

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

F-27

**Journal  
des débats  
(Hansard)**

F-27

**Standing Committee on  
Finance and Economic Affairs**

Fair Workplaces,  
Better Jobs Act, 2017

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Monday 17 July 2017

**Comité permanent  
des finances  
et des affaires économiques**

Loi de 2017 pour l'équité  
en milieu de travail  
et de meilleurs emplois

2<sup>e</sup> session  
41<sup>e</sup> législature

Lundi 17 juillet 2017

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Chair: Peter Z. Milczyn  
Clerk: Eric Rennie

Président : Peter Z. Milczyn  
Greffier : Eric Rennie

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Monday 17 July 2017

Lundi 17 juillet 2017

*The committee met in the Delta London Armouries Hotel, London at 0930.*

**FAIR WORKPLACES, BETTER JOBS  
ACT, 2017**

**LOI DE 2017 POUR L'ÉQUITÉ EN MILIEU  
DE TRAVAIL ET DE MEILLEURS EMPLOIS**

Consideration of the following bill:

Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts / Projet de loi 148, Loi modifiant la Loi de 2000 sur les normes d'emploi et la Loi de 1995 sur les relations de travail et apportant des modifications connexes à d'autres lois.

**The Vice-Chair (Ms. Ann Hoggarth):** Good morning. We are meeting here this morning for public hearings on Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts. Each witness will receive up to five minutes for their presentation, followed by up to 15 minutes of questioning from the committee.

A reminder: This meeting is an extension of the Legislature. The same decorum is expected here. There should be no clapping, no shouting and no display of any political materials. Are there any questions before we start? All right.

**LANGS BUS LINES LTD.**

**The Vice-Chair (Ms. Ann Hoggarth):** I'm going to call our first witness this morning. It would be Langs Bus Lines Ltd.

Good morning. Please state your name for the record, and then your five minutes will begin.

**Mr. Kevin Langs:** It's Kevin Langs. I'm vice-president of Langs Bus Lines Ltd.

Members of the Standing Committee on Finance and Economic Affairs, I appreciate the opportunity to appear today to discuss Bill 148, Fair Workplaces, Better Jobs Act.

Langs Bus Lines Ltd. is a family-owned-and-operated school bus company started by my dad, Doug Langs, in 1968 with four school buses. We will soon be celebrating 50 years in business. I have been with the company for 25 years. Head office remains in Strathroy, and we have

facilities located throughout southwestern Ontario, in London, Sarnia and Woodstock, with service routes all the way from the Lambton-Chatham-Kent area, through Brant, Haldimand, Norfolk and all points in between. I serve on the board of directors for the Ontario School Bus Association, which is an industry association promoting safe and sustainable school bus transportation, and which has engaged with the Ontario government on student transportation issues for many years. The Ontario School Bus Association along with the Independent School Bus Operators Association represent most bus companies in the province.

I'm here today to raise awareness of the implications that Bill 148, particularly the scheduled increases to minimum wage, will have on my business and the school bus industry as a whole.

At the onset, I want to be clear that the school bus industry has long advocated for wage levels for school bus drivers that properly recognize their role in delivering students to and from school safely and professionally every school day. Ontario's student transportation industry safely delivers 825,000 students to and from school on approximately 20,000 school buses and school-purposes vehicles. Nearly one in every two children going to school rely on a school bus to receive equal access to education.

Currently, student transportation in Ontario is compensated through funding from the Ministry of Education to the school boards. School boards disseminate this funding to 34 transportation consortia across the province. In turn, the student transportation consortia engage bus operator service providers through contracts via requests-for-proposal processes or negotiated contract extensions.

Wages are the single biggest cost for a school bus company, in excess of 40 cents of every revenue dollar earned. The minimum wage changes in Bill 148 were not forewarned. Prevailing contract pricing between transportation consortia and bus operators is fixed, based on current market wage and reasonable cost-of-living expectations, and will not accommodate the impact of a 32% increase to minimum wage over 18 months. School bus drivers are generally paid between \$12 and \$16 per hour in Ontario, depending on locale and bus company.

In order to recognize and compensate school bus drivers for this level of responsibility, a gap has historically been maintained above minimum wage. Even with

the current gap above minimum wage, there is still very high driver turnover. Rapid and significant minimum wage hikes, without the opportunity for employers to maintain a wage gap, will encourage employees to leave and seek alternate employment with less responsibility for similar pay, which will exacerbate the already industry-wide driver shortage. This could translate into ongoing service challenges and delays due to the lack of drivers to fill the required bus routes. The industry's impeccable safety record could be at risk. Children's safety on a school bus rests with skilled, professional, experienced school bus drivers transporting them safely every day.

Langs Bus Lines and other school bus companies are not opposed to a higher minimum wage and an increase for school bus drivers to recognize the importance of their role. However, the fact is, there is only one source of funding for this increase for school bus companies, and that is the government of Ontario.

The Ministry of Education funding model for student transportation has not been reviewed in over 10 years. The Premier and the Minister of Education have been promising a new funding model that reflects current cost structures, but it has not yet been delivered. The bus associations have submitted a joint letter to the Premier and other ministers to outline the issue. Both associations are undertaking a comprehensive study together, to study the financial impact on the industry.

The school bus industry needs the government of Ontario to act and to announce their commitment to provide additional funding to school boards for student transportation contracts with school bus operators, in order to address the January 1, 2018, and January 1, 2019, minimum wage increases. As well, the government must commit to an overall revised funding formula for the student transportation industry that reflects today's current operating costs.

I thank you for your time today before the committee and look forward to answering any questions you may have.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. Today's round of questioning will open with the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Mr. Langs. Thank you for taking the time to make a presentation to us this morning.

Congratulations on the 50th anniversary of your company. It's a great achievement.

**Mr. Kevin Langs:** Thank you.

**Mr. Peter Z. Milczyn:** I heard your comments regarding the ministry funding for student transportation. Certainly we'll take that back to the Minister of Labour and to the government.

I was wondering, on other aspects of Bill 148—because the minimum wage is just one aspect of it—do you have a concern about some of those other aspects: the paid leave days, the scheduling requirements, equal pay for work of equal value and so on?

**Mr. Kevin Langs:** I think there were many other aspects, and with my allotted time, I was able to zero in

on the specific minimum wage increase. We have some concerns, but I know that's part of the process, and that's what you're hearing from these hearings.

In our industry, we need to make sure school routes are running on time, so we require some degree of flexibility. The call-in rule, the 48-hour notice, might have some implications, but we schedule spare drivers to cover routes in the eventuality that people are absent.

The 10-day emergency leave has already been in place for employers of over 50 employees. The two paid days off will be an additional requirement. It will require further tracking. I worry and wonder about some of the smaller businesses in Ontario, that may not have an HR department to be able to manage some of those things. However, generally speaking, for us, we had already been in the situation of the 10 emergency days, and the two paid will be additional.

I would only ask that the committee and the government, when reviewing this legislation and the changes—I understand the purpose and the need for updating the legislation. There are a lot of different workplaces, and it's not a one-size-fits-all. I just hope that that is kept in mind.

**Mr. Peter Z. Milczyn:** You mentioned in your presentation the ability to attract and retain your drivers. We certainly have had instances in certain communities where the companies securing these contracts had incredible difficulty finding enough drivers to be able to deliver the service.

The increase in the minimum wage—everybody's looking for a full-time, permanent job, I imagine.

**Mr. Kevin Langs:** That's true.

**0940**

**Mr. Peter Z. Milczyn:** Some people in your sector, particularly, like having a part-time job. It gives them something to do; it gives them income, obviously; and the hours might suit them. Do you think that moving to this minimum wage might actually make it easier to retain your drivers and attract some new drivers?

**Mr. Kevin Langs:** Actually, I don't think it will make it easier. But you're absolutely correct that we have a diverse workforce. We have those who only want to work for a few hours. I think we're very upfront—at least, our business is, and most companies are—that we can't provide a full workday year-round. The attractive part is that it's part-time when school is in session, and that appeals to our workforce.

But there comes a point where I worry that our drivers and our workforce will interpret this—without a parallel increase in funding from the government to support their wages higher above minimum wage, which is exactly what we need as a company, it will be perceived that their work isn't really being appreciated. They go through so much extra training, certifications, background checks, medical checks and clean driving checks. A similar position without that level of responsibility and those requirements would pay very close to or the same as what we will pay, after the minimum wage increase, if we cannot maintain the wage gap above the current min-

imum wage proportionately to attract and to recognize that extra effort that they're making.

**Mr. Peter Z. Milczyn:** Thank you very much for coming in today.

**Mr. Kevin Langs:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the official opposition. MPP Harris.

**Mr. Michael Harris:** Thank you, Mr. Langs, for joining us today.

You mentioned forewarned notice. In your industry, these contracts are multi-year for the most part. How long do these contracts typically run, in duration of years?

**Mr. Kevin Langs:** There is a wide range. Typically, new contracts that are being let out are in the range, including option years on those contracts, of seven to 10 years. The base of those might be five years to seven years, and then some option years, so it might be up to 10.

There are other contracts that I alluded to that are on a negotiated contract extension basis. These are contracts that are basically expiring or due to expire, and are negotiated year to year.

It's a real mix right now.

**Mr. Michael Harris:** Say you're in the middle of a contract right now. As of even January, I think, it was well understood that the government wasn't going to move forward with an increase in the minimum wage then. But now, of course, we're seeing it increase in the next 18 months by 30-some per cent, as you alluded to. I'm assuming that if you're in multi-year contracts—have you spoken to the employer, which is the school, and ultimately the ministry? Will there be any room for renegotiation, to absorb any of these increasing costs?

**Mr. Kevin Langs:** That's a very good question. We are in multi-year contracts. In fact, in the province, there were contracts that were let out through the RFP process this spring, so ourselves and other bus companies entered, as recently as early this spring, into new contracts that were not based on the wage component moving the way it has. We have gone back to our customers, the school transportation consortia and the school boards, and the answer has been that they have no extra money for that.

I understand. The Grants for Student Needs are announced in early spring. Typically in our sector, student transportation has been increased yearly, in and around the CPI, like 2% or less, depending on the conditions of the local area of the school board—but generally speaking, it's 2% a year. In fact, our customers are coming to us and saying that there is the usual increase in their funding but there is no extra funding to deal with this issue.

**Mr. Michael Harris:** How will you manage, internally? If you're in a new contract, like you are from this past spring, with the additional costs coming on, how will you manage that?

**Mr. Kevin Langs:** This is all very recent news for us, and we're still trying to get our heads around the issue.

First and foremost, it's very important that we've contacted all of our customers—and I know through their association, our going back to government and outlining the issue.

How we will manage? Like I say, we've very early on. But we're having a lot of inquiries from our staff—drivers and other staff—right now. It's a tight labour force for drivers already.

I'm sure we can start up the school year in the fall and everything, but as we go forward, if there is no money coming through to enhance drivers' wages, we'll be paying our current wage, which will be in and around \$14, \$14.50 an hour, which will be minimum wage by 2018. I suspect we'll start seeing driver losses for those reasons. They can take a position elsewhere, part-time, with less responsibility. I quite honestly don't know how we would then cover all the routes.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Yurek.

**Mr. Jeff Yurek:** Thanks for coming in.

Just following the questions from my colleague Mike: I met with the Independent School Bus Operators Association a number of years ago about the fact that the government had to let the whole process slide and these large conglomerates were taking over the industry, thereby reducing competition in the marketplace, which, at the end of the day, would see costs skyrocket in the school bus transportation industry.

Do you find, going forward with these minimum wage changes, that the smaller, independent school bus operator is going to have a tougher time competing on contract pricing since the margins are so razor-thin and now this cost has been added, compared to the larger conglomerates that have been taking over the marketplace—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party, please. MPP Sattler.

**Ms. Peggy Sattler:** I'm actually interested in your response to MPP Yurek's question. So if you'd like to answer that question, that would be helpful.

**Mr. Kevin Langs:** Sure. It's a changing environment and a challenging environment under the RFP process. I'm not sure if I would characterize it as a landscape where conglomerates are taking over, but it certainly is challenging. I wonder about the smaller bus companies that wouldn't have the resources. I say that, but on the other hand, this issue and the reforms in this bill will affect all bus companies, and all employers, actually.

I think it's a fair statement to say that we've been in cost-containment mode for many years now in our industry and that margins are razor-thin. Whether it is a small bus company or a larger bus company, the impact will be great. Companies of all sizes are going to have to come to terms with—if we can't get funding, it will threaten the survival of businesses, in some cases. I think that would be true for businesses of all sizes—perhaps not the very largest of the businesses. I couldn't speculate on what that would lead to as far as the component or the makeup of the industry.

We're in a challenging time already. It's a time when we struggle to maintain a competent driver force, and that's absolutely vital for our industry.

**Ms. Peggy Sattler:** I should have started by thanking you for your years of safe transportation of students across the Thames Valley and the London District Catholic School Board area. Thank you for that.

In the letter you sent to the minister about the need for review of the funding formula, you said that the funding formula for school bus transportation has not been updated in 10 years. Certainly, we met recently with the Thames Valley District School Board and heard that they were spending more than they're receiving on school bus transportation already. Was that letter sent before you were apprised of these changes to the minimum wage? Or was that letter sent after you heard about Bill 148?

**Mr. Kevin Langs:** The most recent letter was sent after we learned about Bill 148. However, there has been regular contact through the bus associations and the Minister of Education and the Premier, going back several years, to request a review of student transportation funding.

0950

**Ms. Peggy Sattler:** Okay. You mentioned your concerns about even more turnover in your workforce with the increased minimum wage. Can you give us a sense of what the demographics of your current workforce look like, and if that would be similar for bus operators across the province?

**Mr. Kevin Langs:** Sure. I think our company would be similar to bus companies across the province. I would say our demographic is a mix. We have recent retirees from a full-time job who want to remain in the workforce in a part-time capacity. We have drivers who are the primary caregiver for their children, and their children may be now at a point and an age where they're in school full-time and the parent is wanting to enter the workforce on a part-time basis. So that's our driver makeup. We have that demographic.

As well, we have drivers who are working at our job and working at perhaps other jobs and making an income supporting themselves through multiple jobs, and we're just one of a couple.

In all cases, I think what draws people to be a school bus driver is, obviously, working with children and being able to impact children in their education, first and foremost. But also, on the practical side, it suits their particular schedule to have the summers and school breaks off and no weekend work and that sort of thing. So it really is a mix.

**Ms. Peggy Sattler:** And if the government indicated a willingness to open up these fixed contracts, that would be an important measure to help you deal with the increased minimum wage? Is that what I take from your presentation?

**Mr. Kevin Langs:** It's true. That's a very important measure. I can't imagine any school bus company in Ontario that wouldn't have that need for those contracts

to be opened to funding to flow for the driver increase issue, to compensate for increasing the minimum wage.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. Just a reminder that the deadline to send in a written submission to the Clerk of the Committee is 5:30 on Friday, July 21. Thank you, sir.

**Mr. Kevin Langs:** Thank you.

CHATHAM-KENT LEGAL CLINIC  
NEIGHBOURHOOD LEGAL SERVICES  
LONDON AND MIDDLESEX  
ELGIN-OXFORD LEGAL CLINIC  
HURON PERTH  
COMMUNITY LEGAL CLINIC

**The Vice-Chair (Ms. Ann Hoggarth):** The next presenter would be Chatham-Kent Legal Clinic; Neighbourhood Legal Services London and Middlesex; Elgin-Oxford Legal Clinic; and the Huron Perth Community Legal Clinic. I would ask you to state your names for the official record, and then your five minutes will begin.

**Mr. Justin Chong:** My name is Justin Chong, and this is my colleague Melinda Robertson. We are both employment lawyers and, collectively, we represent seven different legal clinics that provide legal representation to low-income individuals in Chatham-Kent, Sarnia, Elgin, Oxford, Huron, Perth, and Middlesex.

The first issue we'd like to address has to do with the minimum wage. The clinics we represent fully endorse the increase of the minimum wage to \$15. Legal clinic caseworkers see the direct impact low wages can have on workers who rely on these jobs to get by. For example, in London, at the Landlord and Tenant Board, we see approximately 100 applications for evictions due to rent arrears a week. Roughly half of the clients that we deal with directly are individuals who work. However, due to an interruption of earnings, they are not able to pay their rent on time, and get stuck in a cycle of debt with their landlord.

Reasons for interruptions of earnings can include sickness, injury at work, car breaking down or losing your job. These workers are basically living paycheque to paycheque and do not have additional income to assist them in times of need. This is just one example of how workers are struggling to maintain basic privileges that many of us take for granted. We believe by increasing the minimum wage, you will have a direct impact on vulnerable workers' security and well-being.

The second issue we would like to address has to do with scheduling. While we fully support all the proposed changes regarding scheduling, we do not feel they adequately protect vulnerable workers, especially those who work in the retail and fast-food industries, where schedules may fluctuate regularly. Vulnerable workers who work multiple part-time jobs, or who are balancing other priorities such as education or child-rearing, require some sort of predictability regarding scheduling in order to allow them to properly accommodate for other



priorities in life. A conflict in scheduling could mean that a worker loses out on income they expected to receive, and could drastically affect their quality of life.

We are requesting that the Employment Standards Act require an employer to provide an employee with their work schedules two weeks in advance. This would allow vulnerable workers much-needed time to accommodate for other priorities, and have a much better chance at maintaining a certain level of income.

I will now turn it over to my colleague.

**Ms. Melinda Robertson:** Hi, my name is Melinda Robertson. I would like to highlight the importance of two proposed amendments: firstly, the changes for temporary help workers, and secondly, changes to paid emergency leave.

Temp agency workers are some of the most precarious and vulnerable workers in Ontario. They generally make less than those hired directly by the assignment employer. They have no termination protection from their assignment, and really have no job security as a result.

The proposed changes in Bill 148 would require that those temp agency workers be paid the same as those hired by their assignment employer. This is a goal that we support; however, there are at least two issues with the proposed changes. Firstly, the language in the legislation is “substantially the same work.” We propose that this should be replaced by “similar work,” which is one of the proposals made by Parkdale Community Legal Services in their written submissions. This would extend the type of protection to workers that there is an intent there that minor changes to duties or responsibilities cannot be used as a way to essentially get out of paying those workers equal to those employed directly by the employer.

A further issue with Bill 148, as it is, relating to equal pay is that the workers may not really have an avenue to determine if their co-workers employed directly are in fact making the same or more than they are. Again, the Parkdale Community Legal Services submissions have a recommendation regarding enforcing those rights and having a schedule of some sort regarding compensation, so they’re aware that there may be an issue.

The proposed changes to give one week of termination pay to temporary help workers in certain situations is a good start, but it is our position that it is not enough. Bill 148 does not address one of the serious issues for temporary help workers, which is perma-temping. This is a situation where a temporary-help-agency worker is, in fact, working at the same employer for years at a time, rather than a couple of months, which may be more of the concept behind temporary workers. Therefore, we support some of the proposed amendments regarding perma-temps, again, made by the written submissions of Parkdale Community Legal Services. This includes that employees would be converted to permanent employees of a client company after being there for three months. If the assignment employer wanted to terminate their assignment, then they would have to have cause—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Ms. Melinda Robertson:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We’ll move to the official opposition to open this round. MPP Yurek.

**Mr. Jeff Yurek:** Thanks for coming in today and for your deputations.

Just one question to start: You made mention that you’re fine with the increase to a \$15 minimum wage. You didn’t comment at all on the short time frame to reach that amount. Did you want to add anything into your thoughts—the fact that it’s jumping so high, so quickly, and how that impact might occur in your communities?

**Mr. Justin Chong:** We think that the increase of a \$15 minimum wage would have a direct impact on low-wage workers. There was a study actually done in London which was done by the Middlesex-London Health Unit. They determined that a family of four with two children, with both parents working, require a wage of \$15.53 to make basic entitlements to their family. This amount is higher than the proposed minimum wage. The calculation of that amount does not take into consideration any types of savings whatsoever; it just covers the basic necessities the family requires. So an increase to minimum wage is really needed for the families that are living off these minimum wage amounts.

**Mr. Jeff Yurek:** I’m not arguing the amount to hit, but just how quickly this change is going to happen. Here in my riding, the Elgin-Oxford Legal Clinic, which does great work—and we work quite well with them, but surely they know the impact, how drastically these changes are going to affect St. Thomas and areas with a lot of small, independent businesses that are having trouble making ends meet. The people might not lose their jobs, but their hours might be cut back, which will have a negative impact on these clients that you’re helping.

**1000**

Do you have any comment at all on how short this time frame is?

**Mr. Justin Chong:** I think the short period is kind of outside of my expertise as a lawyer, but I would point the committee to a paper that was released by the Canadian Centre for Policy Alternatives. It was actually released this past Friday. It looks at the population that a \$15 minimum wage affects. They determined that of the workers that would actually benefit from an increase to \$15, only 17% worked for employers with less than 20 employees. The majority of employees who would be affected work for large businesses of more than 500 employees. I think the study found that 59% of workers work for employers that have more than 500 employees. Bigger companies are in a better position to be able to absorb the costs of the increase to the minimum wage.

I do sympathize with small businesses. However, our concern is that there are big businesses that are profiting off of these low-wage workers, and the law should address that.

**Mr. Jeff Yurek:** You mentioned “only 17%,” but I’d argue that those 17% are located in rural Ontario and

small cities that are going to be hit. That's quite a few people who are working for business with fewer than 20 people and will probably see their hours decrease, if they don't lose their job, which is only going to increase the activity of coming to your services for help because they are unable to afford the cost of living in this province, with high rent, high energy rates, higher taxes, higher fees.

**Mr. Justin Chong:** I understand that. However, we fundamentally believe that employers should not structure their businesses so low-income individuals are the ones that are suffering.

**Mr. Jeff Yurek:** So you're saying all employers structure their business to make low-income people suffer?

**Mr. Justin Chong:** Listen, I come from a family that had a family restaurant for 20 years. My father worked six days a week, 12 hours a day, and worked minimum wage throughout that time. I do sympathize with small businesses. However, there's a huge segment of the population that requires an increase in wages because they are struggling to maintain privileges that many of us take for granted.

**Mr. Jeff Yurek:** Do you have any cost analysis on how this will impact different businesses and/or government, for instance? Have you run any of those?

**Mr. Justin Chong:** Again, that's kind of out of my expertise. I am advocating for my clientele. I don't have expertise in that.

