The standards established under subsection (2) may address the objectives, functions and financial accountability of the entity."

What this does is narrow the focus on what the minister or CPO should be dealing with. It reduces government interference with governance of organizations. "Accountability"—I believe that's the word we want here.

The Chair (Mr. Shafiq Qadri): Comments?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. It would limit the standards that designated entities must adhere to, to address. The minister needs the ability to set standards that can address any matter to ensure appropriate accountability and oversight of designated entities.

Further, the provision, as currently drafted, achieves the same intent as the current provision in the Workplace Safety and Insurance Act, 1997.

The Chair (Mr. Shafiq Qadri): Further comments? We'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qadri): Defeated. NDP motion 70.

Mr. Paul Miller: I move that subsection 22.4(4) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

"Same

"(4) The chief prevention officer may establish different standards for safe workplace associations, occupational health clinic or training centre serving different industries or groups.

"Clinic and centre

"(4.1) The chief prevention officer shall establish a labour-governed occupational health clinic and a labour-governed training centre, of which,

"(a) the occupational health clinic shall provide clinical and prevention services whose mandate is,

“(i) to investigate the work-relatedness of workers’ health conditions,

“(ii) to promote the prevention of occupational injuries and diseases, and

“(iii) to provide services designed to eliminate or reduce occupational hazards and improve the health of workers; and

“(b) the training centre shall provide educational, training and information services and have the mandate to,

“(i) establish its education, training and information priorities,

“(ii) develop education, training and information courses and materials, and

“(ii) deliver training including training required for certified members under section 7.6, and health and safety representatives training required under section 5.1.”

The Chair (Mr. Shafiq Qaadri): We’ll take your (ii) as a (iii).

Further comments on NDP motion 70?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The current provisions in the bill closely mirror the intent and the provisions in the Workplace Safety and Insurance Act, 1997. This provision, by setting out specific mandates of a clinic and training centre, would limit flexibility. Bill 160, if passed, would allow for differences in designation standards, and this can provide flexibility.

To be clear, this government values and will continue to value the continuing role of both the occupational health clinics for Ontario’s workers and the Workers Health and Safety Centre and Ontario’s occupational health and safety system.

The Chair (Mr. Shafiq Qaadri): Mr. Miller?

Mr. Paul Miller: This simply allows the people who know the business the best to function without encumbrances. You are tying their hands in situations in which they know best, and the government should not be dictating to these people who have delivered a service in our province for many years and are experts in their field. I don’t think that the government should be interfering with mandates and service-providing venues when they are not aware of it, they don’t do it on a day-to-day basis. It’s basically the old story: You have to walk a mile in another guy’s shoes to know what’s going on. It’s too much control by the government and I think these people know their business. They’ve provided wonderful programs and wonderful service to our province, and I think what you’re doing is handcuffing them. I don’t like the way this is going.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 70?

Mr. Lorenzo Berardinetti: We just choose to disagree.

The Chair (Mr. Shafiq Qaadri): We’ll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 71.

Mr. Paul Miller: I move that subsections 22.4(6) to (11) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out “minister” wherever it appears, and substituting “chief prevention officer” in every case.

We want to shift more power to the CPO and eliminate any interference from government agencies.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. As I’ve already stated previously, the setting of standards for such entities is tied closely with the funding eligibility of the entities. The minister would ultimately be accountable to the Legislature with respect to the ministry’s funding and oversight of the designated entities and, as such, these functions and powers should remain with the minister.

The Chair (Mr. Shafiq Qaadri): Further comments? If not, we’ll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 72.

Mr. Paul Miller: I move that subsection 22.5(1) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out “a grant” and substituting “funding”.

This basically makes it clearer in the funding formula for different organizations.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. Bill 160 uses the term “eligibility for a grant” instead of “eligibility for funding” because the reference to “grants” describes the transfer payment relationship that these entities would have with the ministry if the bill is passed.

The Chair (Mr. Shafiq Qaadri): Comments? We’ll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

Government motion 73.

Mr. Lorenzo Berardinetti: I move that subsections 22.5(1) and (2) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote. Those in favour of government motion—yes, Mr. Miller? Okay. Those in favour of government motion 73?

Ayes

Berardinetti, Dhillon, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): Any opposed? None opposed. Government motion 73 carries.

NDP motion 74.

Mr. Paul Miller: I move that subsection 22.5(2) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out “minister” and substituting “chief prevention officer”.

This basically shifts responsibility to the CPO.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. We understand that the motion would transfer the duty from the minister to the CPO to monitor the entities' operations. The government can't support this motion. The intent of this motion is achieved in a proposed government motion which sets out more comprehensive duties of the CPO to monitor designated entities than contained in this motion.

The Chair (Mr. Shafiq Qaadri): The clerk informs me that this motion is apparently out of order.

1740

The Clerk of the Committee (Mr. Trevor Day): The previous amendment struck out the subsection that you're attempting to amend here, so the amendment is now out of order.

Mr. Paul Miller: Seventy-four is out of order. What's the reason?

The Clerk of the Committee (Mr. Trevor Day): Subsection 22.5(2) was struck out in the previous amendment.

Mr. Paul Miller: That's 73 you're talking about.

The Clerk of the Committee (Mr. Trevor Day): Yes.

Mr. Paul Miller: Okay.

The Chair (Mr. Shafiq Qaadri): We're agreed that NDP motion 74 is out of order and therefore withdrawn.

We'll proceed, then, to NDP motion 75. Mr. Miller, the floor is yours.

Mr. Paul Miller: I move that subsection 22.5(3) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The government does not support it because this motion would limit the minister's power to direct a designated entity. This current provision would ensure that the minister has powers to direct entities, for example, with a view to ensuring that programs and initiatives undertaken by these entities are aligned with system partners' initiatives where that is appropriate, and that efforts are made to meet the health and safety objectives of the provincial occupational health and safety strategy. Furthermore, this provision would simply move to the Occupational Health and Safety Act the provision that is currently in the Workplace Safety and Insurance Act, 1997, with the difference that instead of it being a power of the WSIB, it would be a power of the minister.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Randy Hillier: I'll just have to add in here that that clause is so vague: “The minister may direct a designated entity to take such actions as the minister considers appropriate.” I think that is just too broad and too vague to allow it to stand in a piece of legislation. There needs to be some criteria attached to that to make it a valid and legitimate clause. Surely the government members must see that as well. It ought to be including some of that criteria in it not to leave it so vague.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 75? If not, we shall proceed to the vote.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

NDP motion 76.

Mr. Paul Miller: I move that subsection 22.5(4) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

“Government directives

“(4) The chief prevention officer may direct an entity to comply with government directives regarding financial accountability.”

This, with an explanation, limits government interference in how the organizations operate, but also ensures financial accountability.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: We do not support this motion. Government directives may address matters

other than financial accountability. The current provision in the bill is broad enough to ensure that designated entities are required to comply with the government directives—that all publicly accountable organizations are. Further, the government is of the view that these powers more appropriately reside with the minister as opposed to the CPO, as the minister is ultimately accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities.

The Chair (Mr. Shafiq Qaadri): Thank you. Further comments? Those in favour of NDP motion 76?

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
NDP motion 77.

Mr. Paul Miller: I move that subsection 22.5(5) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended in the portion before clause (a) by striking out “the minister may” and substituting “the chief prevention officer, after giving notice to the entity of any alleged deficiency or incidence of non-compliance, and an opportunity for discussion and resolution, may”.

This basically ensures that the CPO has to consult to ensure compliance instead of using the ultimate hammer on the entity.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government does not support this motion. In some cases, it may be essential for the minister to act quickly in cases where a designated entity is not operating in accordance with the standards. This provision would hinder that ability.

Further, the government is of the view that these powers more appropriately reside with the minister as opposed to the CPO, as the minister is ultimately accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed, then, to the vote, unless there are comments.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.
Government motion 78.

Mr. Lorenzo Berardinetti: I move that subsection 22.5(5) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Failure to comply

“(5) If an entity has committed any failure described in paragraphs 1 to 3 of subsection 22.5.1(3), the minister may,”

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Paul Miller: Yes. We find this too heavy-handed. We will not support it.

The Chair (Mr. Shafiq Qaadri): We'll proceed to the vote.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

Nays

Paul Miller.

The Chair (Mr. Shafiq Qaadri): Government motion 78 carried.

As you know, we've already dealt with and carried motion 79.