**Mr. Jeff Yurek:** Great. I appreciate it.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Armstrong.

**Ms. Teresa J. Armstrong:** First, I'd like to thank you both for coming in and being the voice for the vulnerable people you represent. It's very important that we hear that perspective when we're talking about legislation and policy where we are trying to determine what we should be doing or what should happen. We need to take into consideration all populations, so thank you for bringing that.

I also want to ask Melinda if you'd like to finish your statement. You were talking about termination and how that affects temporary agency workers.

**Ms. Melinda Robertson:** Yes, thank you.

As I was saying, one of the areas that we support is proposed amendments regarding perma-temp workers that were made in written submissions by Parkdale Community Legal Services. This was an area that Bill 148 did not address. The proposed amendments would allow employees to be converted to being permanent employees of that client company rather than a temp agency worker after a total of three months.

Another proposed amendment by Parkdale was to impose a cap of 20% of the workforce to be temp agency workers so that you don't have a situation where an assignment employer is essentially making up all of their workforce with temp agency workers and therefore not providing some of the same protections that employees hired directly have.

There was a second amendment I wanted to speak to, which was personal emergency leave.

Under the current laws, there are many vulnerable and low-income workers in Ontario who don't have the protection of working somewhere that has 50 workers or more. Everyone gets sick; everyone has family members who get sick. The personal emergency leave amendments under Bill 148 would give the 10 days total, two days paid. Under the current laws that we have, our clients are faced with situations where they need those wages. They cannot call in sick, stay home and make nothing. They are afraid of losing their job, as well, if they don't show up. They can't afford a medical note from their doctor, required as part of their policies. So there are some changes in Bill 148 that are beneficial in that sense.

I would like to add, though, that we are advocating for and supporting further paid personal emergency leave days than the two that have been proposed. We support seven paid days. I don't want to take up too much of your time, but—

**Ms. Teresa J. Armstrong:** You talked about how you receive 100 applications a week because of eviction notices.

**Mr. Justin Chong:** Yes, that's in London.

**Ms. Teresa J. Armstrong:** That's in London alone.

**Mr. Justin Chong:** Yes, London.

**Ms. Teresa J. Armstrong:** Can you describe the outcomes of that? If you go through the process, what happens to those applicants or tenants?

**Mr. Justin Chong:** Well, I'm not the tenant duty counsel. This is an anecdote that I've received from the paralegal who deals with Landlord and Tenant Board applications. However, from my understanding, the people who face evictions due to rent arrears are able to enter into mediation with their landlord. However, because they make such low wages, they aren't able to make up for the amounts they lost, so they get stuck in a cycle and eventually their housing gets threatened.

In addition to that, we're seeing workers who—so there are programs for people who don't make enough money, to help them with their rent and stuff like that, like, the Salvation Army has a rent bank. However, we're seeing a segment of the population that makes too much money and they cannot access those benefits. That's another problem that we're seeing at the Landlord and Tenant Board.

**Ms. Teresa J. Armstrong:** Do you think it would also help if the province and all levels of government addressed the affordable housing shortage in the city?

**Mr. Justin Chong:** I mean, I think that's one avenue. However, I don't think it's a one-size-fits-all type of solution. There have to be multiple solutions that have to address this.

**Ms. Teresa J. Armstrong:** The minimum wage being one—

**Mr. Justin Chong:** Yes.

**Ms. Teresa J. Armstrong:** —and increasing the stock of affordable housing and supportive housing another to help the vulnerable population.

**Mr. Justin Chong:** Exactly, yes.

**Ms. Teresa J. Armstrong:** That was my point— not just the one focused area, but expanding what we need to do for a vulnerable population. And one of the areas that many people talk about is, we need to make sure we have supportive, affordable housing for those in need.

I also want to ask you about the temporary agency workers. They don't have the same rights under the Employment Standards Act. What happens if they've been harassed at work or there's an issue at work? Where is their recourse if they are not covered under the Employment Standards Act?

**Ms. Melinda Robertson:** Their recourse would likely be to raise it with both the assignment employer and their contact person there as well as their temp agency employer. The issue, though, is sort of the power imbalance there. If they raise that issue, they may be fearful that they'll lose their assignment, and if they've been doing assignments for—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

Just before we move to the government's questioning, I would remind everyone again that this is an extension of the Legislature, and there should be no kind of comments, as I stated before. If we could please maintain the decorum in here. Thank you.

Government: MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning. Thank you for coming in today and giving us your presentation.

Was your organization involved in the Changing Workplaces Review?

**Mr. Justin Chong:** Yes, we've been involved for the past few years since it actually started. We have provided submissions during the interim report, and we will be providing more submissions by the deadline for Friday.

**Mr. Peter Z. Milczyn:** Thank you. It was a very exhaustive process of two years, travelling all over the province listening to employers, listening to different groups and getting input into how to modernize the Employment Standards Act and the Labour Relations Act.

When you look at what is contained in Bill 148, do you see in it the types of measures that you were hoping to see and the direction that you were hoping to see the government go in?

**Ms. Melinda Robertson:** There are some amendments contained in there that certainly were part of the ones that the clinics were advocating for. I would say that the overall direction has been positive in introducing some of those changes, but I would say that there are some areas in which our clinics, or the clinic system overall, would have liked to have seen further amendments or more aggressive amendments, and that was advocated for throughout the process of the Changing Workplaces Review.

1010

**Mr. Peter Z. Milczyn:** I believe Mr. Yurek raised the issue of a longer implementation phase, and certainly we heard that from some presenters last week as we travelled around the province. What do you think would be the

impact on many of the clients that you see if they had to wait up to another five years to see this kind of improvement in the minimum wage?

**Ms. Melinda Robertson:** I can answer that. As Justin said to you before about people who are employed and are working, it's still very difficult to make ends meet with the minimum wage that's in place for them right now. Even if you work full-time, you may still find yourself below the poverty line.

I think that by extending the period four or five years, not only are we going to see inflation having increased over those years, thus making the minimum wage not as significant by the time it comes into play, but you're going to see some of those same issues repeating themselves.

If you get a slight increase with inflation until it goes up in four or five years, you may still find yourself not being able to make ends meet; not being able to buy healthy groceries for your family; and potentially having to make a financial decision between pursuing further education, further training, and working full-time, looking after your family, all of those sometimes competing interests for people who don't have the finances or the privilege to make that choice for themselves about what it is they want to pursue.

I think we'll see a perpetuation of the same issues that we're seeing now with affordability, if it's extended that much longer.

As Justin said to you, there are people who are working full-time hours who are not able to make ends meet the way they are now, so they are still going to be facing eviction issues, health issues etc.

**Mr. Peter Z. Milczyn:** In Kingston last week, there was one gentleman who was a restaurant owner, I believe, who made the remark that he spends a great deal of time interviewing people for part-time jobs and then training them, and then they move on, and that with these changes, he might actually move to hiring more, shall we say, mature individuals to be full-time, permanent employees, and then he will simply pay them more. He presented that as somehow possibly a negative outcome of these changes.

Do you think it would be negative if we had more people in permanent, full-time employment, with better wages? He saw that as a negative, unintended consequence of Bill 148. What would you comment on that?

**Mr. Justin Chong:** I think the biggest concern we have for our clients is the fact that they don't have a sense of security in regard to the income they make. They basically live paycheque to paycheque. They cannot accommodate any fluctuations in their income. I think if there was an increase in the minimum wage, employers would have an incentive to have more long-term employees, and that would have a direct impact on workers' security and well-being.

From the studies done on the health aspect, security does have beneficial impacts on costs for health funding. There are so many impacts that can help the employee if they were given more secure employment.

**Mr. Peter Z. Milczyn:** Final question about the increase in people's wages: What do you think would be the impact—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21.

**Mr. Justin Chong:** Thank you very much.

#### ASPARAGUS FARMERS OF ONTARIO

**The Vice-Chair (Ms. Ann Hoggarth):** I would call the Asparagus Farmers of Ontario, please. Do you have anything to distribute, sir?

**Mr. Ken Wall:** No, ma'am.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. If you'd state your name, you may begin your five-minute presentation.

**Mr. Ken Wall:** Good morning. Thank you for the invitation and the opportunity to speak. My name is Ken Wall. My family is involved in a fruit and vegetable operation, a farming operation, on the north shore of Lake Erie, both in Norfolk and in Elgin counties.

I am here in my capacity as the chair of the Asparagus Farmers of Ontario. I represent approximately 80 farm families who are producing asparagus on some 3,500 acres. The industry has been viable and alive and well here in the province of Ontario for some 100 years.

I did some rough calculations and estimated that this last season—we just completed a season as of the end of June. As of this last season, Ontario farmers and their employees harvested and handled, shipped and packed some 300 million individual asparagus spears. This is an incredibly manual-labour-intensive process. Spears are harvested by hand, running across the fields every single day for a two-month period. Each one of those spears is graded, bunched and packed according to industry and consumer spec and standard, and then shipped off to markets here in Ontario, throughout the rest of Canada and up and down the east coast of the United States. In fact, approximately 45% of our production is shipped outside of the province.

We've taken a look and considered the impact of a \$15-an-hour minimum wage increase on our industry. In my own business—and I think it's reflective of much of the community—some 64% of my total costs in the asparagus business relate to minimum wage earners harvesting, packing and shipping this asparagus. So when I look at a 32% increase in the minimum wage schedule over the next 18 months, what I'm looking at is a 20% increase in my costs. I can tell you from experience, growing up in this business and spending much of my life in it, there simply isn't a 20% margin available.

This increase leaves us with some existential questions, and I can tell you that most of the farm families involved in this deal are asking exactly those questions: Is this viable? Can we survive? Can we continue to put food on the plate, pay the mortgages and keep our businesses going with such a large increase?

Arguably, that's alarmist thinking. Maybe I'm doing the Chicken Little "sky is falling" routine. But then I look at the competition, and can we in fact extract some of those prices, those increased costs, out of the marketplace?

The reality is that, in this industry, in the fruit and vegetable industry here in Ontario, we are price takers. We do not set prices. This is a global marketplace. Go into your local produce department store and you will see produce from around the globe. We have to be competitive in those marketplaces. We simply cannot pass those additional costs along.

So who is the competition? I can provide you with a long list, and I will provide submissions to the committee in terms of where this product is coming from: Michigan, Jersey, California, Washington, Mexico, Peru. I've travelled to all of those locations. In some cases, the competition is paying US\$5 to US\$10 per day. That is our competition. I'm not advocating lowering the costs or reducing the wage rates, but that is our reality. That's what we must compete with along the way.

I think the fundamental question that we have to ask is, where exactly do we want our food to come from? Do we want it produced here in Ontario? Do we want it processed here in Ontario? Or do we want to have imported fruits and vegetables on a 12-months-of-the-year basis?

Several years ago, the Premier encouraged us in agriculture. She said, "Listen, I want you, by 2020, to produce 120,000 new jobs here in the province in the field of agriculture." Do you have any idea how ridiculous that sounds to farmers like myself? We've got increased costs from hydro and cap-and-trade, and now we've got a 32% increase in our minimum wage rate. It simply does not make any sense.

Again, I come back to the question: Where do we want our food coming from? Do we want it through Ontario farm families—safe, reliable, relatively inexpensive—or do we want to rely on imports to feed our families here in the province of Ontario?

Thank you for your time.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. The first questions will go to the third party. MPP Sattler?

**Ms. Peggy Sattler:** Thank you very much, Mr. Wall, for coming here today to represent the Asparagus Farmers of Ontario and also to bring your own personal experiences as a farmer and talk about the impact of this minimum wage increase.

I have several questions. The first is, other than not to proceed, I guess, do you have some specific recommendations to make to the committee as to how this implementation of the minimum wage can be proceeded with that would minimize the impact on your industry?

**Mr. Ken Wall:** Thank you. Yes, I do. As I take a look at the various other jurisdictions around North America that are playing and working with increases in minimum wage—and I'm sure you've seen that through your work with the committee—I look specifically at the state of California. They are right now, I believe, around US\$11,

and they're heading towards a \$15 minimum wage. But what they are doing is that there's a schedule set out, and they are working towards achieving \$15 an hour in 2023. That's six years hence. There is some information being provided to employers, such that those employers can plan for and know exactly what to expect.

**1020**

Let's be politically realistic: \$14 and \$15 is on its way, but please let's look at implementing this thing in a reasonable fashion, so that farm families like myself, like the 80 that I represent, and like the thousands that are involved in Ontario horticulture can actually make some plans, make adjustments to their business plans, implement some labour-saving techniques, and hopefully work towards being able to be sustainable at a \$15-an-hour level.

**Ms. Peggy Sattler:** Okay. My second question concerns one of the comments you made at the very end of your presentation, about increased hydro costs and the impact that that has had on your industry. Can you elaborate a little bit there and tell us about your concerns about hydro, and what kind of negative impact that has had on your business?

**Mr. Ken Wall:** Asparagus is a highly perishable crop. It must be cooled within approximately an hour or two hours after harvest. Otherwise, it starts to dry out, or desiccate, and the shelf life deteriorates. It makes the eating experience dramatically less pleasurable than it would otherwise be. So we are required to cool the product down quickly and bring it down into that one-degree to two-degree Celsius range very, very quickly, using hydrocooling, forced-air cooling and any other number of different types of cooling procedures.

The only way we can successfully export our product into the east coast, or as far west as San Francisco—which we have done as an industry—and as far west as Vancouver, Alberta and points beyond, is by cooling quickly and effectively.

The problem is that our costs have skyrocketed every single year for the last five to 10 years, as a result of policies implemented by this government.

**Ms. Peggy Sattler:** Okay. My final question is on the demographics of your workforce. Are these local people you were employing in this very labour-intensive process?

**Mr. Ken Wall:** The Ontario asparagus industry employs a number of different demographic groups. Some of them are through the offshore program, coming up from the Caribbean basin and Mexico. Others are locals who are employed on a year-to-year basis. It's a general mix. There are approximately 2,500 people employed on Ontario asparagus farms in the months of May and June.

**Ms. Peggy Sattler:** And the kinds of ages?

**Mr. Ken Wall:** It varies from some university kids out of school all the way up to 50- and 60-year-olds.

**Ms. Peggy Sattler:** Do you have the same workers coming back every year to participate?

**Mr. Ken Wall:** Typically on the offshore program, we get the same workers who choose to come back on an

annual basis. For the local folks, yes, typically there's about a 10% or 15% turnover on an annual basis.

**Ms. Peggy Sattler:** About 10% or 15%?

**Mr. Ken Wall:** Turnover.

**Ms. Peggy Sattler:** So it's a fairly stable workforce, then.

**Mr. Ken Wall:** Yes, it is.

**Ms. Peggy Sattler:** How much of your workforce would be made up of the local people versus the offshore?

**Mr. Ken Wall:** That varies on a farm-to-farm basis. Again, I would suggest probably about 50% would come from the offshore program, and the balance would be local.

**Ms. Peggy Sattler:** Okay. Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Mr. Wall. Thank you for coming in and giving us your presentation.

You mentioned the California schedule. I understand that. However, their current minimum wage, I believe, was down around \$9. The range that they're going to cover to get up to \$15 is a much bigger range than what we're talking about.

**Mr. Ken Wall:** If I can interject, it's actually \$10.50 as of yesterday, when I checked.

**Mr. Peter Z. Milczyn:** But when they started, I believe it was under \$10.

**Mr. Ken Wall:** You could be right.

**Mr. Peter Z. Milczyn:** Yes. That's one reason why they have a longer implementation period than we do. Also, I imagine that with the exchange rate, we are still very competitive with them in terms of wages, with the exchange rate between the Canadian and US dollars, and that's not likely to change in the foreseeable future.

**Mr. Ken Wall:** Perhaps, yes. If I could just respond to that, I will also tell you that approximately five to six years ago, the state of California had somewhere in the neighbourhood of 35,000 acres of asparagus. Today they have 2,500 acres, primarily as a result of the state becoming a very, very high-cost environment, and part of that is the increase in minimum wages.

**Mr. Peter Z. Milczyn:** You mentioned hydro, and I appreciate that hydro rates have risen a fair bit. This year, with the fair hydro plan, have you seen a reduction in your energy costs, starting in the last couple of months?

**Mr. Ken Wall:** No, we have not.

**Mr. Peter Z. Milczyn:** You have not?

**Mr. Ken Wall:** Nothing whatsoever. Without question, the most difficult, frustrating situation that I can ever possibly describe has been the increase in hydro costs within the community. The demands for increased hydro and increased usage, just to maintain proper quality, have increased, and as a result, so have our costs, generally speaking.

**Mr. Peter Z. Milczyn:** So you're saying it's partially a requirement of your buyers, your industry, in terms of what they're expecting?

**Mr. Ken Wall:** The expectation of all of us, as consumers, is that the product arrive on the store shelf in pristine shape, which we've done a very good job at. Otherwise, it simply doesn't get bought. Somebody will buy the nice-looking lettuce or broccoli as opposed to the asparagus. We're having to do a really, really good job on the cooling side, to maintain high quality and a positive eating experience.

**Mr. Peter Z. Milczyn:** You said that roughly half, whether it's your workforce or your industry, is the off-shore program and half is Ontario residents.

**Mr. Ken Wall:** Yes. That's a rough estimate.

**Mr. Peter Z. Milczyn:** Of the Ontario residents, are they people who depend upon this for their general livelihood, or are they people who see it as an opportunity over a short period of time to make some extra money?

**Mr. Ken Wall:** These are very significant jobs to these individuals. Most of the asparagus is produced in rural communities. We're out on the farm. There are not a lot of job opportunities whatsoever, so individuals are relying on these positions. As the industry declines—and it will, at \$15 an hour, because the margins aren't there—those individuals will then be looking to other social services and assistance in order to get by.

Right now, many of them are working in various produce businesses throughout the spring and summer months, and then looking to employment insurance in the off-season.

**Mr. Peter Z. Milczyn:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thank you, Ken. My wife and I have been eating local asparagus for the last two months. Can't get enough of it.

**Mr. Ken Wall:** God bless you.

**Mr. Toby Barrett:** My colleague Jeff Yurek represents Elgin, as you would know. I'm assuming he's been filling up on asparagus as well.

I represent two counties. The one county, Norfolk, has well over 7,000 summer seasonal workers. It's the highest in Canada. It's well over 6,000 offshore people, thankfully, who come in from Mexico, Jamaica, Trinidad and elsewhere.

You talk about the asparagus industry as significant and just a small part of labour-intensive agriculture, as you mentioned, along the north shore of Lake Erie. I haven't done the numbers. I don't think anybody has really done an economic analysis of what's going on here.

For your industry alone—I'm just thinking of your colleagues in labour-intensive agriculture—what kind of impact would this have, say, in one county alone, with well over 7,000 summer jobs, student jobs, and the university jobs in May and June for asparagus? Any idea of the impact?

**Mr. Ken Wall:** I don't think we fully grasp and understand the impacts of where this is going to take us.

But I will tell you this: Ontario consumers will continue to eat asparagus, apples, peaches and all those

other amazing commodities that Ontario farm families are able to produce. The difference is going to be where those commodities are going to be coming from. It won't be from Ontario farms. We're talking Central and South America. We'll continue to eat those commodities. The difficulty and the problem will be that they'll be harvested, handled and packed by individuals making some 5%, 6%, maybe 7% of what this government is proposing over the next 18 months.

Where does the benefit derive for minimum wage workers here in this province when all the jobs and the production are going into Central and South America, and we're supporting individuals making 5% of what they would otherwise make? That's the question at hand here.

**Mr. Toby Barrett:** I think everyone here supports local food. This is a threat to local food. It is a threat to, obviously, student jobs, given the numbers that you have laid out.

**1030**

Berry Hill farm's asparagus growers were in the media a month or so ago, talking about how at that time their price was \$3.69 a pound, and right next door on the shelf I think it was \$2.49 a pound. Now, I don't know whether that was coming up from Peru or California. Obviously, Peru and California have a better climate—we have to compete with that—and much lower wages. Well, California is going to be—as you were saying, it won't be six years until the \$15 rate there. So we're at a competitive disadvantage. But what kind of a competitive disadvantage are we up against with respect to Peru, Mexico—what's Mexico? Sixty cents an hour?

**Mr. Ken Wall:** Well, I was there in February of this year and they were paying anywhere from \$8 to \$10 on a daily basis. That's US\$8 to US\$10 per day.

**Mr. Toby Barrett:** We're at \$150 a day?

**Mr. Ken Wall:** That's correct.

**Mr. Toby Barrett:** Okay. I mean, the numbers are there. I've very surprised—I understand the government has been consulting on this for at least a year, maybe more. I'm just surprised that we don't have this kind of economic data, that we have to rely on a farmer to present the figures for this committee.

I don't know whether my colleague from Elgin has anything to add on this.

**Mr. Jeff Yurek:** Do I have some time?

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Yurek?

**Mr. Jeff Yurek:** Thank you. I would like to make the comment that I've had dairy farmers and asparagus farmers in my office, talking. One group of asparagus farmers are saying that they won't be in business after the minimum wage hits \$15 because the margins are so thin that they are already looking to rent out their land for whatever else can be grown on it, other than asparagus, and move out and find jobs elsewhere, they hope.

**Mr. Ken Wall:** I've been personally approached by two separate farm operations within our community saying, "Would you be interested in buying? Would you be interested in renting my asparagus operation, because

I don't see the numbers over the next couple of years as we move towards \$15."

**Mr. Jeff Yurek:** Right, and the concern that I'm hearing is we'll be importing from, they're saying, Central and South America.

**Mr. Ken Wall:** That's correct.

**Mr. Jeff Yurek:** But they don't have the same safety over their foods as we do in Canada?

**Mr. Ken Wall:** That's also correct.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. If you have a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21. Thank you, sir.

**Mr. Ken Wall:** Thank you.

#### BONDUELLE CANADA

**The Vice-Chair (Ms. Ann Hoggarth):** I call on Bonduelle Canada Inc. Do you have something to hand out?

**Mr. Robert Anderson:** No.

**The Vice-Chair (Ms. Ann Hoggarth):** All right. If you would give your names for the record, and then you may begin your five-minute presentation.

**Mr. Robert Anderson:** Okay. I'm Robert Anderson, and I'm with my colleagues Ineke Haan and Lisa Barker. We thank the committee for permitting us to present today. I'm the vice-president of operations for Bonduelle, and my jurisdiction is Ontario, Alberta and our operations in the US.

Bonduelle Canada is a vegetable processor with three processing facilities in Ontario; namely, Tecumseh, Ingersoll and Strathroy. We're passionate about our industry. Processing locally sourced vegetables in Ontario aligns with Foodland Ontario's mandate. Good things do grow in Ontario.

Bonduelle provides seasonal employment to approximately 440 individuals. We process 250 million pounds of frozen and canned vegetables each year. Our processing season runs from June to December. We freeze and can a variety of core vegetables that are grown in Ontario, examples being green peas, sweet corn, green and wax beans, and carrots. Our product is perishable. The quality of our product requires that it be processed within hours of harvest. In order to ensure our customers receive high-quality vegetables, our processing practices must be nimble, and our products affordable.

We are concerned about the proposed increase to the minimum wage. The minimum wage has increased by 12% since 2010, and this planned change will increase the minimum wage dramatically in 2018, by 23%, and significantly again in 2019.

We're not opposed to an increase, although a more gradual increase over several years will allow our industry to plan and adjust. This is similar to what's happening in other regions and jurisdictions. The rapid adjustment will increase costs and reduce competitiveness across all businesses related to vegetable processing.

Our industry is at the mercy of Mother Nature. No two years are identical. This 2017 season has been particular-

ly challenging so far. The cold, wet spring delayed planting of peas, beans and corn; the cold caused crops to stall during growth periods in May and June; and even when the pea crop was ready to harvest, the harvesters could not get on the wet fields.

Trying to navigate around Mother Nature required us to add and cancel shifts in our processing facilities on very short notice. For example, our pea processing was scheduled to start on Wednesday, June 21, at 11 a.m. However, we had to adjust the schedule to Tuesday, June 20, the previous day, at 11 p.m. So we went from a Wednesday start of 11 a.m. to a scheduled start of Tuesday at 11 p.m., to beat the forecasted incoming heavy rains. This necessitated calling our employees in for the 11 p.m. to 7 a.m. shift on very short notice.

This brings me to our concern with the proposed new scheduling rules to be incorporated into the Employment Standards Act: right to refuse work, right to request a change, expanded three-hour reporting pay.

In particular, the rule that allows employees the right to refuse work if less than 96 hours' notice is given is problematic for our company and our industry. If we are unable to respond effectively to our fluid harvest demands and adjust our processing shift schedules accordingly, on short notice, our ability to manage processing facilities efficiently and to ensure the quality of our product will be significantly and negatively affected.

We therefore ask that this committee recommend to the government that the vegetable and fruit harvesting, processing and packaging sectors be exempted from the proposed scheduling rules set out in Bill 148.

In closing, I'd like to highlight that Bonduelle is committed to processing vegetables in Ontario. We respectfully ask, however, that the legislation allow us the ability to manage our facilities so that we can ensure we are able to supply our grocers and foodservice customers competitively priced, locally grown vegetables. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We'll begin this round with the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Mr. Anderson and colleagues. Thanks for coming in this morning and giving us your presentation.

First, I want to address the second issue that you raised, the scheduling. In Bill 148, for the scheduling changes, there is a provision that exempts all employers if there are unforeseen circumstances: power outages, storms, fires etc. It excludes them from that scheduling provision of being required to provide additional notice or else there's a financial cost. So that's already in there.

I would suggest to you to maybe look at how that exemption is written in the draft bill. There might be an amendment to the wording that you could suggest that would be more helpful to you.

**Mr. Robert Anderson:** I'm very pleased that you brought that up. I have it in front of me. We were looking for some clarity on whether that wording would fit for our type of operation, because in most cases, it's weather-caused shift changes.

**Mr. Peter Z. Milczyn:** I believe the word in the bill is “storm.” I can appreciate that that might be too narrow a parameter, so I would encourage you to provide us with a suggested wording. I’m the parliamentary assistant to the Minister of Labour, so I’m well aware of this, and I certainly will be raising that issue with the minister as we go forward in the legislative process.

On the other aspects of Bill 148—you’re saying that much of your workforce is seasonal, for six months of the year.

**Mr. Robert Anderson:** Six months.

**Mr. Peter Z. Milczyn:** Okay. What is the salary range among your workforce?

**Mr. Robert Anderson:** We have two different workforces, in essence. We have a seasonal workforce that is six months of the year, when we’re taking crops off the local fields, and then we have packaging and warehousing operations, and shipping operations, that go on for 12 months. We have the two distinct, separate groups.

**1040**

If I could go back, just briefly: On the exemption for storms, we will present something there. Thank you for that.

The other impact to us, on our packaging operations, is our customers—our customers can call and say, “We’re short some goods. We need more of your product.” Let’s say they call us on a Wednesday, and they need the product for a Friday, and we don’t have all the shifts on. A 48-hour notice, or the 96-hour refusal of work, is a real problem for us, because the adjustment to the shift is—again, it’s like the weather. It’s not really in our control. It’s our customers that are controlling our schedule.

To your question on wage rates: For our full-time component, which is the packaging, the shipping and the administrative duties, we’re paying above minimum wage. We’re not at minimum wage. We have been paying competitively. We have great benefit programs. We treat our employees very well. We have a fairly consistent full-time workforce. We have approximately 600 full-time workers and 440 seasonal workers. In my estimation, we’re in pretty good shape on the full-time component.

Seasonal: Approximately 40% of our seasonal workers are coming through the FARMS program, similar to the gentleman before. We have workers from Mexico and Jamaica in Ontario. Those wage rates are set by the FARMS group and are slightly above minimum wage.

But the changes to minimum wage will have a severe impact on our costs. That impact will be seen versus our competitors. Because I manage our facilities in New York state and Wisconsin, I know what we are paying. I know that they are gradually increasing their minimum wage. In fact, in New York state, it’s a bit unique. They have a minimum wage set for New York City for \$15 an hour, but in the outlying counties, it’s a much more gradual change, and it’s a lower number.

Our big concern is the rapid jump in minimum wage.

**Mr. Peter Z. Milczyn:** I believe that in New York state, the regional minimum wage will be in the US\$12 to US\$12.25 range.

**Mr. Robert Anderson:** In New York, it’s \$9.70 right now—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We’ll move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thanks, Chair. My colleagues have a couple of questions as well.

Certainly, in the past year, the vegetable processing industry has been in the news. It’s a very competitive industry in very tough times. The commodities you were referring to, like peas and sweet corn, say, as compared to cucumbers—less labour-intensive, perhaps.

We know that these measures will be job-killers. We’ve seen the advances. We used to grow sweet peas—very labour-intensive. I was involved in both the growing and also the processing. What can the industry do? You’re going to have to shed jobs. Are there opportunities with technology and more advances to be able to replace these jobs? I don’t see where you have any choice. I don’t see where farmers have any choice either.

**Mr. Robert Anderson:** Yes, you’re correct. Our crops are not as labour-intensive at the field level. They’re very labour-intensive in our processing facilities.

We can certainly look to further automate, but I would say, for most of our processes, there’s not a lot of room to do that. The opportunities are not there. We need a seasonal workforce. We have a lot of manual operations.

**Mr. Toby Barrett:** Okay, I’m done. Chair?

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Yurek?

**Mr. Jeff Yurek:** Thank you very much for coming in. I’m just wondering. Have you put together a financial impact to your business at all? Have you had time to do so?

**Mr. Robert Anderson:** No. One other—

**Mr. Jeff Yurek:** Go ahead.

**Mr. Robert Anderson:** Mr. Yurek, one of the reasons why is because it’s so variable. Certainly, it will have a negative financial impact, and it will make us uncompetitive, even more uncompetitive than we already are, based on carbon tax and hydro rates. This will push us even further into being uncompetitive.

In our industry, the big competitors are in New York state, Minnesota, Wisconsin and Washington state. That’s where the big vegetable processors are. This will drive us to move our operations, potentially, to the US—at least a portion of our production.

**Mr. Jeff Yurek:** I do want to note there are quite a number of farms in Elgin county and Middlesex, which I represent: the Bradishes, the Fergusons etc. We have a great partnership with Bonduelle that will be affected by this, and they employ lots and lots of people in our riding.

I do want to say thanks to Bonduelle for helping our Elgin farmers. You’re partnering with us to try to stop this government from shutting down the farmer 401, as we call it, the bridge that they’re trying to shut down where all your equipment goes; it keeps it off the main



arteries. We're still working on that, and I just wanted to thank you for that.

**Mr. Michael Harris:** Rob, thanks for coming in today and for talking to other parts of the bill, especially the scheduling provision. As I believe you've stated, there are perhaps unintended consequences in your sector or your industry from this provision. Perhaps the government failed to realize, outside of the GTA or Toronto, sectors like yours are weather-dependent—not only weather, but economy-driven by your customers.

What specific change would you propose to the government? You say you have it with you. What would that change be? Would it be an outright exclusion of your sector from this provision? What do you have in front of you that you'd like to share with the committee?

**Mr. Rob Anderson:** Yes, we would ask for an outright exclusion.

**Mr. Michael Harris:** Exception?

**Mr. Rob Anderson:** Exception, yes. We don't see another way, because our business is so variable. It's like Mr. Yurek's question about, "Have you done an economic analysis?" It's because our shift changes are dependent on weather. It's because our length of shift and our length of season are dependent on how good the crop is. Then we have the customer impact as well.

I don't think there's any other way for us to operate except for the way we're currently operating, where we're giving employees as much notice as possible and we're treating them fairly. If they come in and at shift change we get a torrential downpour and they only work for one hour, okay, they're going to get paid for three. That's currently happening. But when you have to pay numerous times, potentially, for people who never come to the shift or because you can't give them that extended notice period—these are people who rely on these seasonal jobs. They understand how the seasonal job works. They understand that it's a perishable crop. We think a full-out exemption is the right—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Armstrong.

**Ms. Teresa J. Armstrong:** First of all, thank you very much, and thank you to your colleagues for being here with you as well. I'm not sure if you had anything that you wanted to add to the presentation earlier, either one of you? Okay.

I did want to address one comment you had made about how wages have been increasing since 2010 by 12%. I wanted to ask you how you managed your business with those increases, what steps you had to take. I'm trying to understand: Are those steps a reality for you for what's being proposed? What happened in the past that you managed to absorb that 12% since 2010? What changes did you make to your business?

**Ms. Ineke Haan:** Thank you for your question. Definitely we know that on October 1 every year, the ministry has set forward the new minimum rate. We plan for that. I know it's based on the consumer index. So we've already made those plans in our budgeting process ahead. They've been reasonable. We can predict them.

This huge jump is unreasonable in that short period of time. We've just received notice, and it's effective January 1, 2018. That's our main concern. We're looking for something that is more balanced so that it's progressive over a number of years. That's what we're asking for from the government. We understand a fair increase, but we're asking for progressiveness and balancing to what we call fair remuneration.

**Ms. Teresa J. Armstrong:** That's a reasonable request, but what I'm asking is, what are the things in your budget that you did such that you could predict and you were able to adjust? What are some of those factors? Going forward, when some organizations are asking for the phase-in, what are those pieces that you want to look at that you can change so that you can accommodate this \$15 minimum wage?

**Mr. Robert Anderson:** One of the things that we've done is we've automated.

1050

**Ms. Teresa J. Armstrong:** Okay.

**Mr. Robert Anderson:** We continue to look at automation, and we will do that. With forced increases like this that we cannot control, it forces us to automate and it forces us to eliminate jobs. Like I said, of our seasonal workforce, 40% are offshore, but there are 60% who are local workers. Those jobs are in jeopardy.

Normal inflationary cost-of-living adjustments are okay. We plan for those. We plan for the normal cost-of-living increases. But this dramatic shift is not going to work for us.

**Ms. Teresa J. Armstrong:** The other one that I would like to ask you about is hydro costs. How do you plan for those or how have hydro cost increases affected your business?

**Mr. Robert Anderson:** Good question.

**Ms. Teresa J. Armstrong:** How do you build them into your plan, and what has it done to offset what your business operations look like now?

**Mr. Robert Anderson:** You can't plan for it. You don't know where it's coming from. It's ridiculous. Last year, as an example—we think we do a very good job of budgeting. We have a lot of experience budgeting from one year to the next. After 10 months of our fiscal period, our hydro increase for the three plants in Ontario was \$850,000 above what we'd budgeted—which is beyond what it cost us the year before, because we did budget an increase—so well over \$1 million in hydro rate increases in one year. Most of it is in the global adjustment. We have no idea how to budget it; it's up and down every month. It doesn't work.

In our business, just to explain—it's okay if you're in a business or you're a residential person and you can shut off your pool pump or you can shut off your air conditioner during peak periods. We run 24/7 and we run every hour of the day, so if it's 32 degrees out and it's a peak period, we have to pay.

**Ms. Teresa J. Armstrong:** The other question I had was about the exemption you're looking for with the words "storm" and "weather" and that kind of fluctua-

tion. The government did extensive consultations. Was that brought up? Does anyone know if that was actually brought up during those consultations? If so, why do you think that was overlooked and we have to now ask for amendments for those things to happen?

**Mr. Robert Anderson:** A lot of consultation took place on behalf of our industry and all the food processors in the province with Food and Beverage Ontario, which we're members of. I'm actually on the board of Food and Beverage Ontario, and I think they did an outstanding job of presenting issues. I believe that it could be that it is captured in the wording and may need clarity.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Ms. Teresa J. Armstrong:** Okay. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have a written submission, if you would get it to the Clerk by 5:30 on Friday, July 21. Thank you, sir.

**Mr. Robert Anderson:** Thank you, everyone.

ONTARIO PUBLIC SERVICE  
EMPLOYEES UNION LOCAL 110,  
FANSHAWE COLLEGE

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call on OPSEU Local 110, Fanshawe College.

Good morning. Would you state your name, and your five minutes will begin.

**Mr. Darryl Bedford:** Good morning. My name is Darryl Bedford, president of OPSEU Local 110, representing full-time and partial-load professors, counsellors and librarians at Fanshawe College.

Bill 148 moves in the right direction, but I wish to add some context on how it might apply to Ontario colleges and where gaps exist.

On Friday, the committee heard about the contract faculty situation in universities. It's much worse in the colleges. It's 68% contract, 32% full-time at my own college, and we estimate that it is about 70%-30% for the system. It's not sustainable.

We don't know for sure how many faculty would like to stay as contract. A survey conducted by Algonquin College management found that 65% of them wanted full-time.

There will always be a need for contract faculty in the system, but when they are hired, they must be treated fairly. They are qualified to do the work—whether that be a Red Seal or a master's or PhD plus years of work experience. We know from the college financial information service that this 70% of faculty represents just under 10% of college budgets. They've not been the priority.

Reliance on contract faculty has grown over time. At my own college, we have about 1,100 contract faculty, an increase of 312% since 2002. Contracts are typically for a 14-week semester. Faculty can spend years or decades on contract, and there is no guarantee of future work.

A faculty member I connected with on Friday has been teaching 20 years on contract. Once, I received a call from a St. Thomas professor who had been promised

a unionized partial-load contract. After much delay, the college finally gave him a non-union part-time contract, at a fraction of the pay, to sign the Friday before Labour Day. He couldn't accept those wages. He had to decline, and the students had no teacher on the Tuesday.

At Durham College and elsewhere, some contract faculty don't receive their contract or pay until several weeks into the semester, only exacerbating their paycheque-to-paycheque situation.

Contract faculty are only paid for their classroom hours. Most report that because they need to hold down multiple jobs, in industry or at another college, they're not able to spend as much time supporting students outside class time as they'd like.

Colleges are not covered by the LRA but, rather, the Colleges Collective Bargaining Act, or CCBA. Its faculty classifications are confusing and can lead to discrimination.

Up to and including six hours per week in the classroom is part-time. At my college, the average pay for that is about \$45 per classroom hour. Considering the time spent preparing and marking, that pay is more like \$11.50 to \$15 per hour—no benefits, no union, no sick days. Partial-load is seven to 12 hours per week. They are union, with a pay grid and some benefits. But add just one more class hour per week and they become sessional, lose their union, lose their benefits and their pay goes down.

The current classifications permit people to work more hours for lower pay. They're teaching the same courses and could have workloads that exceed a full-time workload.

From 1975 to 2008, under the CCBA, it was illegal for part-time and sessional faculty to join a union. That has changed, but procedural roadblocks from college legal counsel have made the job monumental.

We found some online teachers in KW, the GTA and beyond. They could be based anywhere. How will they cast a certification vote?

I showed a list of a dozen names, during our organizing drive, provided by the employer to one of our stewards, and he didn't recognize a single name, despite the fact that these faculty teach in his programs. That's how massive colleges are today.

The CCBA needs the 20% union card threshold to disclose employee contact information, so that we can reach them. The CCBA needs card-check certification. Prior to 2008, there had been a ban on replacement workers in the CCBA. Its removal contemplates a scenario that would benefit no one.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We will open this round with the third party. MPP Sattler.

*Interjection.*

**The Vice-Chair (Ms. Ann Hoggarth):** I'm sorry. It's the official opposition. MPP Bailey.

**Mr. Robert Bailey:** Thank you, Mr. Bedford, for coming in. It's quite an interesting presentation. I didn't realize the ramifications of online and part-time professors and educators.

One thing I wanted to ask is, by moving over time to the \$15 minimum wage, and some other suggestions you had, how will that impact on tuition fees to the students? Is there money there for the colleges to do both?

**Mr. Darryl Bedford:** Yes, there is. I would argue that colleges do need more funding, but they need to make better use of that funding. If I were to take the non-union portion, that non-union portion is only 5% of college budgets, and they're doing a significant part of the teaching. It's about \$200 million.

This problem is fixable. These are changes that they desperately need now. If you're going to have the best people in the classroom, if you're going to have them support students, then we need to make some changes now.

**1100**

The problem with this bill is that it brings colleges under the Employment Standards Act, which is good, but we have the CCBA, which has these artificial categories. They're all doing the same work, but my concern is that, when you get down to it, the colleges will say, "Well, look, the CCBA says that this work is different," when it's really not. My concern is that any equal-pay-for-equal-work provision will be undermined by the CCBA.

**Mr. Robert Bailey:** So the scenario you described there—I represent Sarnia–Lambton, so Lambton College. Would the same situation apply at Lambton College?

**Mr. Darryl Bedford:** Absolutely.

**Mr. Robert Bailey:** So it's not just Fanshawe.

**Mr. Darryl Bedford:** No, it is all over.

**Mr. Robert Bailey:** This is generic to the colleges.

How do you feel the implementation—maybe the relationship is not that great already between the faculty and the university or college. Do you feel it would be challenged if they move towards this right away? Is there a lot of—

**Mr. Darryl Bedford:** It's already challenged because of the stress on the system. So you have a situation where since 2008 we've been trying to organize the part-time and sessional. It has cost everyone millions of dollars to try and do this. It hasn't happened yet. That money would be better off in better working conditions. There are too many roadblocks in the way. We need to make something happen.

**Mr. Robert Bailey:** I think Mr. Yurek has a question. Thanks.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Yurek.

**Mr. Jeff Yurek:** Thank you. It's good to see you, Darryl.

I can call him Darryl; we went to the same high school together. He finished a year ahead of me.

**Mr. Darryl Bedford:** Yes. And I'll call you Jeff. Is that okay?

**Mr. Jeff Yurek:** Perfect.

Just a quick comment: You raised a great stat here, that contract faculty is up 312% over the current Liberal government's reign in power, I guess you could call it. It doesn't seem that they act on what they want others to act on. They themselves seem to lead with "We'll just keep

putting people on contract, away from attaining full status as an employee." Any thoughts on that?

**Mr. Darryl Bedford:** It's a trend that's been going on for a long time. It does predate this. It is happening in every college and every university.

Yes, it has been a real problem that colleges have been exempt from the Employment Standards Act. What has happened is that non-union faculty haven't been paid for stat holidays, so they end up making up that material for classes that are missed because of that holiday, and they don't get paid for it. It's a case of, yes, one set of rules for crown agencies, which the colleges would be, and another set of rules for everyone else. The right move is to bring colleges under the Employment Standards Act, but I would suggest that a few other things need to be done as well.

**Mr. Jeff Yurek:** And you'll present those ideas—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Darryl Bedford:** Yes, I'll include in my written submission what I haven't here. Sure.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Sattler?

**Ms. Peggy Sattler:** Thank you very much, Darryl, for attending today and providing your feedback on this bill. You were in the middle of concluding your presentation. I'd like to give you an opportunity to add some additional comments that you didn't get to.

**Mr. Darryl Bedford:** That's right. My timing was close but not quite.

Since the colleges were founded 50 years ago, things have changed. My own college has four subsidiaries. The CCBA needs successor and related-employer language to close any loopholes.

In closing, these changes are a good start, but there's more to do. A Seneca professor said, "It is easy for colleges to act in this particular way, when there are no restrictions on what they can do."

**Ms. Peggy Sattler:** Okay. Thank you very much.

Now, I imagine that college faculty participated in the discussions around the Changing Workplaces Review and raised these issues during that consultation.

**Mr. Darryl Bedford:** Yes.

**Ms. Peggy Sattler:** Were you surprised to see the absence of any reference to CCBA in this legislation?

**Mr. Darryl Bedford:** Yes. There's very little reference to it. I think it's important to carry over some of the same provisions.

You might recall, Peggy, how this happened: We had the Whitaker review in 2008 to extend bargaining rights to faculty who didn't have that. There was a suggestion that it should match the LRA, except some things carried over from the LRA, but other things, like successor language, things like that, didn't. I think it would be important to make sure that all workers have rights, that they have access to a union, and that we're able to do that democratically and in a short period of time.

**Ms. Peggy Sattler:** You're going to be providing some specific wording for amendments to this bill that would address these concerns?

**Mr. Darryl Bedford:** Sure, I would be happy to do that.

**Ms. Peggy Sattler:** You represent the college system, represent students who participate in co-ops, internships, field placements and those kinds of programs. Do you have any concerns about what's in Bill 148 or not in Bill 148 and how it impacts students?

**Mr. Darryl Bedford:** Absolutely. It appears an expansion of the language for exemptions of students who are in a program of study at a college or university—it's now expanded to private career colleges. I think that's the wrong direction. If students are in a co-op program or they're in a placement, they're performing work of value and they should be compensated for that. There are plenty of those opportunities there. I would be cautious of trying to expand it so that these are opportunities that are unpaid.