NDP motion 80.

Mr. Paul Miller: I move that subsections 22.6(1) and (2) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be struck out and the following substituted:

“Appointment of administrator

“(1) For the purposes of assuming control of an entity and responsibility for its affairs and operations under clause 22.5(5)(b), the chief prevention officer may appoint an administrator.

“Notice

“(1.1) The chief prevention officer shall provide 30 days written notice to the board of directors of the entity before appointing the administrator, but if there are not enough members of the board of directors to form a quorum, the chief prevention officer may appoint an administrator without notice.

“Term of appointment

“(2) The appointment of the administrator remains valid until it is terminated by the chief prevention officer.”

The Chair (Mr. Shafiq Qaadri): Comments? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government does not support this motion. An administrator would only be appointed in serious cases, where swift and immediate action needs to be taken. In those cases, providing a notice period would unduly delay actions to resolve serious issues. Further, the government is of the view that these powers more appropriately reside with the minister as opposed to the CPO, as the minister is ultimately

accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities.

The Chair (Mr. Shafiq Qaadri): Comments on NDP motion 80? Mr. Hillier.

Mr. Randy Hillier: I do think the NDP has got some significant merit in this, in that it describes some process that puts some checks and balances on the system in play, such as providing that 30-day notice, as compared to what is in there at the present time: It doesn't provide any clarity or any criteria for the minister to take over the affairs of an entity.

I believe the government should be looking at this in a little bit more depth. When you have such legislation that provides such authority without providing that criteria and just leaving it up to regulations, I do believe—other than the fact that he's got the chief prevention officer in there, I would like to support the third party's amendment. But, really, I think it's important that the government look at some of these finer details before we actually bring it—it could be improved a little bit more.

The Chair (Mr. Shafiq Qaadri): Further comments on NDP motion 80? Seeing none, we'll now proceed—Mr. Berardinetti?

Mr. Lorenzo Berardinetti: I must say that we appreciate the comments from Mr. Hillier. We have given some powers additionally to the chief prevention officer. But we also take into account the comments made by Mr. Hillier.

The Chair (Mr. Shafiq Qaadri): Okay, we'll proceed to the vote.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 80 is defeated, as possibly our clerk is too.

NDP motion 81.

1750

Mr. Paul Miller: I move that subsections 22.6(4), (5), (6) of the Occupational Health and Safety Act, as set out in subsection 8(2) of the bill, be amended by striking out "minister" wherever it occurs, and substituting "chief prevention officer" in each case.

This simply moves powers from the minister to the CPO.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The government is of the view that these powers more appropriately reside with the minister as opposed to the CPO, as the minister is ultimately accountable to the Legislature with respect to the ministry's funding and oversight of the designated entities.

The Chair (Mr. Shafiq Qaadri): Thank you.

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

Shall section 8, as amended, carry? Carried.

Shall sections 9 to 12, inclusive, carry? Carried.

NDP motion 82 for section 13.

Mr. Paul Miller: I move that subsection 50(2.1) of the Occupational Health and Safety Act, as set out in subsection 13(1) of the bill, be amended by striking out paragraph 3.

It's similar to 162.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government will be supporting this motion.

The Chair (Mr. Shafiq Qaadri): Thank you.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): NDP motion 82 carried.

Government motion 83 is withdrawn. NDP motion 84.

Mr. Paul Miller: I move that subsection 50(2.4) of the Occupational Health and Safety Act) as set out in subsection 13(1) of the bill, be amended by striking out "is not a competent or compellable" and substituting "is a competent and compellable".

Basically, this is—the inspectors are competent and compellable as witnesses, and they should be used as such.

The Chair (Mr. Shafiq Qaadri): Comments?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. We understand the intent of the motion, and the government does not support it. The government heard from stakeholders, and there were concerns that inspectors should not be prohibited from giving evidence at the OLRB, even if the inspector has witnessed a reprisal and is in a position to provide direct evidence. A subsequent government motion addresses these concerns.

The Chair (Mr. Shafiq Qaadri): Mr. Miller?

Mr. Paul Miller: With all due respect, the whole purpose of this motion is to allow the inspector to do his job. We're simply saying that the inspector is competent and compellable. We're saying that when he goes to a situation, whether there's a reprisal or whether there's an injury in the workplace, he could be a qualified witness. And who better than the inspector that the government

sends out to a workplace to be able to do that? We're simply saying that he should be allowed to make documentation as well as witness the situation, and be able to pass that on to the governing body.