I think that they all need to be paid, useful work. That's going to be the best complement to their education.

**Ms. Peggy Sattler:** Finally, your submission talks about card-check certification. Can you add some comments about what's in the bill related to card-check certification?

**Mr. Darryl Bedford:** I didn't see anything for the CCBA and nothing for the LRA, either, but the CCBA really needs it. We're finding that it's difficult to locate these workers because they could be anywhere. I don't know how they would have the opportunity to participate in a vote, but also, many of them have indicated a desire and a willingness to have a union represent them.

**Ms. Peggy Sattler:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move now to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, Mr. Bedford. Thanks for coming in. We have heard over the course of the last week at a number of locations from your colleagues in community colleges about this issue, so we are aware of it.

Just for my own edification, how long has your sector been excluded from the ESA?

**Mr. Darryl Bedford:** I believe that's been from the beginning. The CCBA dates back to 1975. That was the first time bargaining rights were introduced. As far as the ESA, I don't know the full history on that, but I think it's been excluded from the beginning.

**Mr. Peter Z. Milczyn:** Did your organization participate in the Changing Workplaces Review?

**Mr. Darryl Bedford:** I believe my counterpart at Sault College, Lynn Dee Eason, gave a presentation highlighting some of the same issues that I have. I think the biggest difference for us is that CCBA.

**Mr. Peter Z. Milczyn:** I don't know, that may have been out of the scope of the review.

In terms of Bill 148, are some of the changes proposed in it things that you're generally supportive of? Do you think they'll be helpful to your members and to others in your community?

**Mr. Darryl Bedford:** Well, the immediate thing it will do is, part-time faculty or sessional faculty who

don't have sick days won't be coming in to the college sick, and they'll also be paid for stat holidays. But my concern is that the provisions of the ESA around equal pay for equal work—we'll get some legal counsel who will drive a truck through it. My concern is that they'll point to these artificial categories in the CCBA and say, "Well, it's different work." But it's all the same. We can have part-time, sessional, partial-load and full-time all teaching different sections of the same course. They're doing the same work. We need to make sure that they're all covered and that they all receive fair wages for what they do.

**1110**

**Mr. Peter Z. Milczyn:** I believe one of the questions was asking you about whether this will drive tuition increases. With the free tuition program that's being rolled out starting this September for about 200,000 students across the province, do you expect to see more students accessing courses at community colleges and benefiting from that education?

**Mr. Darryl Bedford:** Yes. Up to this point, the growth in students has already been explosive at a number of colleges and a number of campuses. That could continue. We've certainly seen an incredible increase in international students.

The issue is that of the \$4 billion spent in the college system, government grants make up about \$1.7 billion of that. The Ministry of Advanced Education and Skills Development now refers to colleges as "publicly assisted" as opposed to "publicly funded." The funding is not at the level it should be. Yes, I would be concerned about the impact on tuition, but the funding should step up here.

I think when you look at the numbers, non-union, part-time and sessional make up such a small percentage of the budgets. If you put that in comparison: 5% for them; colleges spend 2% of their budgets just on advertising, let alone the people doing that promotional work.

So the energy and the focus need to be redirected. Go back to the classroom to the front lines. Make sure the funding is there. Make sure that the funding flows to where it needs to be.

**Mr. Peter Z. Milczyn:** And some of the funding is flowing directly to students, though.

**Mr. Darryl Bedford:** I'm talking about government grants, right? Not to be confused with OSAP. I'm talking about the grants that go directly to colleges.

**Mr. Peter Z. Milczyn:** Okay. Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. If you have a written submission, it needs to be to the Clerk of the Committee by 5:30 on July 21. Thank you.

**Mr. Darryl Bedford:** Thank you.

#### ONTARIO ASSOCIATION OF INTERVAL AND TRANSITION HOUSES

**The Vice-Chair (Ms. Ann Hoggarth):** Our next presenter is the Ontario Association of Interval and Transition Houses. Do you have a written submission?

**Ms. Barb MacQuarrie:** Yes, we do.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. If you would give it to the Clerk, he'll distribute it. Please identify yourself for the record, and your five minutes will begin.

**Ms. Marlene Ham:** Hello. Thank you very much for the opportunity to be here today. My name is Marlene Ham, and I am the provincial coordinator of the Ontario Association of Interval and Transition Houses. I am joined by my colleague Barb MacQuarrie, who is the community director at the Centre for Research and Education on Violence Against Women and Children at Western University. Today we will be speaking to schedule 1, section 50.

While we support the amendment to include sexual and domestic violence as a reason to use personal emergency leave and the need for this recognition in the workplace, it does fall short of providing the support and job protection that is critical to survivors of SV/DV.

The need for this support has been clearly identified in both national and international research. A recent national study on the impacts of domestic violence on workers and the workplace found that one third of Canadian workers experience domestic violence in their lifetime. For over half of them—that is 54%—that violence follows them to work. Some 82% of survivors found that DV negatively affected their work performance, and 37% said that their co-workers were also negatively impacted. Nine per cent of survivors lost their job for reasons connected to the volatility at home.

Numerous studies have shown that women with domestic violence experiences have more disrupted work histories, are on lower personal incomes, have had to change jobs more often, and are employed at higher levels in casual and part-time work than women without these experiences.

We want to point out the following implications of the legislation as it is currently crafted: SV/DV intersects with other grounds for taking PEL. Personal illness, injury and medical emergencies are all connected to the physical, financial and emotional impacts that occur as a result of SV/DV. Not identifying SV/DV as the source of illness or injury leaves the worker vulnerable and makes it impossible for the employer to fulfill their obligations under Ontario's occupational health and safety legislation to prevent and respond to domestic violence when it can cause harm in the workplace.

Section 50 indicates that the first two days of PEL will be taken as paid leave. If a survivor of SV/DV takes the two paid days for a reason unrelated to violence and abuse, any time they subsequently take off to address their situation of SV/DV will be unpaid. If a survivor takes the additional eight days of unpaid leave for an injury or illness unrelated to SV/DV, they will not have access to unpaid leave either, defeating the intent to provide safety and protection from economic losses for survivors.

The unintended result of not providing a dedicated paid and unpaid leave for SV/DV is that survivors may not be able to access the leave when they require it.

**Ms. Barb MacQuarrie:** For this reason, we are respectfully recommending a legislative amendment to allow for a dedicated SV/DV leave. Creating a dedicated SV/DV leave will ensure that survivors have access to it when they need it, and will ensure that employers have more awareness when employees are experiencing SV/DV, allowing them to mitigate risks to the workplace.

Having a designated leave will contribute to this government's commitment to advancing women's economic equality. We know from research that being in employment is a key pathway for women to leave a violent relationship. The financial security that employment affords can allow women to escape becoming trapped and isolated in violent and abusive relationships.

We are also recommending the provision of five days of paid leave. Five days of paid SV/DV leave meets the standard set in Manitoba's provincial legislation and will support a strong minimum standard across the province, signalling Ontario's continued leadership in addressing domestic violence in the workplace. Research shows that even five days' leave for SV/DV would not be an onerous cost for employers. We have data from Australia where unions have bargained for paid DV leave since 2011, and where some companies have voluntarily provided paid leave. Only 0.001% of Telstra's 32,000-person workforce has used the leave in two years. That's 22 employees, with an average of 2.3 days per incident.

Jim Stanford, a Canadian economist now working in Australia, found that wage payouts associated with a 10-day paid leave policy would be equivalent to less than one fiftieth of 1% of current payrolls. He further found that costs to employers associated with paid leave are likely to be largely or completely offset by benefits such as reduced turnover and improved productivity.

Finally, we are recommending that provisions for paid and unpaid SV/DV leave be accompanied by the requirement for mandatory workplace training. In their 2015 report entitled *Domestic Violence and the Role of the Employer*, the Conference Board of Canada released the startling finding—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. To the third party: MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much to both of you for being here today.

Barb, I wondered if you wanted to finish your presentation.

**Ms. Barb MacQuarrie:** Thank you. In the 2015 report entitled *Domestic Violence and the Role of the Employer*, the Conference Board of Canada released the startling finding that, "In total, 71% of employers reported experiencing a situation where it was necessary to protect a victim of domestic abuse." They further noted that, "While many workplaces have been proactive in this area, few employers offer training and education."

**Ms. Peggy Sattler:** Thank you very much. Many of the recommendations that you are proposing today sound very familiar to me because of my private member's bill, Bill 26, that was supported unanimously by all three parties and passed second reading last fall. So thank you for that.

I wondered if you could speak to the problems around not providing protected paid leave for domestic violence/sexual violence. What are the implications of grouping this within the overall personal emergency leave, and only having the first two days of that leave paid?

**Ms. Marlene Ham:** When we looked at the suggested amendment, those reasons—personal, emergency, medical and injuries—they're all related to domestic and sexual violence. Those are all the reasons why women, primarily, have to take time away from work, have unpaid time away from work, and why they often have to leave their jobs. So we don't want to conflate the personal emergency leave reasons with the very unique and specific needs of women experiencing domestic and sexual violence.

1120

Furthermore, when a woman is experiencing domestic and sexual violence and she is employed, we want her to stay employed, because that will better her chances of living a life free of violence. But the way that it's set out and the way it currently is now—women have to take numerous amounts of time off to attend court appointments, doctors' appointments, lawyers' appointments, child-care-related appointments. For some women, that could be 80 appointments in a year; for some women, that could be more than that. To take that many appointments in a year without that job protection, it's going to be very difficult for her to maintain employment and reach any sort of economic empowerment, economic equality.

**Ms. Peggy Sattler:** And without the requirement for training, which was the final recommendation that Barb referred to, do you think that women will feel comfortable accessing personal emergency leave and disclosing that they have had an experience of domestic violence or sexual violence?

**Ms. Barb MacQuarrie:** I think training is absolutely critical. This training would complement provisions that are already in the Occupational Health and Safety Act. Employers do have a responsibility to prevent and respond to domestic violence when it has a potential to cause harm in the workplace. If you read this report, you'll see just how often that's actually happening—very often. There's a big area of risk here. So supporting employees who are experiencing domestic violence actually helps to mitigate risk. It also helps to improve productivity, employee morale and employee engagement.

Even the Conference Board were absolutely stunned to find that 71% of employers—small, medium and large, across all sectors—have had to support an employee who's experiencing domestic violence. This is a very, very common occurrence. So they are doing it. Are they doing it safely? Are they doing it safely for the victims, safely for co-workers, safely for themselves? We have no idea, because they aren't receiving training on this.

**Ms. Peggy Sattler:** Okay. In addition to Australia and Manitoba, who you referenced in your submission, are other jurisdictions also moving in the direction of

providing protected paid leave for domestic violence, sexual violence?

**Ms. Barb MacQuarrie:** There is now a movement afoot across the world to look at how to respond to domestic violence through the workplace. We have an international network called the Domestic Violence at Work Network. We have people in Asia, Mongolia, Taiwan, the Philippines who have worked on this issue and who are looking at the issue of paid leave—Europe as well.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Martins.

**Mrs. Cristina Martins:** Yes, good morning and thank you very much for being here today and for your presentation. I appreciate the work that you do on behalf of the people you represent, and especially the women who are marginalized and often the victims of sexual violence and harassment. As Ontarians, I think we believe that no one deserves to feel unsafe, whether it's in their workplace, at home or in their communities, as a result of any type of sexual violence and harassment. Be assured that our government is committed to ensure that we continue to work in this particular area.

You mentioned training, and I can't agree with you more. It's very important that we train, not only in the workplaces, but I currently have a private member's bill in the House that would mandate mandatory training for judges on sexual violence and harassment and how important it is that women are tried appropriately by well-trained professionals.

So we've heard exactly what you have proposed here today and what you're presenting here today, which is the expansion on the days, paid days, for victims of sexual violence and harassment. This is something that we heard last week—I was part of the committee last week—and here today as well.

I guess a little bit to my colleague Peggy Sattler's point—I believe it was her who was making that point—and I asked this question last week as well: Only one in four women, often, actually admit to the fact that they were victims of sexual violence and harassment, because they're embarrassed, they're afraid. How would we word this in such a way that the employer would be aware of the fact that this had happened, but at the same time we're protecting the employee? Would it just say 10 days—would they have to bring a note? How do you see that working, just so that we do protect the employee?

**Ms. Barb MacQuarrie:** Thank you for the question. I think that what we have to do is allow verification from a variety of sources. It could be a counsellor or a therapist. It could be a women's shelter. It could be a support agency. It could be a doctor. But don't lock it down to only a doctor's note, because women will go to various places. It could be a lawyer she maybe had to have. It could be a support service for her children. Just leave it open. I think that would be the best way.

I think that if we put this kind of legislation in place, and especially if we name it as "this is leave for sexual violence and domestic violence," it's going to be de-

stigmatized. Employers are going to get more used to dealing with this.

I do want to take the opportunity to say that employers don't need to be experts. Every community has experts who are more than happy to work with employers. By opening up those lines of communication and those possibilities for support, we're also going to open up a conversation that we really need to have. It's really going to improve safety and outcomes.

**Mrs. Cristina Martins:** Thank you. We also know that it's often women and immigrants who work in some of these precarious workplaces and have to hold two or three jobs down, in order to make ends meet.

I know there was a study done earlier last week, and an op-ed came out on Friday in Huffington Post Canada stating that raising the minimum wage—that women really would get the most out of this piece of legislation, because we know that when women thrive, their communities thrive, their workplaces thrive and their families thrive.

How do you see what we're proposing, with regard to minimum wage, actually doing what these two pieces of media stated?

**Ms. Marlene Ham:** The Ontario Association of Interval and Transition Houses works to advance the equality of all women. We would certainly agree with you there, that many women are in low-paying jobs and they are in precarious employment. Immigrant women, refugee women, women living with disabilities and trans women are all in these situations. I think, as an association, certainly we do support that aspect of the bill.

**Mrs. Cristina Martins:** I believe that's all my questioning for now.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the official opposition. MPP Yurek.

**Mr. Jeff Yurek:** Thank you for coming in and giving us this information. I haven't been part of the committee elsewhere in Ontario, just down in this area, so it's new information for me. I'm glad you've brought it forward.

It's interesting. Your recommendations number 2: This is a separate line item for up to five days. This is just a question: Is that enough? To me, you don't have one issue of violence in the house and it ends. It takes a while to get the help that's needed. It's five days per calendar year. Could you maybe comment on that?

**Ms. Barb MacQuarrie:** Thank you for that question. It's a really interesting question. I'm quite involved in this work. Quite honestly, internationally, we've been trying to establish a standard of 10 days of paid leave, so five days is a bit of a compromise. We're looking at Manitoba, which at this point has set a standard. So we're looking at, okay, we'll offer two days of paid leave.

We're grateful. We're grateful that the issue came up. We're grateful that the report noted that domestic violence is an area that was initially overlooked and needs to be included. I guess we're looking at opening a door, and if change can only be incremental, we're suggesting that five days should be the minimum.

We're also looking at international research that does show that when this is available, some workplaces have said unlimited leave. Others have said 20 days. Others have said 10 days. Two reports now from Australia said the average that women are taking is two and a half days. Five days is a really good place to start. If you want to offer 10 days—oh, please.

**1130**

I guess I'm trying to be reasonable and to look at the burden on employers as well. I think that maybe two and a half days is not too much.

As I said before, making it a dedicated leave is going to give us an opportunity to talk about this in a way we never have.

**Mr. Jeff Yurek:** No, it was just a question. Your part about education, I think, would be key to enforcing the change and also reducing the stigma in the workplace environment.

I also was appreciative of your comment that, in order to validate or verify that this has occurred, it not be limited to just a doctor. I think people have a hard enough time accessing their doctor, let alone getting a note. In fact, having the courage to sit down and have that conversation, the fact that they can have that conversation with somebody out there who can verify it, I think, is quite key.

**Ms. Barb MacQuarrie:** Absolutely.

**Mr. Jeff Yurek:** Again, on your five days, you may want to ask for more, because they don't change labour legislation that often. It's just a recommendation on my part.

**Ms. Barb MacQuarrie:** Okay. Thank you.

**Mr. Jeff Yurek:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have any further written submission, it needs to be in to the Clerk by 5:30 on Friday, July 21.

**Ms. Barb MacQuarrie:** Thank you very much.

#### ENPOINTE DEVELOPMENT INC.

**The Vice-Chair (Ms. Ann Hoggarth):** I now call on EnPointe Development Inc. Sir, do you have a written submission?

**Mr. Leith R.A. Coghlin:** I do, Madam Chair, and I will also have a further submission following our discussions today that I will submit to the Clerk.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. If you would state your name for the record, and begin your five-minute presentation.

**Mr. Leith R.A. Coghlin:** Certainly. My name is Leith Coghlin, and I am the managing director of EnPointe Development Inc. Madam Chair, thank you. I appreciate the opportunity to present before this committee.

As stated, I am the managing director of EnPointe Development Inc., a London-based consultancy that assists privately held businesses in achieving growth, as well as individual citizens and private organizations in navigating public policy processes.

This committee has had the opportunity today and over the past five days to listen to an array of views on the subject of the proposed changes in Bill 148. There is a danger in a one-size-fits-all solution, and the most telling is what Bill 148 fails to address rather than what it does.

The government's intention on Bill 148's minimum wage increase is honourable: ensuring that value assigned to labour at the base level is reasonable and fair. I believe that all members of this committee would agree that all workers in this province should be members of the middle class. Individuals can aspire to more with ambition-appropriate education and training. When conditions in our local economy encourage entrepreneurs to test ideas, manufacture products and deliver services of value, people are central to any growth.

According to the Statistics Canada low-income cut-off measurement, 85% of minimum wage earners do not live in low-income households. This translates to a stark statistic: 15% of minimum wage earners, not all minimum wage earners, are in low-income households.

Several business interests have appeared before your committee and have articulated a prevailing view that raising the minimum wage itself is not the issue; the timetable is, and so are many other factors that Bill 148 does not address.

Capital and fixed costs make or break businesses. In this respect, Bill 148 increases the minimum wage greater than 32% in under two years' time. It is rather exceptional among businesses to experience a 32% rise in revenues in two years. It is rarer still that most businesses of any size can boast net income rising 32% in the same period.

Large employers who pay above minimum wage have expressed to me their concern about large-scale increases across their entire payroll, particularly those that face collective bargaining negotiations during the same timetable.

But all of these circumstances deviate from what should be the guiding, honourable objective: How do we exit the 15% of wage earners in low-income households from entry-level minimum wage employment?

I would submit that there are three key factors that, more than any others, influence Ontario's diverse economy to have well-paying secure, sustainable and expansive employment and allow low-income households to join and remain in the middle class.

The first factor is that Ontario, especially here in southwestern Ontario, is in a transition economy. The economic and employment landscape in this part of the province bears little similarity to the climate of 10 years ago. Large employers are demonstrably fewer, and with over 300,000 manufacturing positions gone across the entire province, it would be naive to suggest that regenerating them in the same sector in this region is plausible. Ontario must learn from the best practices and the examples of other jurisdictions that faced these challenges many years before Ontario.

The second factor is the critical but completely unaddressed delta between education and our economy.

Ontario is critically misaligned in developing a core of Ontario graduates educated and trained to fulfill labour market demands. Increasing minimum wage without addressing how we can educate and train our workforce means we are orienting ourselves to be satisfied with having more basic-level employment rather than devoting more time or energies to driving growth and employment at higher levels.

The third point is on innovation. Overall, Canada is known in the developed world for possessing a high margin of what are characterized as low-innovation companies, which are those that create an original product or concept, but then are overtaken by competitors who invest in innovating their people, product and processes more robustly than the Canadian originator.

In Ontario, businesses need to worry about their margins, the cost of labour and fixed and capital costs more than their competitors do in other jurisdictions. This means more employers have to work in their businesses more than on their businesses. This is the single largest inhibitor of innovation. Businesses cannot better prepare for the near and longer term, and this stunts growth. In the Global Innovation Index in 2016, Canada scored 15th place, behind countries with overall sluggish economic growth and even poorer educational outcomes.

Time is short and I hope to discuss in greater detail during questions, but I hope that my testimony prompts members of this committee and the government to think beyond Bill 148 itself. True justice and fairness for low-income workers—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll open this round with the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good morning, sir.

**Mr. Leith R.A. Coghlin:** Good morning.

**Mr. Peter Z. Milczyn:** Thank you for your presentation and the slightly different approach to our discussions than, perhaps, most of our other witnesses.

I'm happy that you raised the issue of training and alignment of training programs with our labour needs. I know that here in London, I believe tomorrow, there's a round table taking place with the ministry of advanced skills and training and about 100 stakeholders in the London and district area to address the skills gap and address the issue of there being—I believe I saw a statistic—up to 2,000 unfilled skilled positions in this region because of a lack of skilled trades. So that's an excellent point. Of course, all of those jobs are not minimum wage jobs. Perhaps at the apprentice level they might start out as that, but then they quickly rise.

That is something that the government is mindful of and working on. Certainly, other programs such as the free tuition, which would encourage a lot of people from, perhaps, underprivileged backgrounds who might view post-secondary education as out of reach for them—they would also be able to now more easily access the education that's right for them. We all have to work together to direct them into the right education stream.

In Kingston last week, we had one individual who was an owner of several restaurants in that city. He remarked



that he spends a great deal of his time on seeking out and then training part-time workers, students and others, to work in his restaurants, and that there's a fair bit of turnover. He lamented that the increase in minimum wage is going to make that more difficult for him, and that he would then shift over to more mature workers, offer them more pay, and keep them on as full-time, permanent staff.

To your point: Would not an economy that moves away from so much part-time and temporary employment to more full-time, permanent employment be an overall positive?

**Mr. Leith R.A. Coghlin:** Madam Chair, through you to the member from Etobicoke–Lakeshore: I would say that we cannot disconnect the idea of employment from secondary-level education and involving employers much sooner in the process.

**1140**

If we look at the top educational systems in the world with their outcomes—I'm referring to jurisdictions such as Germany, Finland, Switzerland, Singapore, Taiwan—employers, labour, businesses and educational institutions become involved in a student's life much sooner, so you see a higher rate of participation by students of all levels, whether they're going into an academic stream, whether they are going to go into skilled trades or whether they're going to enter the workforce right away.