So, really, in fact, you say on the one hand that you want the inspector to do his job, but here you're handcuffing him again. You're saying that you witnessed—you had the inspectors come in themselves from their union and tell you—I believe it was OPSEU that told you that they want to be able to do their jobs and not be restricted. I believe it was a pink slip they handed you. They don't want to be restricted and have to hand out a pink slip for someone to go through unnecessary communications and long-term complications. They want to be able to deal with it there and go and be expert witnesses, and they should. They are the inspectors who go to the workplace to determine what happened. You are, on the one hand, saying yes, you believe that they're competent, but yet you're tying their hands. The two inspectors sat here, very bravely, and stated to the government that they have not been able to do their jobs and they've been handcuffed for years. Here you are, double-talking and doing it again by handcuffing their ability to be expert witnesses. I don't understand this at all.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: Those concerns are addressed in—

The Chair (Mr. Shafiq Qaadri): Sorry. Mr. Hillier, did you have a comment?

Interjection.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I respect those concerns that are brought by Mr. Miller, and I think they will be dealt with in the next motion.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed to the vote, then, on NDP motion—

Interjection.

The Chair (Mr. Shafiq Qaadri): Sorry. Mr. Hillier.

Mr. Randy Hillier: You were just referring to the next motion, so I'd like to pick up on that before we go to the vote on that. Oh, that's been deleted. Okay.

The Chair (Mr. Shafiq Qaadri): Thank you. We'll proceed, then, to the vote on NDP motion 84.

Ayes

Hillier, Paul Miller.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Motion 84 is defeated.

Government motion 85?

Mr. Lorenzo Berardinetti: I move that subsection 50(2.4) of the Occupational Health and Safety Act, as set out in subsection 13(1) of the bill, be struck out.

The Chair (Mr. Shafiq Qaadri): Comments? We'll proceed to the vote on government motion 85.

Ayes

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): None opposed. Carried.

Shall section 13, as amended, carry? Carried.

NDP motion 86.

Mr. Paul Miller: I move that subsection 50.1(2) of the Occupational Health and Safety Act, as set out in subsection 14(1) of the bill, be amended by striking out "100" and substituting "50".

The reason for this is, you don't know how much the government is increasing the resources when you're doubling the size of the employer. You don't know what resources are involved here; you've just put a number on it. I think what we're suggesting is much better.

I don't know how you come up with this number, so maybe you can explain that to me.

The Chair (Mr. Shafiq Qaadri): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: The government does not support this motion. There's no need to amend the proposed threshold. Bill 160 provides for the current threshold of 100 workers to be changed by regulation, if required.

The Chair (Mr. Shafiq Qaadri): Those in favour of NDP motion 86?

Ayes

Paul Miller.

Nays

Berardinetti, Dhillon, Hillier, Johnson, McMeekin, Ramal.

The Chair (Mr. Shafiq Qaadri): Defeated.

Shall section 14 carry? Carried.

NDP motion 87.

Mr. Paul Miller: I move that the bill be amended by adding the following section:

"14.1 Subsection 51(1) of the act is repealed and the following substituted:

"Notice of death or injury

"(1) Where a person is killed or critically injured from any cause at a workplace, the constructor, if any, and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within 48 hours after the occurrence, send to a director, the committee or a health and safety representative and to the trade union, if any, a written report of the cir-

cumstances of the occurrence containing such information and particulars as the regulations prescribe.”

The Chair (Mr. Shafiq Qaadri): Mr. Miller, with respect, I’m directed to inform you that it is out of order, as section 51 is not open.

Mr. Paul Miller: Okay.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Miller.

We’ll now proceed to sections 15 to 17. Shall they carry, inclusive? Carried.

Now, with a reference to section 18, PC motion 88.