In those jurisdictions, their youth unemployment—and by “youth,” I mean sort of 23, 24 years of age and under. You see a higher rate of labour participation, and you also see a higher rate of labour participation well above minimum wage in those countries. I think Ontario is very much behind the game on that. Thinking that we're going to address those needs exclusively at the post-secondary education level means that we are greatly out of sync with the rest of the world that are leading on those particular issues.

I think we need to begin streaming our education system much sooner so that the overall need and demand for labour between the ages of 16 or 17 to the age of 25, at a base level, become smaller because all of these constituencies and stakeholders are working together to say, “If we can get them trained and skilled and ready to go, whether they choose to go to post-secondary education or not, the transition is faster, it's cheaper, and it's more advantageous for the worker as well as the employer.” I think that is what will shrink the gap and bridge those deltas, as you're discussing.

**Mr. Peter Z. Milczyn:** Thank you very much for your presentation.

**The Vice-Chair (Ms. Ann Hogarth):** We'll move now to the official opposition. MPP Yurek.

**Mr. Jeff Yurek:** Thanks for coming in today. I appreciated your presentation.

I guess my question—and maybe you can elaborate further: It seems to me that Ontario has lost its hope when they become fixated on the minimum wage and that's all that some people are going to be able to attain. I think we can do much better than that, and you seem—

**Mr. Leith R.A. Coghlin:** I agree.

**Mr. Jeff Yurek:** —to have a different path forward where perhaps the government needs to be looking at, instead of the issues that are going to gain them votes in the election, maybe the overall improvement in the province's people. Do you want to maybe take that a little further?

**Mr. Leith R.A. Coghlin:** Madam Chair, through you to the member for Elgin–Middlesex–London: I would say that there are plenty of examples of jurisdictions, whether they be national or subnational, that have had experience with dealing with a transition economy, as I identified. Several US states have had that experience, several of the industrialized regions of Europe have also had that experience, and they have managed the transition relatively well. The fact that in 2017, eight or nine years post-recession, we're still grappling with these issues and talking about trying to close them—we've lost tremendously.

What is the solution? The solution is that we have to look at the best practices from those jurisdictions. As I was discussing with the member for Etobicoke–Lakeshore, education plays a key role, but in my remarks, I also stated that innovation plays a key role.

One of the things that I see—and granted, this is anecdotal, based on my own experience of dealing with employers of all sizes—is that they have to concentrate an awful lot on being involved directly in their businesses instead of being able to work on their businesses. From an employer's standpoint, that means near, middle and long term. They are increasingly having to focus on the now and the present, and that is an innovation loss. It means that jurisdictions such as California and Asia are rapidly able to exceed us in productivity, innovation and growth because they actually have the capacity to look near, middle and far much better than we can here. It has to do with our costs, it has to do with the misalignment between our education system and our labour force, and it has to do with being a beacon for good, well-paying jobs.

There are plenty of experiences that we could take and personalize, because a one-size-fits-all solution is not responsive. The needs here in London and down in St. Thomas or Chatham and Windsor are inherently different than what they might be in Thunder Bay and some of the other locations that you've visited. We have to return some of that control to local communities to help mould and shape what they're going to do to transition their economies to something more robust.

**Mr. Jeff Yurek:** Kind of like giving more autonomy to these regions, as opposed to central command and control from the government, and that way opening up some investment into our province so that people would want to grow and build in Ontario.

**Mr. Leith R.A. Coghlin:** I would say a common theme that I have heard from employers, labour and beyond is that we used to be collaborative in this province much better than we are now, and that we have devolved into silos. Business has its silo; labour has its

silos; government has its silo. We have to become more competitive because the most successful economies in the world—and I am a businessman, so make no mistake about my orientations, but the most successful economies in the world are the ones that break down those silos and have a greater level of co-operation and integration between all of those elements.

I'm also particularly concerned with some of the Hansard that I've been able to read of the proceedings from last week whereby I'm often hearing the University of Washington study being cited by both proponents and detractors on Seattle's minimum wage experiment, and some of the work of Professor Reich from the University of California, Berkeley. Madam Chair, the caution that I would give to all members of this committee on that is that you can't use those data and statistics exclusively to forward your point because it doesn't take into account the fact that Seattle has an extremely different economy comparable to Ontario. Its employer demands are different. The factors that move their economy are very different from ours, and the methodology that was used on both sides of the argument is somewhat lacking, as identified by both supporters and detractors. Looking for examples from all over the place is a good thing, but focusing exclusively on one experiment as definitive on a way forward, I would say, is problematic.

**Mr. Jeff Yurek:** Thanks.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move now to the third party. MPP Armstrong.

**Ms. Teresa J. Armstrong:** Thank you very much for your presentation and being here today.

You got cut off when you started talking about true justice and low-income workers. Could you please finish that part of your presentation?

**Mr. Leith R.A. Coghlin:** Sure. True justice and fairness for low-income workers is to graduate them to the middle class and not with a one-size-fits-all solution that fails to address the core dilemma regarding employment and pay in this province. Thank you.

**Ms. Teresa J. Armstrong:** Thank you.

**Ms. Peggy Sattler:** I just wanted to say that I appreciated your insights on the gap between education and training. I wondered if you were familiar with an organization in the US called the National Association of Colleges and Employers, or NACE. It represents 2,000 US colleges and universities and 3,000 HR professionals. They've been doing surveys on an annual basis for decades about the transition to the workplace for college and university graduates in the US.

Consistently, survey after survey, one of the findings has shown that students who participate in internships, co-ops or whatever—those who do that on an unpaid basis are really no further ahead than those students who don't participate at all. It's students who participate in paid work-integrated learning who really get that leg up when they're looking to enter the workforce after they graduate.

Bill 148 doesn't do anything to address the need to expand paid opportunities for students while they are

studying in work-integrated learning programs—in fact, it makes more students who will be working for free as part of their academic program of study. I wondered if you had any comments on that, from the employer perspective.

**Mr. Leith R.A. Coghlin:** Madam Chair, to the member for London West: Notwithstanding my grey hair, I'm actually only 34 years old, so I'm in the millennial demographic. I'm very familiar with the whole notion of working for free, because there seems to be a prevailing sentiment that by working for free, it's the experience that is rewarding you, and notwithstanding the fact that you actually have bills to pay. I would draw an element of caution with the analysis conducted from NACE from this perspective. Again, it's behind the eight ball in examining the outcomes from the post-secondary level and beyond.

As I was saying, if we break down some of these silos between government, business and labour, then I think we can foster some of the apprenticeship and the paid intern work that we see in some of the jurisdictions in Europe as well as in Asia. The reason why they don't exist in Ontario, frankly, and some of the jurisdictions in the United States—I wouldn't say, necessarily, the United States is the most forward-thinking area to look for examples on that particular subject. I would say you would need to ensure that you foster the right balance and the culture necessary for employers to recognize the value of the fact that they have a teachable perspective and a teachable point of view that they can inculcate in a worker, and then retain them after that process is over as well.

When there is a significant gap between the worker, the employer, labour—and I mean organized labour in those situations—as well as the education system, it's very difficult to pick that up quite late in the game. I think the reason why Ontario experiences quite a deficit of relationships like that, that would better pay for some work and so on and so forth, if I'm using that definition properly—they would exist if we actually created a culture where employers would be incentivized to do that, and where educational institutions and labour could identify some of those needs and play a role there.

That happens all the time in many other jurisdictions. They have addressed or bridged that divide. We need to do that here as well, and I think that would be a great first step.

**Ms. Peggy Sattler:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you—

**Ms. Teresa J. Armstrong:** Are we out of time?

**The Vice-Chair (Ms. Ann Hoggarth):** No. I didn't see your hand.

**Ms. Teresa J. Armstrong:** My apologies. I have one further question.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. MPP Armstrong.

**Ms. Teresa J. Armstrong:** Thank you.

I wanted to ask you this. You talked about the three factors: the jobs market that's happening in southwestern

Ontario; education and the economy; and then innovation. The second one is what I wanted to ask you about. Where do you think the education piece fits in, with relation to a student's education journey? Is it starting at high school, or do you see it happening in elementary?

**Mr. Leith R.A. Coghlin:** Well before.

**Ms. Teresa J. Armstrong:** Can you describe some of that for us?

**Mr. Leith R.A. Coghlin:** Certainly. Madam Chair and the member for London–Fanshawe, I would say that if we look at the top-attaining jurisdictions for outcomes on education—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Sorry.

**Mr. Leith R.A. Coghlin:** It is what it is. Thank you, Madam Chair.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. You said you had a written submission. The deadline for the written submission is 5:30 on Friday, July 21. It needs to go to the Clerk.

**Mr. Leith R.A. Coghlin:** Thank you, Madam Chair.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir.

We are now recessed until 1:30.

*The committee recessed from 1152 to 1330.*

**The Vice-Chair (Ms. Ann Hoggarth):** Good afternoon. We are meeting this afternoon for public hearings on Bill 148, An Act to amend the Employment Standards Act, 2000 and the Labour Relations Act, 1995 and to make related amendments to other Acts. Each witness will receive up to five minutes for their presentation, followed by up to 15 minutes of questioning from the committee.

A reminder: This meeting is an extension of the Legislature. The same decorum is expected here as in the Legislature: no clapping, shouting comments or political materials. Thank you.

#### COMMUNITY AND LEGAL AID SERVICES PROGRAMME

**The Vice-Chair (Ms. Ann Hoggarth):** This afternoon, our first presenter is with us via teleconference. Mr. Langs, are you there?

*Interjection.*

**The Vice-Chair (Ms. Ann Hoggarth):** Oh, sorry—Mr. Oberoi?

**Mr. Aashish Oberoi:** Yes, I am.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. If you would identify yourself for the record, then I will start your five minutes for your presentation.

**Mr. Aashish Oberoi:** My name is Aashish Oberoi, and I am with the Community and Legal Aid Services Programme.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. Mr. Oberoi, I just wanted to tell you there are members from all three parties around the table. I would ask the members to identify themselves before they ask you questions so that you'll know who it is.

**Mr. Aashish Oberoi:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** When you're ready, go ahead.

**Mr. Aashish Oberoi:** Okay. Good afternoon, everyone. My name is Aashish Oberoi, and I am a law student with the Community and Legal Aid Services Programme. We're better known as CLASP. Thank you for having us here today.

CLASP is a student-run legal clinic that is located at Osgoode Hall Law School. Under the supervision of six lawyers and social workers, approximately 26 students provide a variety of free legal and social work services to low-income individuals located throughout Toronto. We represent clients in practice areas that include tenant rights, criminal defence, social benefit applications, family matters and immigration issues.

To get some context as to why we're here today, CLASP's practice areas often expose us to some of Ontario's most vulnerable individuals. The people we represent are economically impoverished, and, depending on their individual cases, have suffered through terrible circumstances at no fault of their own. Adding to this, we are part of the Jane and Finch community and often advocate on its behalf. Many living here work more than one job, have no benefits and next to no savings. Even with the misinformed stigma associated with the neighbourhood, rent prices have skyrocketed, and it has become increasingly impossible for individuals to afford housing.

As such, we are in favour of Bill 148, though we do believe that it needs some important amendments. I'll focus my comments on some specific areas of the bill.

First, minimum wage: We are fully in favour of raising the minimum wage to \$15 by 2019. For our clients, the difference in earnings that would result from this proposal can be life-changing. Far too many of them are in precarious circumstances where a short bout of illness or an unexpected financial cost can have them teeter over the edge into debt, homelessness and serious poverty. We often see this manifest at the Landlord and Tenant Board.

I can't even begin to describe the number of times we've seen some variation of the following scenario happen: An individual who is working gets sick for a short period of time. They miss work and have no savings to rely on. This puts them behind on their bills, and they are desperately trying to catch up. Many take on debt and also get behind on their rent. Inside of a few months, a landlord is bringing forward a motion to evict the individual in question as they're either in arrears or constantly paying their rent late.

The desperation we see in these individuals as they fight to keep a roof over their family's head because of situations that were in no way their fault is heartbreaking. Even if they succeed in getting back on track, we return to a situation where the cycle starts again, as their current wages do not allow them to plan for the future.

However, CLASP must also recommend that the minimum wage get extended to those who are currently

exempt under Bill 148. Allowing for sub-minimum wages for students and making individuals rely on tips, which can be erratic, is a weakness of the bill.

Next, the personal emergency leave: We are also in favour of extending provisions regarding personal emergency leaves to all workers in Ontario by removing the exemptions for employers with less than 50 employees. For many of our clients, being able to step away from their jobs during the time of crisis that was mentioned above without having to worry about job security would be hugely beneficial. While allowing for two paid emergency leave days is a great start, increasing the number to seven would be an excellent amendment, and CLASP would support it.

As an additional note, a large portion of CLASP's clientele, including some of my own, are survivors of domestic abuse. The stressors on such individuals are often immense, and so including domestic and sexual violence as grounds for emergency leave is a very positive step. CLASP fully supports this proposal.

I believe I'll be running out of time shortly. I'd like to very quickly voice CLASP's support for instituting equal wages for equal work and allowing for more predictable scheduling. We would be happy to discuss this in greater detail if anyone is interested.

I'd also like to voice CLASP's support for the written submissions put forward by the Workers' Action Centre, Fight for \$15 and Fairness, and Parkdale Community Legal Services. I believe you would have copies of those.

Once again, thank you for accepting CLASP's application to speak on this committee and for taking the time out of your immensely busy schedules to learn more about how Bill 148 is beneficial to ordinary workers.

I look forward to answering your questions.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll now open the questions with the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thank you. Toby Barrett, with the opposition. I appreciate the work that you all do there with the community legal aid services.

It was difficult to hear everything that you were saying. You mentioned 26 students like yourself—lawyers, social workers. How many people work there?

**Mr. Aashish Oberoi:** On top of the 26 students, there are, I believe, six supervising counsel, and then there are two individuals who are administrative staff. When the school year starts, we also take on some volunteers who help us with basic tasks that may be needed. Those would be first-year students as they come into the school.

**Mr. Toby Barrett:** Okay. I know we've heard a little bit of analysis of the economic impact, mainly from larger organizations. With respect to the community legal aid services, people there like yourself—I think you mentioned 26 students—for example, if you were to go to \$15 an hour a year and a half from now, how would that impact the bottom line of your organization, your budget?

**Mr. Aashish Oberoi:** In terms of the impact it would have if we were paid more than \$15 an hour, just to clarify, would be the question you had?

**Mr. Toby Barrett:** How much are you paid now, and what would the increase be to go to \$15 an hour?

**Mr. Aashish Oberoi:** From what I understand of my remuneration, I am currently paid around the living wage or just over the living wage. In terms of impact, it would not have much at the moment. I would need to look more into the finances, but it should be all right for us.

Just to give some context for how this works, once the school year starts, we do end up having some time that we spend in this as a part of our school program. The one good thing about what we are given right now, which is around the living wage, is that it helps us with our student loans. A lot of the people here are people who have taken on a large amount of debt to come to law school and to do what we are doing, so it is something that would be quite positive for us.

**Mr. Toby Barrett:** If your organization went to \$15 an hour, would there be fewer students hired?

**Mr. Aashish Oberoi:** I'd have to talk to the director here. Our practicum students, as we continue on to September onwards, aren't paid anything. We do this as a part of our school program. It wouldn't affect our bottom line much here, from what I understand, but I would have to talk to someone—

**Mr. Toby Barrett:** CLASP's program is exempt from this legislation?

**Mr. Aashish Oberoi:** It is not. The way it works is, for us down here at CLASP, we are practicum students, so we're employed for the summer. We are paid a living wage as it is right now. Once we go on to, basically, September to next March, we are doing this as a part of our school program as well. I take on essentially a half-course load for the entire year. We work at it as a part of our school program.

**Mr. Toby Barrett:** Oh, so you're not paid then.

**Mr. Aashish Oberoi:** Starting in September, no.

**Mr. Toby Barrett:** Okay. I'm sorry. I'm having trouble hearing the answers.

**Mr. Aashish Oberoi:** Not a problem at all. I hope the clarification was better.

**Mr. Toby Barrett:** Do you get benefits or subway tokens or anything else?

**Mr. Aashish Oberoi:** We do not.

**Mr. Toby Barrett:** Okay. I don't know whether my colleagues have any questions.

**Mr. Robert Bailey:** Thank you for presenting, Mr. Oberoi. I wanted to know a little more about—we have a similar program in my community of Sarnia–Lambton—

**The Vice-Chair (Ms. Ann Hoggarth):** Excuse me.

1340

**Mr. Robert Bailey:** It's Bob Bailey, actually, the member for Sarnia–Lambton.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Robert Bailey:** I assumed everybody knew me, but anyway, thank you, Madam Chair.

**Mr. Toby Barrett:** You're legendary.

**Mr. Robert Bailey:** Yes, I'm a legend.

Anyway, thank you very much for presenting today. We have a similar program, community legal aid, in my

community, which I've worked very closely with through my office. So I know the good work that they do, and we've worked very closely with them in helping in those kinds of organizations. They're very helpful there; I know that.

Where are you actually—okay, York University, so you're in Toronto at York University.

**Mr. Aashish Oberoi:** Yes.

**Mr. Robert Bailey:** Okay. Now I see. I'm just trying to read the notes here real quick. Is there anything else you'd like to say about the program while you've got a few minutes here, before people ask you some questions? I'll leave you the rest of my time if there's something else you'd like to say about your program.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Robert Bailey:** I might be out of time anyway.

**The Vice-Chair (Ms. Ann Hoggarth):** You're out of time. Thank you.

**Mr. Aashish Oberoi:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much. It's Peggy Sattler here, the MPP for London West, representing the NDP caucus.

Thank you very much for participating in the hearings today by teleconference.

**Mr. Aashish Oberoi:** Thank you for having us.

**Ms. Peggy Sattler:** I wanted to ask for a little bit more detail about the two issues that you raised. One was the fact that students who are involved in co-ops or internships or field placements or anything that they do while they are studying, that they remain exempt under this legislation. In fact, more students will be exempt because the exemption has now been expanded to include private career colleges.

You raised a concern about the exemption of students. I wondered if you could talk to us about why you think that that is a problem and any suggestions you might have.

**Mr. Aashish Oberoi:** Sorry, just to clarify: The concerns that we have as a clinic have more to do with individuals who are—well, the current \$10.70 an hour that is being paid will become \$13.15. And then depending—for liquor servers, it's also under what the minimum wage itself is—well, what the \$15 will be for other individuals. We do have concerns around the effects it would have.

It's two things. One, it's an issue of fairness, where essentially individuals are getting paid less for the same job. A lot of us who are going through this, a lot of my colleagues and I, we are working with high debt loads and also other things that we're going along with. Not everyone that you see in school these days is supported by families. If you look at the rate at which tuition is rising in some parts of the province—well, the province overall—it's becoming harder and harder for a lot of youth to support this.

Just as a personal analogy, the area of Toronto I'm from is one that is a lower-income neighbourhood as

well. Growing up, I saw a lot of my colleagues have to make difficult choices about whether or not they'd be able to pursue certain types of programming just because it's more difficult for them to afford it at times.

As a related issue, asking people to essentially rely on tips if you're a liquor server or if you're a student working at a bar can be very difficult, as well, because tips can be erratic. I think that's one of the big things. You never know if you're going to end up having a slow day or not. You're never going to know what your bottom line is, and when you're talking about financial planning or if you're talking about essentially anything else of the sort, it makes it very difficult because there is absolutely a chance that the amount of money you will end up with will be less than what it would be if it was a flat minimum wage of \$15 an hour for everyone.

**Ms. Peggy Sattler:** So the particular concern was around servers being exempted from the minimum wage provisions.

**Mr. Aashish Oberoi:** It was servers and also students under the age of 18 who do not work more than 28 hours a week.

**Ms. Peggy Sattler:** Okay. The second question I wanted to ask you was around the personal emergency leave provisions. You mentioned the importance for domestic violence and sexual violence survivors being able to access paid days. We heard earlier today from the Ontario Association of Interval and Transition Houses, who emphasized the need to have designated protected leave just for domestic violence and sexual violence. Is that something you would also support?

**Mr. Aashish Oberoi:** Absolutely. Especially when you're dealing with survivors of domestic assault or people who are just out of this, a lot of them are going through significant issues—

**The Vice-Chair (Ms. Ann Hoggarth):** Sir, excuse me. Could you please move closer to the speaker and speak up?

**Mr. Aashish Oberoi:** Of course. Is that any better?

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Aashish Oberoi:** All right.

Especially when you're dealing with a lot of individuals who have gone through issues around domestic assault, these are individuals who quite frankly need more support in this province. One of our biggest services toward them is helping them with the Criminal Injuries Compensation Board. Essentially, we are trying to get them some support as they try to—for some of them, it is rebuilding their life as they go into the future, and trying to get them the help they might need in terms of therapy, in terms of housing and other things like that. When you talk about programs like the one that was suggested, that would be something we would be entirely in favour of.

It is an area of law that, while it has seen more—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We're going to move now to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, Mr. Oberoi. Thank you for your presentation today.

Before I get into my questions, I think there may be a little bit of a misconception. The lower minimum wage only applies to students 18 years of age and under, not to students who generally would probably be going to post-secondary education.

**Mr. Aashish Oberoi:** Yes. Sorry, I believe I mentioned that a little earlier.

We have two areas of concern. It's students under 18 who are working no more than 28 hours per week, and also liquor servers who will only be earning, if I have these numbers right, \$12.20 when it is \$14 an hour and then \$13.05 when it is \$15 an hour.

**Mr. Peter Z. Milczyn:** In terms of Bill 148, it's the result of one of the most extensive and exhaustive consultations we've seen in Ontario in quite a while, in terms of labour legislation—the most extensive review in about 20 years. The focus of it was improvements to the Employment Standards Act to ensure better working conditions for working people, things like the requirements around scheduling and changes to scheduling; paid and unpaid leave days; ensuring that there's equal pay for work of equal value; extending protections to temporary workers who, in some cases, really have been, I dare say, abused by employers who use that as a venue to avoid hiring full-time, permanent staff. Do you believe that Bill 148 is going to see significant improvements in the working conditions of working people in the province?

**Mr. Aashish Oberoi:** Absolutely. That is one of the reasons we wanted to call and comment on this today.

As I had mentioned, with the clients we're dealing with at our clinic who are on the lower end of the income scale, even if you're working a very significant amount of hours, a lot of these individuals are earning under what the poverty line would be. When you're talking about the rents in this province, it's getting to a point where it is impossible for individuals to even afford the basics they will need or anything above that. That is something that we encounter on a daily basis, both here and in the community.

Just to clarify something about the community, there are misconceptions around the community we're from, about Jane and Finch. Having spent quite a bit of time here between my undergrad and also having worked here, this is one of the most resilient and hard-working communities I could have possibly seen. These are individuals who are basically looking for a bit more in terms of protections as they work.

The other thing I'd like to highlight is that as we're going forward with this, this would make people a lot less dependent on things such as Ontario Works and the Ontario Disability Support Program. As it happens, it will also help—

**Mr. Peter Z. Milczyn:** Just on that point, because we do have limited time, you're making the point that this will actually help people get back into the workforce and assist them in getting off of various support programs. Some have said that there should be a long implementation period, perhaps as long as five years. What do you think is the impact of the schedule for the increase in the

minimum wage that's been set out? What do you think the impact would be on those individuals of having more cash in their pockets? What do you think they would be doing with that money?

**Mr. Aashish Oberoi:** Absolutely. One of the big things is, when you bring in an increased minimum wage, you're also giving people the ability to reinvest in their neighbourhoods. If you're not spending all of your money on, essentially, rent and a few small things on top of that, you are able to perhaps go out and get something from your local community, from the small business that's across the road from you. That can bring in significant effects in terms of essentially helping people afford a little more and helping small businesses thrive.

**1350**

I know there are some concerns around it, but something like this can act as an economic stimulus that can easily offset the cost of payroll and also help increase employment in some ways. Having looked at some of the studies done around this, we have seen a lot of support on this issue from economists from across the province, and we are heartened by it.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. Just a reminder that the deadline to send a written submission to the Clerk of the Committee is 5:30 on Friday, July 21. Thank you very much.

**Mr. Aashish Oberoi:** Thank you. Have a good one. Take care.

#### ONTARIO COMMUNITY SERVICES COALITION

**The Vice-Chair (Ms. Ann Hoggarth):** The next presenter would be the Ontario Community Services Coalition. Sir, do you have a handout?

**Mr. Maurice Voisin:** Yes.

**The Vice-Chair (Ms. Ann Hoggarth):** Oh, he's got it. Good.

When you get yourself settled, if you'd tell us your name for the record, and then your five minutes starts.

**Mr. Maurice Voisin:** Good afternoon. I'm Maurice Voisin, chair of the Ontario Community Services Coalition. I brought a three-page handout that's circulating now.

Just to give you a little background, the Ontario Community Services Coalition was established in 2011 by a group of individuals concerned with retaining flexibility and choice in the community services sector for vulnerable citizens and their families in Ontario. We strive to rekindle a responsive network of individuals, families and service providers. We promote a true transformation agenda and a movement that unites families and individuals, underpinned by supports and services that truly work for them.

Our recommendations to the committee: The coalition recommends that the developmental services and the community support services sector ought to be exempt from the new scheduling rule that provides employees

with the right to refuse work if not provided at least 96 hours' notice, as set out in section 12 of schedule 1 of Bill 148. This is not reflective of the changing needs of the individuals we support and their families, as agencies need to be able to respond to crisis situations and sudden changes based on the current circumstances, not a pre-arranged schedule.

The coalition recommends that the government needs to reconsider its amendment to the structure of personal emergency leave, section 29, in light of the inequity those changes would have on employees who have multiple jobs with different employers versus employees who hold one permanent position. We recommend that Bill 148 be amended to clarify that the ESA entitlement to paid days is limited to the first two personal emergency leave days an employee accesses, regardless of from what employer.

The coalition recommends that the government ought to decline to move forward with the proposed changes to the calculation of public holiday pay, section 15, in light of the significant cost increases those changes will have on employers who provide part-time or casual work to employees.

**Scheduling rules:** The coalition recognizes that over the course of the Changing Workplaces Review it was observed that a number of Ontario employees are multiple job holders. Bill 148 contains a range of new scheduling rules that would be added to the ESA. The new rules are found in sections 11 and 12: a right to request changes to a work schedule, minimum on-call pay, a right to refuse work or being placed on call, and minimum cancellation pay if a scheduled work shift of on-call is less than 48 hours.

After extensively considering the issue of scheduling rules during the Changing Workplaces Review, the special advisers came to the following conclusion in their final report: "Our experience and the approach taken in other jurisdictions reflect the fact that scheduling cannot be the same for all employees employed in all businesses. Scheduling can be a very complex and difficult subject." The rest of the quote is there.

Rather than a one-size-fits-all approach, the special advisers recommended that the government develop sector-specific scheduling regulations and recommended a process by which participants in the relevant sectors could be consulted so that scheduling rules would work with the regulated sectors. The sectors' ability to ensure that people we support receive appropriate care will be compromised by the once-size-fits-all approach of Bill 148.

There is also a need for an exemption for managerial employees from the minimum on-call pay.

Our recommendations on scheduling recommend that our sector ought to be exempt from the new scheduling rule. It provides employees the right to refuse work if not provided at least 96 hours' notice.

In the alternative, we recommend that we be exempted from the new scheduling rules that would be established, at least until such time as the government can consult with non-union employers in the developmental services and community support services sector.

**Card-based certification:** The coalition opposes the introduction of card-based certification in the developmental services and community support services, and recommends that section 5 of schedule 2 be amended to delete all references to this sector from the proposed new section 15.3 of the Labour Relations Act. We concur with the recommendations of the special advisers when they opined against a return to card-based certification. There were four reasons why they did that:

(1) The secret ballot vote is the norm for the expression of democratic outcomes.

(2) The secret ballot vote has been the norm in labour relations in Ontario for over 20 years.

(3) The results of the secret ballot vote have greater credibility with everyone.

(4) Perhaps most importantly, we have not had a secret ballot process where illegal employer conduct in the certification process, which makes the true wishes of the employees unlikely to be known, would lead to certification without a vote and to first-contract arbitration, if necessary.

The coalition recommends that the reasoning of the special advisers is compelling and should be adopted by the committee.

In summary, the Ontario Community Services Coalition has serious concerns about specific parts of the proposed Bill 148, as outlined above. We hope that in providing the perspective of individuals we support, their families, and agencies involved in providing these supports, we can explain the practical ramifications—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. Your time is up. We'll open with the third party: MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much for joining us today. I'd like to give you some more time if you would like to complete your presentation.

**Mr. Maurice Voisin:** Thank you. I just had the final paragraph.

The increased costs of many of the changes will have a tremendous negative financial impact on our agencies that are already stretched very thin with our budgets. Our volunteer board of directors are also concerned with additional costs being incurred by agencies that are constantly asked to do more with fewer resources. We've had to absorb increased benefit costs for our employees over the past few years in an effort to protect them. Please consider the collective views from our many years of experience in these sectors, and the devastating effect these changes will have without changes.

Finally, I want to thank you for the opportunity to present. We applaud your extensive consultation process. Thank you.

**Ms. Peggy Sattler:** Okay. Thank you very much. You talk about the fact that a number of Ontario employees are multiple job holders holding two or more jobs at the same time. Is that the norm within your sector?

**Mr. Maurice Voisin:** I think it is. In some agencies, it would probably be up to 40% of our workforce. A lot of people, especially in an area like London, they will work

for a few different agencies, especially when they're just entering the workforce with a DSW. They're not eligible for a permanent full-time position so they'll pick and choose two or three jobs and kind of balance those with their work week. Some of the multiple-job piece, I think, just complicates some of the rules or guidelines that were put out there.

**Ms. Peggy Sattler:** Will Bill 148 do anything, do you think, to enable your sector to create more full-time work for people so that they don't have to cobble together a livelihood with all of these part-time jobs?

**Mr. Maurice Voisin:** I think it will be difficult. I don't think that it will do anything to increase more full-time people. I think it's generally people coming in, or if it's part of their lifestyle, if they've done that, where they can pick and choose hours from a couple of different employers. The employees there would be able to have, maybe, a couple of shifts with one agency and a couple of shifts on a weekend with another agency. It seems to definitely be the norm. We count on part-time staff, to a great percentage, in our agencies.

**Ms. Peggy Sattler:** These concerns about the need for recognition of the differences of various sectors, were they raised during the Changing Workplaces Review—or did you participate in the Changing Workplaces Review?

**Mr. Maurice Voisin:** I did not participate, but some of our board members did. So we wanted to quote some of the findings from that in, I think it was, 2015.

**Ms. Peggy Sattler:** Right, and that was based on input that your sector had provided at the time.

**Mr. Maurice Voisin:** That our sector had provided, as well as the community support services sector.

1400

**Ms. Peggy Sattler:** Okay. And have you been in touch with other similar sectors to see if these are shared concerns that you are bringing forward?

**Mr. Maurice Voisin:** Mainly developmental services, which is a large sector in Ontario, and community support services, which is more for people with physical disabilities and seniors. Those are the two sectors that seem to intersect with our day-to-day work.

**Ms. Peggy Sattler:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll now move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, sir. Thank you for coming in today and giving us your presentation.

You raised a number of issues. I wanted to start off with your comments regarding the paid emergency leave days. You stated that those two paid days should be borne by the first employer or just one employer—

**Mr. Maurice Voisin:** One employer, yes.

**Mr. Peter Z. Milczyn:** —for somebody who has multiple employers. I was just wondering if you have any recommendations on how that could be tracked or implemented.

**Mr. Maurice Voisin:** That would be difficult. We do know a lot of our part-time staff work at multiple jobs and maybe it could just be a guideline that whichever employer they have the most hours with—again, that

would be hard maybe to regulate. But the way it's written now, it's just that people could compound days off if they work for three different agencies. I don't think that's the intent of the legislation. It almost seems to be a little bit of a loophole. I just wanted to make the committee aware of that so they could close that. We have no problem with the two days. I think that's very generous. It's just that with part-time people, they could compound that into six days or whatever.

**Mr. Peter Z. Milczyn:** It's also if they work for your agency in the morning and a different one in the afternoon, they're still sick on that day.

**Mr. Maurice Voisin:** Yes.

**Mr. Peter Z. Milczyn:** Thank you for that point.

On the scheduling, in the bill there are some exceptions around the scheduling related to power failures, floods, storms etc., and we have heard comments from various sectors about other possible exceptions that should be made or the wording of the existing legislation clarified or expanded. Your particular issue would be about what I might term "emergency" situations—a child care protection worker being called in because there's a situation, that you have to go to somebody's residence and attend to a child. You're saying that kind of thing should be exempted from—

**Mr. Maurice Voisin:** We mainly support adults in our sector.

**Mr. Peter Z. Milczyn:** Okay.

**Mr. Maurice Voisin:** But just a practical example of an individual we support with a developmental disability going home for respite, going to their parents for the weekend: Mom calls on Friday morning. They're supposed to go home Friday night, but mom's got the flu. We don't have any staff scheduled because the individual was supposed to be at home for Friday night, Saturday and returning home Sunday evening. There's no schedule there. If we call somebody in, people say, "I need four days' notice." It's just not practical.

Or behavioural issues: We have a lot of individuals with a dual diagnosis, a developmental disability and a corresponding mental health issue. If they're having a difficult time with their mental health, oftentimes we might have to bring additional staff in, or shorter shifts, if the employee is really drained from that support shift.

**Mr. Peter Z. Milczyn:** I would request that if you could maybe spell out a little bit more clearly specifically to your sector the types of situations that you believe are common—that you might want to ask for some additional language in the bill around that.

**Mr. Maurice Voisin:** Thank you.

**Mr. Peter Z. Milczyn:** I was wondering, with some of the vulnerable clients that you have, let alone the fact that you might have employees who have to work in numerous part-time jobs to fill their hours, do you think the increase in minimum wage is going to assist them with more stability in their lives, basically being able to afford their basic living expenses?

**Mr. Maurice Voisin:** As a sector, I didn't think we had a lot of issues with the minimum wage. I think the



one area that really impacts a lot of agencies was sleep staff, where they're currently being paid maybe—

**Mr. Peter Z. Milczyn:** Could you explain what sleep staff is?

**Mr. Maurice Voisin:** Oh, sorry. Sleep staff would be staff that would be overnight in a residence, just as that safety net. If there are three or four individuals living in one home, the staff would be there in case there was an emergency or whatever, or if people get up during the night or whatever. They're not actually required to do caretaker or caregiver responsibilities during the night. If people are okay to sleep there, they are there as that safety net at an agency, because a lot of the people are vulnerable and we can't leave them unattended.

**Mr. Peter Z. Milczyn:** Your other recommendation is around card-based certification.

**Mr. Maurice Voisin:** Yes.

**Mr. Peter Z. Milczyn:** The intent in the bill is not to expand it generally to all employees—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thank you, Chair, and my colleague may have a question as well.

First of all, we appreciate all the work that people do, connected to and working in your field, for those with disabilities. I appreciate your laying out these several recommendations, which seem to make sense to me. We've got a lot more input before decisions are made on that.

Apart from the employees—and I appreciate the work that they do, and the challenges, like this business to refuse work without 96 hours of notice; it doesn't work that way with families.

But I wanted to talk a bit about the people you serve. As MPPs, we're all pretty closely involved in our communities. My feeling is, for those who are able to work somewhat, albeit part-time, or volunteer—everybody wants to work. In many cases, and maybe with this group, it doesn't matter how much money they make.

I think things are changing: The more money they make, the more the government claws back, which is very unusual, to use their salary to foot the bill for the services.

My concern is minimum wage. How many jobs is that going to eliminate for people who are disabled and are able to work perhaps part-time? Any idea on that? What kind of impact is that going to have on this sector?

**Mr. Maurice Voisin:** I think it will definitely have a significant impact. For the most part, I think it will probably reduce the number of hours but maybe not so much the opportunities. If someone was going to be employed for four hours, maybe an employer now would consider two hours, with the increase in the minimum wage.

**Mr. Toby Barrett:** Two? I'm sorry. Go ahead.

**Mr. Maurice Voisin:** No, that was it.

**Mr. Toby Barrett:** I'm concerned too. I think of the fast-food industry and certain retail giants that, to their credit, employ so many people. Rotary Clubs push this. These organizations are automating rapidly, and acceler-

ating that, as I understand it. I just wonder what kind of unintended consequences we're going to have on those people in our society. They want to work. It's not about the money; it's self-worth.

**Mr. Maurice Voisin:** Oh, yes. I agree with your comments 100%. I think that the importance of having a job and being included in the community, having co-workers and seeing those same people at their community centres, the library, the grocery stores, the banks, the churches, or whatever, on a day-to-day basis really values the individuals that we support and makes them feel part of the community.

**Mr. Toby Barrett:** Yes.

**Mr. Maurice Voisin:** Back to your original question, I think it definitely will have an impact on the number of hours and perhaps the opportunities that people will have for community employment. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** MPP Yurek.

**Mr. Jeff Yurek:** Thanks for coming in. Just a couple of questions or comments. You raised a valid point about the scheduling as a response to crisis situations. It has come forward quite a bit in my office, and I've heard it across the province, that just in health care in general, it's hard to schedule around individuals. They're not widgets or something; they're people who come up with situations that have to be dealt with. We need a responsive and flexible system in order to maintain the services and—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Jeff Yurek:** Oh, wow. Well, that's on the record.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. The deadline, if you want to submit another written submission, is 5:30 on Friday, July 21. It goes to the Clerk. Thank you, sir.

**Mr. Maurice Voisin:** Thank you very much. Thanks for the opportunity.

1410

#### MUNICIPALITY OF BROOKE-ALVINSTON

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call the municipality of Brooke-Alvinston.

**Mr. Don McGugan:** I do have a handout. Who's handling the handouts?

**The Vice-Chair (Ms. Ann Hoggarth):** They're the boss here.

**Mr. Don McGugan:** All right.

**The Vice-Chair (Ms. Ann Hoggarth):** If you could state your name for the record, and then your five minutes will begin, sir.

**Mr. Don McGugan:** Thank you ever so much for giving me this privileged opportunity to come here today. I say thanks to the young lady who called me the other day.

I am Don McGugan, the mayor of the municipality of Brooke-Alvinston. That's in Lambton county. It's in southwestern Ontario, the food basket of this great province.

Bob Bailey is not my member. He does next door. He's not a bad guy—

**Mr. Robert Bailey:** Most of the time.

**Mr. Don McGugan:** He's a good guy. But anyway, I say thanks for giving me this opportunity.

I got the call from a young lady last Wednesday. Since that time, I have done a lot of research. I had done none before, but I did do a number of topics with a number of people.

I'm going to give you some examples here.

First, in the handout is just a little bit about the municipality of Brooke-Alvinston, how viable and vibrant it is. It's about a \$60-million agricultural centre, with a hamlet and a village that support the agricultural industry. My contact information is at the back. We'd love to have any of you or all of you come for a visit. We've got a lot of interesting things.

My concern today is—I've got a lot of stuff to talk about. I'm only going to talk about two things, and then I'm going to give you my conclusion, because I will run out of time.

First, I was really happy to hear that the MPP from the government side said that you had done an economic analysis of this bill before you brought it to the public. Hopefully that was correct. If you haven't, I encourage you to do it before it is passed.

I'm going to give you two examples right off the bat. One is the Riverstone restaurant, which was a brand new restaurant in February 2016. It's run by a man and his wife. They have 15 part-time employees. I sat down with them the other night. After this bill came out, the manager of the restaurant, along with her financial analyst, did a survey of what would really happen.

I'll just give you an example. I know you had a great lunch, but those of us in rural Ontario eat cheeseburgers, a salad and a coffee. You likely had steak or shrimp.

**Mr. Toby Barrett:** Lobster.

**Mr. Don McGugan:** Oh.

That's \$8.95 now. If this bill goes through in 2019, it will have to be \$10.95 to give them the same.

They've got some other challenges there, too: the carbon tax, the delivery, the price of flour. There's nothing you or I can do about the price of flour. It has gone up three times in the last six weeks. They do turn out up to a couple of hundred pizzas on Friday and Saturday night.

The other thing is, if this increase goes through, in 2018, it will be \$33,000 extra on top of what they're paying for wages now. In 2019, it will be \$44,000. They aren't sure that the business or the community can support that \$10.95. I'm not sure, either. We have had some economic growth recently in our area. But I do ask you to really consider the economic part of this whole bill.

I am not opposed to increasing the minimum wage. I worked for Dow Chemical for 24 years—well, 34, with 24 as a supervisor.

There are issues in that bill that I do have a concern with. I'll just give you one more example: 3D's restaurant in Florence, which is in the municipality next to me. It's run by a lady who's 44 years old. She has been at the business for 14 years. When this bill came out, she put a

for sale sign on her business. Now, she has some other challenges there also, none to do with Bill 148—handicap accessibility is a challenge—but she put a for sale sign on. Talking to her, she said that it was for the end of August; she has extended that to the end of December. She does have another job to go to, but there are 15 people, some adults, some youth, who will not have a job.

The worst part is that on December 31, 2016, the variety store, the gas station, the post office and a little coffee shop right across the road closed. So now they really have nowhere to go. My wife and I do visit there periodically.

I realize my time is going really quickly.

There are articles in here from Tourism Sarnia-Lambton, from a wine producer, and from my own arena, which is a challenge. What I guess I would suggest to the government and to the opposition parties is that if you could come up with a compromise—I'm married, so my whole life has been compromises. And not all one-way; my wife makes a lot of them. But I would wonder if you would even consider a 6% increase for five years. That gives you your 30%, and I would rather see my neighbours have a job at \$14 an hour than wake up in the morning and have no job because the minimum wage is \$15.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We'll open the questions with the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, Your Worship. I think we actually met at AMO a few times. You came and presented around some infrastructure issues in your community. It's good to see you again.

Bill 148 touches on a number of issues. It was the result of a really extensive and exhaustive two-year process of consultation around the province, looking at the Employment Standards Act and the Labour Relations Act. There hasn't been that extensive a review of those acts in about 20 years. It doesn't happen often, and when it does happen we endeavour to do as good a job as we could to get all the input into it. The act is about a lot more than just the minimum wage. That is one aspect of it, and that came about as a result of, notwithstanding that there might be changes made to the Employment Standards Act and the Labour Relations Act, we heard from many that a lot of Ontarians working at the minimum wage simply cannot get by in terms of paying for their groceries, their rent and so on, especially with the increase in so much part-time work and people not being offered full-time employment.

But fundamental in the act are also the changes around fairer scheduling for workers, albeit with some flexibility, some exemptions for unique circumstances, and the protection of workers when they get sick or ill, that they can take two paid leave days and some additional leave days that are unpaid, but that their jobs would be protected if they take those for themselves to get better and not to go to work sick, to be more productive and certainly not to pass along their illness to others. There is also the protection of a lot of temporary workers, where some companies, as a workaround legislation, choose to

hire workers from temporary agencies, pay them less, give them no benefits, give them no certainty, no job security, basically to do the same job as they have others do in the workplace. That is quite unfair and a bit of an abuse of the system.

Those are a number of things that are in Bill 148 that are meant to protect workers in all kinds of communities, big and small, and I appreciate that a small community like yours may have some additional challenges. But do you think that extending some additional protections to these workers is a positive or a negative?

**Mr. Don McGugan:** Oh, it is a positive to extend the benefits to each and every one who is doing the same type of job. I think if you go through my brief, you will see that I didn't just talk about wages; I talked about some other things. I want to just mention the gentleman who spoke just before me. I want to pass on to him that our municipality has been hiring a challenged individual who comes and paints the dugouts, paints the Union Gas lines that are above ground, so we have done that for a number of years. That's a real positive. As MPP Barrett mentioned, it's not all about money. It's about self-esteem, about having values. That's really important.

I would like to also mention about personal days. I'm going to be quick. I'll just give you a quick example about personal days. I think that really should be tightened up. When you worked for me at Dow Chemical and you had a problem, you got the day off. Now, I couldn't give many days off but I was able to help people, and if it was a big problem you went up to HR. But I'm just going to use an example. I've got a granddaughter, a very attractive granddaughter. She's going with a loser. He's a big-time loser. He dumps her or she dumps him, and she's now emotionally upset. And grandpa's happy that he's gone. Now, does that count as a personal day of stress? I think it should be tightened up. I don't expect you to answer the question because it's hard to answer. Your daughter may have a great guy. But I think some of that stuff should be tightened up.

1420

The scheduling: I sat on the Lambton county disability group for a number of years, and scheduling is a challenge. I realize that, and I feel sorry. Four days is a lot.