Mr. Randy Hillier: I move that section 18 of the bill be amended by adding the following subsection to section 70 of the Occupational Health and Safety Act:

“(0.1) Section 70 of the act is amended by adding the following subsection:

“Requirement for prior review by prevention council and chief prevention officer

“(1.1) Despite subsection (1), before making a regulation relating to accident prevention, the Lieutenant Governor in Council,

“(a) shall submit the wording of the proposed regulation to the prevention council established under part II.1 and the chief prevention officer appointed under that part for the purpose of obtaining their comments and recommendations with respect to the policy and wording of the proposed regulation; and

“(b) shall consider the comments and recommendations provided by the prevention council and chief prevention officer when finalizing the policy and wording of the regulation.”

The Chair (Mr. Shafiq Qaadri): Thank you. Any comments on PC motion 88? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government won’t be supporting this motion as a regulation relating to “accident prevention.” We find it unacceptably vague. The ministry generally posts its intent to make new regulations on the regulatory registry, which is a vehicle for public consultation. As well, the government is accepting the expert panel’s recommendations, and they will be looking at our regulatory review process, or approach, that ensures regulations are current, consistent, and provide compliance, flexibility and support.

The Chair (Mr. Shafiq Qaadri): Further comments? Mr. Hillier.

Mr. Randy Hillier: We have seen the creation of regulations in the past that have not been completely thoughtful for the consequences of the regulations. The intent here is pretty clear: that the prevention council and the chief prevention officer be involved and have some level of influence in the development of those regulations.

I think, truly, it goes hand in hand and is part and parcel of the objectives of this bill to improve workplace health and safety and by having that chief prevention officer and council being the subject matter experts and providing that thoughtful advice and recommendations to the minister.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 88? We’ll proceed, then, to the vote.

Ayes

Hillier.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qaadri): PC motion 88 is defeated.

Shall section 18 carry? Carried.

PC motion 89.

Mr. Randy Hillier: What did you just carry—

The Clerk of the Committee (Mr. Trevor Day): It comes after.

The Chair (Mr. Shafiq Qaadri): PC motion 89.

Mr. Randy Hillier: I move that the bill be amended by adding the following section to the Occupational Health and Safety Act:

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

“3. Upon the petition of the prevention council or the chief prevention officer, filed with the clerk of the executive council within 60 days after the date of filing of any regulation relating to any of the following matters, the Lieutenant Governor in Council may, after reviewing the petition, confirm, amend or revoke the whole or part of the regulation:

“1. Training programs or requirements.

“2. Transitional matters in connection with the implementation of section 22.4

“2. The functions of the Office of the Worker Adviser referred to in section 50.1.

“3. The functions of the Office of the Employer Adviser referred to in section 50.1.

“4. The number of employees for the purposes of subsection 50.1(2).”

The Chair (Mr. Shafiq Qaadri): Comments on PC motion 89?

Mr. Lorenzo Berardinetti: The government will not be supporting this motion. The power to amend, revoke or place a regulation always rests with the person or body with the power to make the regulation. This power is outlined in the Legislation Act; I’ll just reference subsection 54(1) of the Legislation Act, 2006.

The Occupational Health and Safety Act specifies that the Lieutenant Governor in Council has the power to make regulations. The ministry frequently considers stakeholder feedback and comments when making recommendations to the Lieutenant Governor in Council with respect to establishing any regulation made under the Occupational Health and Safety Act.

The Chair (Mr. Shafiq Qaadri): Further comments on PC motion 89?

Mr. Randy Hillier: The minister still retains the authority. All this motion is saying is, upon a petition by the prevention council or the chief prevention officer in matters not regarding financial considerations, the Lieutenant Governor in Council may—not shall; may—after

reviewing the petition, confirm, amend or revoke the regulation. That's consistent with the minister's responsibilities and very consistent with the expectations outlined in the act that the prevention council and the chief prevention officer have a clear and significant role in the making of regulations.

Mr. Lorenzo Berardinetti: I appreciate those comments, but the government cannot support this motion.

The Chair (Mr. Shafiq Qadri): We'll proceed to the vote. Shall the new section 18.1 carry?

Ayes

Hillier.

Nays

Berardinetti, Dhillon, Johnson, McMeekin, Paul Miller, Ramal.

The Chair (Mr. Shafiq Qadri): Defeated.

Shall sections 19 to 30, inclusive, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 160, as amended, carry? Carried.

Shall I report the bill to the House, as amended? Carried.

Unless there's any further business before the committee, I thank you for your endurance and patience. Committee adjourned.

The committee adjourned at 1804.

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