I hope I answered your question.

**Mr. Peter Z. Milczyn:** Well, my daughter is eight, so I share some of your concerns about who she might be dating in the future.

**Mr. Don McGugan:** You're safe for a while.

**Mr. Peter Z. Milczyn:** Paid emergency leave days are for illness and for true emergencies. With social media now, if you tell—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We're moving to the official opposition. MPP Bailey.

**Mr. Robert Bailey:** Thank you, Mayor McGugan, my long-time friend and colleague from Lambton county. I'm not your MPP, but I'm right next door, and I feel like I am. You do an excellent job representing Lambton county and your municipality of Brooke-Alvinston. It has been a pleasure working with you over the years.

I've looked through real quick—I took a speed-reading course, thank God, a few years ago so I was able to go through and look at your presentation while you were presenting to the government side. You didn't get a chance to get on the record about the neighbourhood family who has a mentally challenged son. Could you just go into that?

**Mr. Don McGugan:** Yes, I'll just take a short time.

Pretty near my next-door neighbour—she sits on my council, and she is 70 years old. She has a 42-year-old son who is challenged. He lives at home, and he did get a program 10 years ago, for X number of dollars, and it was supposed to last forever. The mother told me the other night at a council meeting that she pays \$12.50, and that if this goes through, it will be a challenge because her boy—I'm not sure how many hours he gets each week, but she'll just have to cut back on the number of hours that he gets this kind of help. You've likely seen Wes around; it's a not a secret.

**Mr. Robert Bailey:** Yes, I know you who you mean.

**Mr. Don McGugan:** You've come to the barbecues. Wes is always there. He's very polite. His mother is his sole caregiver. When his mother passes away, I'm just not sure what will happen.

Did that answer it?

**Mr. Robert Bailey:** Yes. I wanted you to get that on the record, Mr. McGugan.

You talked about the tourism industry in Sarnia-Lambton and Lambton county that's so important and some of the impacts on the tourism business. If you want to go into that—

**Mr. Don McGugan:** It's hard to get real numbers, but tourism is approximately \$300 million in Lambton county. We do border Michigan, and with the dollar where it has been, it has been a godsend to us. Most of Lambton county tourism is small. Now we have the Holiday Inn and we've got the Best Western, but really the average is small—campgrounds, we've got a couple of museums.

Grand Bend: Many of you either have been, or maybe toured the streets up in Grand Bend a few years ago. The one motel in the Grand Bend area is a small motel. It's not licensed. They told Tourism Sarnia-Lambton that they may have trouble surviving if the minimum wage goes to \$15. I thought it was important to mention that. I did talk to Tourism Sarnia-Lambton.

**Mr. Robert Bailey:** Is there anything else you'd like to get on the record, Mayor McGugan, before you wrap up?

**Mr. Don McGugan:** Yes, one more thing. Lambton county has three wineries, one of which is Munro's. Some of you members have been around a long time. I used to give out little jars of honey from Munro's. They're the largest producer in eastern Canada and the first producer of honey wine—and I've even given honey wine away—in Ontario. There's another winery up in Camlachie, and another one in Thedford.

I did talk to the one gentleman—I won't use his name; he preferred me not to. He does grow some grapes. The other is that he brings grapes in from the Niagara Falls

area. The people in Niagara Falls said they aren't sure they're going to be able to provide him with grapes. He is really concerned. He also sits on the Tourism Sarnia-Lambton board, so he has a double thing. He's not opposed. He and I had a chat about 6% for five years. He said, "We can live with that. The public can live with that." So I do hope you at least consider it.

Did that answer it?

**Mr. Robert Bailey:** Yes. Thanks, Mayor.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much, Mayor McGugan, for being here today and for your advocacy on behalf of Brooke-Alvinston. You've participated in many of these kinds of forums, and you have taught MPPs a lot about the kinds of pressures that face businesses and families in your community. Thank you very much for that.

I was looking through your written presentation, and I noticed the example that you provided about 3D's and the variety store/coffee shop/gas pump that had already closed. In your presentation you said that that closure, that decision to cease operation, was due entirely to the increase in hydro costs, so that was prior to that minimum wage.

I wondered if you could talk to the committee a little bit more about the impact of hydro costs and some of the other pressures that small businesses face in your community and other parts of the province.

**Mr. Don McGugan:** Thank you for giving me that opportunity. First, thanks for your compliments about me. I enjoy coming here and making presentations. I'm glad that the MPP from the government side knew I talked about infrastructure. I'll be back at AMO.

First, it was a little coffee shop, and it had hamburgers and stuff. It had a little variety store over on the right and it had gas pumps and—I didn't mention—it also had the post office of the day. I was in there in November. I have a farm just three or four miles outside of town. I'd go there for a coffee or whatever.

The lady got talking to me. She never turned her ovens on until somebody came in and wanted a hamburger. She said, "You know, Don, we are closing on December 31." This was before there were hydro adjustments and all that. It was costing her about \$40 a day for hydro. She said, "We can't go on—if it hadn't been for the gas pumps and the post office."

They did close. The building is empty right now. The government did put in boxes for the post office so people get mail.

Now, the lady across the road—I'm going to call her a young lady at my stage in life; she's 44 years old—had started this business. It was an old building. She turned it around and turned it into really a godsend on the weekends. People come from 20 miles; Bob's been there.

**Mr. Robert Bailey:** Yes.

**Mr. Don McGugan:** I know her problem. She's got two washrooms, and I said to my wife, "There's a challenge down the road," because they are really small and they aren't handicapped accessible. She told me it

would take \$150,000 to do it right and shorten the bar up and make some room over here. Now, you're into a building that was built in 1890, so you're into sub-structures and all that. It's not all the government's fault; no one is all to blame. But she knows she's got a problem and at her age—she's a baker—she can go and make really good money.

There are lots of things that are happening in rural Ontario. In my own community we've had economic growth. We've got seven new businesses, not big businesses.

Now, if I could just in conclusion say, I was at my own coffee shop this morning—I don't own it. I was at the local coffee shop and the gentleman said, "What are you doing today?" I said, "I'm going to go down and talk to some really smart people, and they're going to solve all our problems." I told him what I was coming to, and he said, "Oh, I wish you all the best." He said he and his brother and his sister-in-law run the little coffee shop, open from 6 in the morning till 1, or about noon, and they do an excellent job. He said, "You know, we can't afford to hire anybody." So he, his brother and his sister-in-law run it, and they do an excellent job. So if any of you would like to come to rural Ontario sometime this summer, we'd love to have you.

Can I get a plug in, Bob? We got the first oil well in North America in 1858. I told you that before.

**Ms. Peggy Sattler:** You have. You've made a very clear recommendation as to what you think should happen to help minimize the impact of the minimum wage increase. Are there any other kinds of offsets or credits or any other approaches that you think would be helpful for the organizations you represent?

**Mr. Don McGugan:** In my community I do not have any small factories, but right next to me, in Glencoe, Strathroy and Petrolia, they have small manufacturing for the car industry or—I'm going to call them widgets; they're not widgets but they produce real things.

I was talking to a gentleman, one of the Buurmas—Bob knows.

**Mr. Robert Bailey:** Yes.

**Mr. Don McGugan:** They've signed contracts down the road for maybe three years to supply. Now, some of them are paying just a little above—a lot of people pay just a little bit above minimum wage, so that creates a problem if you sign a contract for three years. Let's use GM or Ford or Chrysler or whoever, and you sign—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir.

**Mr. Robert Bailey:** Time's up.

**Mr. Don McGugan:** Oh. Well, I say thank you for giving me this privilege.

**The Vice-Chair (Ms. Ann Hoggarth):** You're very welcome. If you have a further written submission, it needs to be to the Clerk by 5:30 on Friday, July 21.

1430

CUPE 7575

**The Vice-Chair (Ms. Ann Hoggarth):** CUPE 7575. Do you have something to distribute?

**Ms. Kathleen Webster:** No.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. Would you state your name for the official record, and you may begin.

**Ms. Monique Greczula:** It's Monique Greczula.

**Ms. Kathleen Webster:** And Kathleen Webster.

**The Vice-Chair (Ms. Ann Hoggarth):** Go ahead.

**Ms. Monique Greczula:** Good afternoon. As I said, I'm Monique Greczula and I'm the newly elected president of CUPE 7575. We represent the educational and instructional assistants of Thames Valley District School Board. I myself have been an employee with the board for 21 years.

I have been fortunate all my life to have had the benefits of what a union offers to its members. My father worked in a union factory, which meant that we were covered with health and dental benefits, along with a fair wage. In a single-income family home, this fair wage was enough to sustain my family. Working now in a unionized environment, I continue to have benefits, sick days and fair wages, which highlight the importance of why I am speaking here today.

I want to discuss replacement workers, also known as scabs. About 10 years ago, I was part of a labour dispute. While bargaining for full-time hours and wages, I learned first-hand about what scab labour can do to the working conditions of those who are trying to fight for what is right.

Scab labour undermines the progress of collective bargaining and it lengthens it. We were out for about three weeks. It also creates a hostile, unhealthy working relationship between workers. Many of those effects can still be felt today.

This is why I am supporting CUPE's proposal to the government to introduce a ban that will eliminate the employer's ability to use scab workers and promote fair collective bargaining. Thank you for listening.

**Ms. Kathleen Webster:** Good afternoon. I'm Kathleen Webster, recording secretary for CUPE Local 2361, which represents trades, caretakers, landscape services and arena operators. I've been an employee with the University of Western Ontario for 12 years, and I too grew up in a unionized household. My father worked for the same employer I work for now and was active within the same union. This meant my family had access to benefits, the ability to negotiate fair wages and access to a good pension plan—something my father just recently accessed upon retiring after 26 years of service.

I was taught at an early age to appreciate these important negotiated benefits and recognize the fact that people before me worked hard and at times made sacrifices in order for me to have the kinds of good working conditions and benefits I enjoy today.

My father and my union taught me the importance of maintaining these collective agreement rights and advocating for those who don't have access to the same benefits I do. I learned the importance of standing up for all workers, not just the few. Today, I have that opportunity, and today, I'd like to discuss successor rights.

The new legislation extends successor rights to just the building services industry, so your security, your food services and your cleaning. I believe now, we have a real opportunity to expand on the legislation and make successor rights available for all sectors and for all classifications. I truly believe that everyone should have the same ability to maintain their hard-earned collective agreement rights and bargaining rights. Without the ability to do so, this creates a very unstable, hostile and uncertain work environment. This is bad for employers as well as workers, and it makes bargaining next to impossible.

Thank you for listening.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll go to the official opposition first. MPP Yurek.

**Mr. Jeff Yurek:** Thank you very much for coming in. Do you have a printout you're going to leave with us or submit?

**Ms. Kathleen Webster:** Yes, we have our presentation, but CUPE has definitely submitted.

**Mr. Jeff Yurek:** Okay. Perfect.

You've made mention of what you want added to the bill. Make some comments, perhaps, on the substance of the bill as it stands.

**Ms. Kathleen Webster:** For both parts?

**Mr. Jeff Yurek:** Either one, whoever wants to answer.

**Ms. Kathleen Webster:** Well, in my case, with the successor rights, I recognize the fact that it does touch on the building services industry. However, even within that industry—I look at my employer as an example, the university. We do have food service workers that this would protect, the successor rights carrying forward.

I recognize that these are common areas where there's a lot of contract flipping or subcontracting going on, but we've obviously recognized the importance of the successor rights. We're looking to include everybody to have the same rights. I know at the university, I represent trades, I represent landscape services, arena operators. They don't fall under any of those categories. It makes it very difficult working alongside somebody and to have the rug pulled from beneath your feet, for lack of better terminology.

These are hard-earned rights and benefits that somebody has fought to obtain, and to all of a sudden wake up one day and not have access to that, just because you're working for a different contractor—I feel that it's a necessity to include all workers and have the ability to have successor rights.

**Mr. Jeff Yurek:** We heard from OPSEU earlier with regard to there being a larger move from full-time employees to contract. Do you see that in either of your industries that you are representing? Maybe expand upon that.

**Ms. Kathleen Webster:** Yes. That's probably another reason why successor rights have been mentioned in the bill. Yes, there's a definite increase to contracting out services and what we call contract flipping. It's very prevalent. It seems to only be increasing. Employers tend

to utilize contract workers over good, steady, full-time, in-house work.

**Mr. Jeff Yurek:** Thanks.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much for joining us today and for bringing some of your concerns about Bill 148 to the attention of the committee.

I was a trustee on the Thames Valley District School Board during the strike that you mentioned, and I'm certainly aware of the damage that is done to a positive labour relations environment when that happens, so I appreciate your raising that concern.

In your presentation, when you only have five minutes, you have to make a decision about what you're going to focus on, so I appreciate that today you focused on the silence on replacement workers in the legislation, and also the limitations around successor rights to only certain types of contracts.

I wondered if you had other concerns about the legislation that you would care to highlight with us today. I expect that you do have other concerns, not just those two issues.

**Ms. Monique Greczula:** I focused solely on this. I'm very green to my position. This was my focus, so I presented what I felt I could present today.

**Ms. Peggy Sattler:** Okay.

**Ms. Monique Greczula:** I don't know if Kathleen had anything more.

**Ms. Kathleen Webster:** It's very overwhelming. Clearly, this is my first time at any forum like this. There's an overwhelming amount of things I could talk about.

Yes, we focused on homing in—with my background, I was always taught to fight for all workers, like I mentioned before. I truly believe that everybody should have equal rights and have access to the same benefits.

When I saw, with the successor rights, that it did touch on a few people, I thought that was really good, but I think we can do more. I think the ability is there, and I think that we've been at least able to highlight some of the issues around not being able to carry your benefits forward to the next contract.

It's a very unstable environment, and I hope that this committee can appreciate that, that to negotiate a contract in the first place is very difficult. It's very lengthy for anybody involved; it doesn't matter what side. So those contracts and those rights and those benefits that were gained need to be held at a higher level, and we need to be able to appreciate that and carry that forward, and people need to know that they have the security that they won't wake up one day and have that all gone.

**Ms. Peggy Sattler:** Right. Now, you are both women, and you work in a union that is female-dominated. One of the issues that have been brought to this committee's attention is around concerns that the personal emergency leave provisions have been expanded to include domestic violence and sexual violence, but there is no provision for protected designated leave for domestic violence and

sexual violence. I wondered if you wanted to comment on that. We've heard about the fact that the first two days are paid, but if they're used for something else and there is later an experience of domestic violence or sexual violence, then the employee is out of luck. You may have negotiated language about this in your own collective agreements, but many women in workplaces across the province don't have access to that. Is that something you would care to comment on?

**Ms. Kathleen Webster:** I am fortunate with my employer. They take that seriously. There were provisions put in place before the talks of adding extra time-off provisions. My employer has been quite good in that respect. I've seen them take the lead in those situations and offer as much time as it takes.

**1440**

I definitely think that we need to go further, because two days isn't sufficient. When you're dealing with a specific incident of domestic violence or sexual violence, there is no time frame. It's a complex issue. It requires a whole bunch of resources. It's an individual situation that needs to be looked at in its entirety. Yes, I'm an advocate for what it takes to make sure that the person is healthy and fully functioning.

**Ms. Peggy Sattler:** Thank you very much. I just wanted to add that for your first time at an official committee, you've both done a wonderful job. Thank you so much for being here today.

**Ms. Kathleen Webster:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the government now. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon. I want to echo what Ms. Sattler said: You're doing a great job representing your views. Don't be nervous—

**Mrs. Cristina Martins:** And representing women, too.

**Mr. Peter Z. Milczyn:** Yes. You're doing a really good job. We know exactly what your issues are, and you're carrying yourselves really well.

Bill 148 came out of the Changing Workplaces Review, which was a two-year process of talking to employers, labour groups and others all over the province of Ontario about changes to the Employment Standards Act and the Labour Relations Act and modernizing them. This hasn't been done for about 20 years, so it doesn't happen often, and when it does happen, hopefully we can achieve significant changes, which I think we are.

The reason why certain sectors were identified for successor rights—the cafeteria/foodservice industry, security, building cleaners etc.—is that those are the ones where we know it is very common and it happens a lot. That's why it was really important to give protection to those workers who we know are very vulnerable, very susceptible to it. It doesn't say other sectors might not have issues. Certainly in construction, they may have other protections. So that's the reason. But I appreciate your comments on that, and I understand them.

I wanted to ask you about Bill 148 more generally. The increase in the minimum wage, the protection around

unjustified or unreasonable changes to people's work schedules, the protection for temporary workers, to ensure that they receive the same wages as others in that workplace doing the same work: Are those things that your union, and you individually, think are important for us to move forward on?

**Ms. Monique Greczula:** I would say yes. I know CUPE certainly supports increasing the minimum wage, especially from the women's perspective. Oftentimes, our members are single family income, and bumping up that minimum wage would certainly help them to be able to afford more things and just afford the cost of living, for sure.

**Mr. Peter Z. Milczyn:** To those who say it's too much, too fast, to maybe do it over five years—what would be your response to that?

**Ms. Kathleen Webster:** It should have been five years ago.

**Mr. Peter Z. Milczyn:** To your comment, these workers, when they get this extra money in their pockets, a couple of hundred dollars a month extra, what do you think they're going to do with that money?

**Ms. Monique Greczula:** Likely spend it on their families and sustain their families in a better position than what they're doing now.

**Mr. Peter Z. Milczyn:** So all of that money will go back into local businesses, to be spent on groceries and rent and whatever else you need for your daily lives.

**Ms. Monique Greczula:** Yes, I believe so.

**Ms. Kathleen Webster:** I'd like to speak on that too. You referred to it as "extra" money.

**Mr. Peter Z. Milczyn:** Well, "extra" compared to what they have now.

**Ms. Kathleen Webster:** They are additional funds. However, I second what Monique said: That's going to go right back into the economy. People who are not currently making \$15 an hour are living in poverty. They are paycheque to paycheque. That's why I take exception to the fact that this is extra money. This is going to be money utilized to pay the ever-rising hydro bills—all of our utilities are going up—and the cost of daycare for those single women. The list goes on and on.

I just really would like to say on record that I don't feel that this is in any way extra money. I think this is bringing people up to at least an attempt at a sustainable living wage.

**Mr. Peter Z. Milczyn:** Well, it's earned money. It's their money because they earn it.

**Ms. Kathleen Webster:** Correct.

**Mr. Peter Z. Milczyn:** That, coupled with pharmaceutical for those 25 and under, increased access to child care, the free tuition for about 200,000 students, the 25% reduction, on average, in hydro—all of those are pieces in the puzzle of helping Ontarians to have a better lifestyle and be able to at least provide the minimum for their families.

**Ms. Monique Greczula:** We also believe that it increases their sense of value and their sense of worth, and that they're contributing—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Thank you for your presentation. The deadline to send in a written submission to the Clerk is 5:30 p.m. on Friday, July 21.

**Ms. Monique Greczula:** Thank you very much.

#### UNIVERSITY OF WESTERN ONTARIO FACULTY ASSOCIATION

**The Vice-Chair (Ms. Ann Hoggarth):** I'd like to call on the University of Western Ontario Faculty Association to present next, please.

Good afternoon. If you could state your name for the official record, and your five minutes will begin.

**Mr. Stephen Pitel:** My name is Stephen Pitel. I'm a professor in the law faculty at Western University, and I'm president of the University of Western Ontario Faculty Association. UWOFA is the certified bargaining agent for over 1,400 faculty members. That includes full-time and part-time faculty members. It also includes librarians and archivists, all working at Western University. UWOFA thanks this committee for the opportunity to present here today.

UWOFA supports the efforts to improve working conditions in Ontario, and accordingly supports the enactment of Bill 148. However, UWOFA is concerned about two particular aspects of the bill. The first relates to the way in which the principle of equal pay for equal work will be applied to contract workers, in particular to our members who teach courses at Western and are paid on a per-course basis. The second relates to the ability of bargaining units to amalgamate.

The second issue will be addressed later this afternoon by my colleague at UWOFA, Shawn Hendrikx. He is a director of UWOFA and a librarian at Western. He's going to address that issue separately because that issue is of particular concern to our librarians-and-archivists bargaining unit.

I will confine my remarks to addressing the equal pay issue.

Under Bill 148, it's not clear how the principle of equal pay for equal work will be applied to contract faculty members. It should be relatively easy, in my view, to appreciate that a contract faculty member who teaches a specific course would be paid, for that course, the same amount that a full-time faculty member is also paid to teach the same course. That seems to me unassailable, if we are truly committed to the idea of equal pay for equal work.

Contract faculty members are in a precarious work environment and are deserving of the protection of the government. In comparison to full-time faculty members, contract faculty members do not have tenure and are paid much less. They have to apply, in many cases every year, to be hired to teach a course, often a course they have taught many times and with much success. They do not know if they will be hired to teach the course until a few months or even weeks before the course starts. They are unable to predict their income on a year-ahead basis, and

could find themselves unable to cover basic living expenses. They live with uncertainty and a reduced notion of academic freedom.

**1450**

This is not an isolated phenomenon. There are hundreds of courses being taught by contract faculty members at Western every year, around 40% of all courses being taught, and thousands across Ontario. Over 400 of our members are contract faculty. Making sure that they receive equal pay for equal work is only one of many steps which, in our view, should be taken to improve the working conditions of contract faculty.

The difficulty for us is that section 42.1 is unclear in the level of protection that it provides. As I say, it should be clear that in respect of a given course, both a full-time and a part-time faculty member are doing the identical work. They're doing substantially the same kind of work, in the same establishment; their performance requires substantially the same skill, effort and responsibility; and the work is done under similar working conditions.

The problem is that it is not clear that an employer or a court or a tribunal interpreting section 42.1 would focus on the specific course. The provision's language leaves open the argument that contract faculty members, considered more holistically, do not perform "substantially the same kind of work" if they do not also engage in research or administrative duties.

Similarly, the "other factor" exception in section 42.1(2)(d) is too broad, and leaves open similar arguments to be made against contract faculty workers.

As a result, both of these provisions do not provide adequate protection for contract faculty. They are subject to being denied equal pay for equal work.

Accordingly, UWOPA urges this committee to clarify that the principle of equal pay for equal work applies to contract faculty members, at least with respect to the specific work that they do that is similar to the work done by full-time faculty members. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you so much for attending here today and for your very focused presentation on the equal-pay-for-equal-work provisions of the bill.

You asked the committee and, through the committee, the government to clarify the application of those provisions, or clarify how those provisions will apply to contract faculty members. Do you have specific wording that you are going to be providing this committee as to how the language could be changed in the legislation to address that concern, or were you just looking more generally for some kind of assurance from the government?

**Mr. Stephen Pitel:** I'm not a legislative draftsman, so I'm not proposing to provide a specific rewrite of these provisions, but I can say two things. The first is that I understand that representatives from the Equal Pay Coalition will be making submissions to you in Hamilton on Thursday, and that in their submissions, they do provide detailed language revisions for sections 42.1(1) and (2) to deal with exactly these concerns.

These are legislative language concerns that have already manifested in the gender pay equity environment, and the concern is that they are simply being replicated now in the work-status pay equity environment.

There is language that is being provided by organizations like the Equal Pay Coalition. In addition, OCUFA will be providing written submissions that will also address the specific language in this section.

Some of the changes are minor. For example, instead of focusing on language that says "substantially" the same kind of work, "similar" work is a lower and easier-to-understand threshold.

Similarly, in section 42.1(2)(d), simply eliminating that provision so that the blanket exception for other factors is removed from the provision would, in our view, make it stronger.

But beyond that, as long as it's always going to be open to an employer or a tribunal to say, "Contract faculty, although you're teaching the identical course that a full-time faculty member is teaching, you don't also do research or service; therefore, this provision just doesn't apply to you," requires, I think, more of a significant fix to the language of the statute.

Even those two changes I've suggested don't get at the opportunity for an employer or a court to simply say, "We don't care that the thing that you're doing here is identical. There are other things you don't do, and therefore you're excluded from the scope of the provision entirely." The provision needs to be strengthened so that it focuses on equal pay for equal work in respect of the specific work done.

**Ms. Peggy Sattler:** Thank you very much for that. Earlier this morning, I don't think that you were here, but we had a presentation from OPSEU at Fanshawe. The presenter talked about the fact that there has been a very significant increase in contract faculty in the college sector. Is it the same in the university sector? Are you seeing more and more courses being taught by contract faculty with fewer and fewer full-time jobs?

**Mr. Stephen Pitel:** Yes.

**Ms. Peggy Sattler:** Okay.

**Mr. Stephen Pitel:** I can elaborate on that, but the thrust of your question is entirely accurate. In other words, over the past 10 years, we have seen a decrease in the number of full-time probationary or tenured faculty positions and we have seen a corresponding increase in the number of precarious or contract faculty positions. There are many efforts to explain that phenomenon. Employers use contract faculty because it's more flexible for them in terms of their economic arrangements: fewer obligations, fewer commitments, fewer benefits. So the jobs themselves then become less desirable and more precarious, and that is of great concern to us.

One of our central concerns is this: We have to have meaningful and safe and stable employment. There are two central ways to achieve that. One would be that universities hire more full-time faculty members and rely less on contract faculty, but there will always be a role for contract faculty. To the extent that contract faculty are used, they have to be paid and treated appropriately.



**Ms. Peggy Sattler:** So the recommendations you have made address that second concern to ensure that they are compensated appropriately for the work that they do. Do you see Bill 148 as contributing in any way to increasing the number of full-time positions—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, Mr. Pitel. Thank you for coming and sharing your presentation with us. Over the course of the last five and a half days, we've heard from a number of faculty associations across the province with this similar issue. So we are well aware of it now.

Bill 148 came about as a result of a very extensive two-year review of the Employment Standards Act and the Labour Relations Act. We got a lot of input. Do you know whether the faculty associations provided this specific input during that exercise?

**Mr. Stephen Pitel:** It would be before the time of my involvement, but my understanding is there were representations made by various faculty associations and by OCUFA through that process about improving working conditions for contract faculty.

**Mr. Peter Z. Milczyn:** So what's left is that the language doesn't necessarily reflect what you think would be the most effective mechanism to enforce that equality between the different staff.

**Mr. Stephen Pitel:** I think during the Changing Workplaces Review, the horizon was much broader, so the submissions obviously were able to be directed at a wider range of possible ways of assisting contract faculty, something that was cut off in being addressed in terms of other ways that that could happen. That was a much more open set of proposals or discussions—

**Mr. Peter Z. Milczyn:** So do you have anything to add to that, about other ways that this could be addressed?

**Mr. Stephen Pitel:** Well, I don't want to lose track of the point I'm making to you though, first.

**Mr. Peter Z. Milczyn:** Okay, sorry.

**Mr. Stephen Pitel:** The government then made its choices, if I can put it that way, in Bill 148 as to what of those possible comments and discussions, in terms of helping contract faculty, it thought could be achieved through this particular statute.

There's a footnote in the Changing Workplaces Review, footnote 277, that I both understand but have concerns with, when the review said that it was sympathetic to concerns of contract faculty but didn't see that those concerns could be resolved through changes to the Employment Standards Act. The footnote goes on to say this is an issue that needs to be addressed at the funding-of-university level and in collective bargaining negotiations. I don't dispute that those are places where issues relating to contract faculty members can be addressed. What I do dispute is that there is nothing that can be done for contract faculty in this particular bill.

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So the submissions we're making here are different, in a sense, from the submissions that would have been made

to their review, because now we're focusing simply on: What has the government decided to do in terms of going ahead with the bill, and is there anything in that that can provide some level of protection? Clearly, it's not a broad level of protection that might have been advocated for during the preliminary parts of the process. But if the commitment here is to equal pay for equal work, then our position is that surely that can and therefore should capture the position of a contract faculty member teaching an identical course compared to a full-time faculty member.

Just to follow up on your kind ability to let me respond to the tail end of that question—unless you and I now get cut off—

**Mr. Peter Z. Milczyn:** No, please continue with your answer to Ms. Sattler.

**Mr. Stephen Pitel:** The two issues are linked, in a sense, because by improving the pay for contract faculty, arguably, you've reduced the incentive to some degree on employers to make heavier and heavier use of contract faculty. If they're going to have to pay the same amount that they're going to pay to full-time faculty for teaching similar courses, then the economic incentive to have them being taught by precarious workers is diminished. That in itself then provides an economic incentive to say, "We should just hire more full-time faculty members."

**Mr. Peter Z. Milczyn:** In terms of Bill 148, more broadly: the increase in minimum wage, the protections around changes to scheduling, paid leave days, unpaid leave days—do you have views on the benefit of that?

**Mr. Stephen Pitel:** We're here primarily to focus on the issues that have the greatest effect on our members, but we can say that, at a broad level, we are supportive of those initiatives, including the increase to the minimum wage.

**Mr. Peter Z. Milczyn:** I am well aware of the issues that you've raised related to faculty, and I'll be very mindful of that as we move forward.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the official opposition. MPP Yurek.

**Mr. Jeff Yurek:** Thank you for coming in. When you go last in a rotation on a certain issue—you've answered; I was going to follow up with Peggy's question.

Do you have anything else to add, that you wish you were asked, that we haven't touched on yet with regard—

**Mr. Stephen Pitel:** I was told that I would rigidly be held to the five minutes of submissions that I had, so I made sure that I got what I felt I should say into that five minutes. So I appreciate your invitation, but there isn't anything in particular that I want to add or elaborate on.

I would have benefited from additional time if I had been the sole representative of UWOFA here and also had to deal with the amalgamation issue. But I'd like to leave that issue for my colleague Shawn Hendriks.

**Mr. Jeff Yurek:** Okay, that's great. I imagine if clarity isn't brought out in the next few months, we'll hear back from you before we head to third and final reading—

**Mr. Stephen Pitel:** Well, my understanding is you'll do another round of consultations after second reading. I

suppose we would be in somewhat of a difficult dilemma if no changes are made on this initiative—whether we decide that we've been heard but ignored, or that we could somehow be heard again. So yes, it is possible. I would like to hope that by getting the input you're getting at this stage, the meaningful changes can be absorbed earlier in the process rather than deferred to another round of consultations after second reading.

**Mr. Jeff Yurek:** I'm not a regular member of this committee, but I'm pretty sure this committee will forward all the recommendations brought forward to the government for their perusal, and possible changes, before we go forward.

**Mr. Stephen Pitel:** We will be submitting a written letter that sets out our position in some detail to the Clerk of this committee after the conclusion of today's round of hearings.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Just a reminder of what you just said: If you have a written submission, it needs to be to the Clerk by 5:30 p.m. on Friday, July 21.

**Mr. Stephen Pitel:** Thank you for the reminder.

#### ONTARIO GREENHOUSE VEGETABLE GROWERS

**The Vice-Chair (Ms. Ann Hoggarth):** I call on the Ontario Greenhouse Vegetable Growers. Do you have a submission to hand out?

**Mr. George Gilvesy:** Yes.

**The Vice-Chair (Ms. Ann Hoggarth):** If you could identify yourself for the official record, and then your five minutes will begin.

**Mr. George Gilvesy:** My name is George Gilvesy, and I'm the chair of the Ontario Greenhouse Vegetable Growers. I have with me Dr. Justine Taylor, who is our science and government relations manager.

**The Vice-Chair (Ms. Ann Hoggarth):** Go ahead.

**Mr. George Gilvesy:** Madam Chair, members of the committee, thank you for this opportunity to address the committee on this very important matter.

We represent over 200 growers of greenhouse tomatoes, peppers and cucumbers across the province, responsible for nearly 2,900 acres of production. In 2016, our sector made a \$1.5-billion contribution to the Ontario economy, supported over 11,000 jobs and exported over \$683 million worth of product to our largest trading partner to the south, the United States. Our farmers support healthy living initiatives across the province by striving to produce fresh, local produce 12 months of the year.

Like all citizens, our farmers are concerned with ensuring all members of society have the ability to earn a living wage. However, this cannot be achieved at the cost of lost investment in jobs in Ontario. We support an investment-friendly Ontario that will strive to grow our rural economies and support community development by creating new jobs and expanding both direct and indirect business opportunities.

The proposal for a rapid implementation of a \$15 minimum wage will have a profound impact on our members and on agriculture in general. We estimate that by 2019, our average greenhouse farmer, at 14 acres, will be expected to absorb an additional \$350,000 in labour-related costs. This is in addition to the recently implemented cap-and-trade program, which has created an additional \$85,000 per year in expenses for the same grower, starting this year.

Sector-wide, by 2019, the combined impact of these two policies will total \$84 million in additional expenses annually. Based on 2016 Stats Canada values, this represents over 65% of gross sectoral profits.

These estimates do not include a myriad of indirect and induced impacts such as increases in crop inputs, transportation, packaging, increased bureaucratic demands, and the expected upward shift in all labour expenses, nor do they include the impact of the proposed Bill 148 changes.

Given the fact our crops are living organisms, it is critical that any proposed changes be done in consultation with the sector, to ensure the ability is retained to harvest perishable products in a manner which preserves freshness and reduces waste.

As competitors in the global marketplace, these costs cannot simply be passed on to consumers and, in the short term, must be absorbed by our farmers. In other words, our farmers are price-takers.

Combined, these steep increases more than account for the entirety of an already thin profit margin, forcing our growers into a negative margin position. This constriction of cash flow or accumulation of debt will, in the best-case scenario, lead to reduced investment in Ontario and, in the worst-case scenario, to bankruptcy.

The speed of implementation of these changes greatly inhibits the ability of farmers to plan their investments. Typically, any new greenhouse construction has a lead time of two to three years. The delivery of these significant cost increases halfway through the investment cycle is extremely disruptive and will threaten the financial viability of any operation.

The decision to tie annual minimum wage increases to the consumer price index in 2013 was seen as a stable, non-partisan approach to ensuring a living wage was achieved while balancing the need for economic stability. This recent announcement betrays that promise.

At the consumer level, the results will be a high cost of local food—

**The Vice-Chair (Ms. Ann Hoggarth):** One minute left.

**Mr. George Gilvesy:** —and an increase in imported produce from jurisdictions that have a lower cost structure than Ontario and with values that do not necessarily align with the strong social policy we strive for in Ontario.

Imported produce can be sold at a high margin when compared to local produce. This incentivizes retailers to further promote imported products as a means of collecting increased profits.

At a provincial level, the result will be less investment in Ontario and less stability for rural Ontario. At an international level, increased costs of production put our growers at a competitive disadvantage, especially in the United States, as they try to compete against American and Mexican suppliers who are not forced to bear these additional costs. Our members currently export 70% of what they grow to the United States. The implementation of this policy will put those markets at risk.

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The combined effect of these impacts is an increased risk of investment leakage to neighbouring jurisdictions where growers not only receive attractive investment incentives such as tax breaks—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We will hear first from the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, Mr. Gilvesy. Thank you for coming in and making your presentation to us.

We have heard from others in the agricultural sector and in the greenhouse sector over the last number of days that committee has been travelling. I appreciate those comments that are being brought forward. Our government is committed to assisting the agriculture sector with investments through Growing Forward 2, a recent announcement around a program for the greenhouse sector.

Certainly, we acknowledge the challenges that hydro rates have caused, and with the 25% reduction that has come into effect as of this July 1, and some farms that will be eligible for further reductions under the distribution rate protection program, some farmers might see reductions of 40% to 50% in total. So we are mindful of the impact on the agricultural sector of these various changes. We are making efforts to continue to assist you in doing what you do so very well.

In terms of Bill 148, there are a couple of aspects which I assume the agriculture sector wants to see addressed. One is the minimum wage rate itself. The other one is the scheduling provisions.

On the scheduling provisions in the bill, there are a number of exclusions included in the bill that would alleviate the scheduling costs on an employer if there's a power failure, if there's a storm, if there's a fire etc. Would you be in a position to provide some recommendations around additional wording around scheduling aspects that might be beneficial to your sector?

**Mr. George Gilvesy:** With regard to all those other aspects with regard to Bill 148 beyond minimum wage, we are going to put our recommendations through the Labour Issues Coordinating Committee, which is the combined effort by the employers in agriculture. We're going to do so through that forum. I understand that that doesn't need to be done today.

**Mr. Peter Z. Milczyn:** Oh, no.

**Mr. George Gilvesy:** That process is more for the fall, as we understand it. We just have to be mindful that whatever recommendations come forward, they respect that we're growing agricultural products, we're growing food, and those are things that people are wanting to make sure are fresh and nutritious for the public.

**Mr. Peter Z. Milczyn:** I respect that; that's fine. But committee will be convening again in August to go clause by clause through Bill 148 and looking at amendments.

I do understand the concerns around weather-related scheduling. We're mindful of that and there might be some changes coming as a result of that.

**Mr. George Gilvesy:** Crops are dependent on the weather, and whether in a greenhouse or not, things happen. You have to be able to adjust on the fly to deal with weather and other related issues.

**Mr. Peter Z. Milczyn:** We've included some of that in the bill, but I'd be first to admit that the wording, perhaps, has to be clarified to make sure that different sectors that have different issues can be addressed.

On the implementation of the minimum wage, some have spoken of a five-year implementation. What are your views on that?

**Mr. George Gilvesy:** Our views are that we are looking for a transition period, and we'll be looking for more runway on the actual impacts. Again, the official request will come through the Labour Issues Coordinating Committee relating to what we see as appropriate for a transition methodology.

**Mr. Peter Z. Milczyn:** Okay. We'll wait to hear that submission. Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thanks to the greenhouse vegetable growers. First of all, over the years, we've recognized the success of the industry, especially down in the southwest. Certainly in the Ontario Parliament over the past year, the greenhouse industry has dominated question period somewhat, given the more recent challenges of cap-and-trade issues that have certainly been on everybody's radar screens since the beginning of this year.

So many of the Ontario greenhouse industry, we hear, move to Ohio. Many, as I understand it, have a facility in Mexico as well.

As far as the minimum wage, just to review roughly, what are the comparables? If we're looking at \$15 an hour a year and a half from now, how would that compare to Ohio or Michigan? How would that compare to Mexico?

**Mr. George Gilvesy:** Compared to Mexico, probably the Mexican labour would not exceed what we would get in one hour in a day. I don't have the exact number with me, but it would be certainly less than \$15 for the day.

**Mr. Toby Barrett:** Compared to \$150 a day here, let's say—

**Mr. George Gilvesy:** On a 10-hour day, yes.

**Mr. Toby Barrett:** On a 10-hour day. In Ohio or Michigan—I think we have these figures as well. Not only greenhouse vegetables, but so many commodities—I mean, we trade with Michigan, and we trade with Ohio, these neighbouring jurisdictions. We're in a position in Ontario where we have to be competitive with these neighbouring economies. Any figures on that?

**Mr. George Gilvesy:** Michigan is, I think, \$8.90, and Ohio is at \$8.15. Those two jurisdictions are actively

recruiting our members to go down there and build greenhouses. A number of them have made a fair bit of publicity about doing so, and have actually been successful in getting acreage going up in those jurisdictions.

**Mr. Toby Barrett:** I'm not aware of their state legislators pushing for a significant increase in the coming years. I'm sure that's part of any business decision.

You made mention—I guess this is coming later, in some of your future submissions—of a Labour Issues Coordinating Committee, and the work that's being done on transition—I assume maybe this isn't complete yet—in line with similar policies in California. Certainly, we're going to be way ahead of California as far as a \$15 minimum wage. They have sunshine there too, and other competitive advantages. What are these policies in California? What might we be looking at to help out on this kind of stuff?

**Dr. Justine Taylor:** California is proposing a more gradual transition to a \$15 minimum wage. Basically, they're looking for large businesses going to \$15 by January 1, 2022. For small to medium-sized businesses, there would be an additional year added on to that, so 2023. Going forward, they would then link any increases to CPI. There's a similar program in Washington state as well.

It's the longer transition period that we would be looking for, in terms of reducing the significant impacts on our growers in a very short time frame.

**Mr. Toby Barrett:** Okay. We did hear a proposal—maybe the government reiterated that—of \$15, but let's do it over five years, like 6% a year. That's getting up there, but that's a little more manageable than 32% over a year and a half.

I don't know whether I have any more questions.

We heard from the asparagus growers earlier today. We have heard an awful lot from the greenhouse growers industry on so many other issues. I'd just encourage you to continue to submit some ideas to try and get out of this, because just from what I hear—I've been in and out of a few of my local greenhouses—it's dismal.

**Mr. George Gilvesy:** It is a competitive world, and we have to be cognizant of that.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. The third party: MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much, Mr. Gilvesy, for coming here today to speak on behalf of the greenhouse vegetable growers in Ontario.

When you reached your five-minute mark, you were mid-sentence. I wondered if there were any other highlights of your presentation that you wanted to use the time right now to get on the record.

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**Mr. George Gilvesy:** I would. Thank you very much.

I want to point out that our membership has earned a dominant position in the eastern United States marketplace with our world-class products and service. The delivery of these collective policies not only threatens future investment in Ontario, but puts at risk our valuable position in the fresh vegetable market. Once that position

is lost, it will be extremely difficult to claw it back from our competitors, who are only too eager to fill it.

I think that, in summary, covers a lot.

**Ms. Peggy Sattler:** Okay. The sentence that you were in the middle of, when you reached the end of your five minutes, talked about other jurisdictions across the border and some of the incentives that they use for your industry, such as tax breaks, infrastructure deployment and energy subsidies. Labour costs are obviously a huge concern. That is the issue that you have brought to this committee today. But are there other things that you think the government could and should be doing to assist your industry?

You've made the recommendation about the transition to bring in the higher minimum wage, but what else could be done to help mitigate the impact of the increase in minimum wage and to maintain the competitiveness of your sector?

**Mr. George Gilvesy:** I would expire my time, I'm sure. It is lengthy.

The reality of the situation is that our growers are being courted every day to take their investment dollars south of the border into Mexico. That's based on a bundle of issues. Any investor looks at the bundle when they're looking at how they make those investments. We have an opportunity here, whether it's energy, electricity or labour. Those are the main cost components in a greenhouse, as well as capital. That bundle has to make sense for them. With cap-and-trade, electricity rates and now with the labour rate, it becomes a very difficult decision to choose Ontario. The lack of stability makes it very difficult to choose Ontario.

**Ms. Peggy Sattler:** So it's the unpredictability in terms of energy costs—you never know what your hydro bill is going to be—that has had a big impact. Have you seen any improvement in hydro costs?

**Mr. George Gilvesy:** The hydro costs—there has been some remedial action there. We got some relief under the ICI. There has been relief on the 25%. But when we're looking at the reference we're using, it's still very uncompetitive. Growers are not going to invest in lights in Ontario to grow produce all year round at 18 cents a kilowatt. They need to have access to the cheap price of electricity we're exporting at night to other jurisdictions. We get some access to that through the ICI, and we're hopeful that that will stymie some of it.

The cap-and-trade issue is a major one. We're just reeling from it. The government has seen fit to provide us with a \$19-million fund to deal with the one-year transition, and then we are supposed to access the climate change action plan, moving forward. Those are tremendous unknowns. We don't know what the access points are going to be, to get that money to our growers. It's going to make it very difficult to predict and is therefore, again, putting a question mark on that one, and now on the unknowns with regard to the impacts of the cost of labour.

**Ms. Peggy Sattler:** Thank you very much for your presentation. I'm looking forward to visiting a green-

house grower this summer at the Ontario Federation of Agriculture Field Day. So that will be great.

**Mr. George Gilvesy:** Very good. We just had Taras out at one last week.

**Ms. Peggy Sattler:** Great. Okay. Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. The deadline to send in another written submission to the Clerk of the Committee is 5:30 p.m. on Friday, July 21.

**Mr. George Gilvesy:** And we will be providing one. Thank you.

#### ONTARIO COUNCIL OF HOSPITAL UNIONS / CUPE

**The Vice-Chair (Ms. Ann Hoggarth):** I call on the Ontario Council of Hospital Unions. Good afternoon. Would you please state your names for the official record. Then I will start your five minutes.

**Mr. Michael Hurley:** Thank you very much. Thank you for having us. Michael Hurley, president of the Ontario Council of Hospital Unions of CUPE.

**Mr. Doug Allan:** Doug Allan, research representative with the Canadian Union of Public Employees.

**Mr. Michael Hurley:** First of all, I'd like, in general, to congratulate you all on some of the reforms that are being introduced here, in particular with respect to the minimum wage, with respect to the leave provisions, and also with respect to the abolition of the requirement to provide doctors' notes for people with less than 10 days' absences. These are all progressive reforms, and I think they make Ontario quite appropriately a bit of a beacon of hope to the rest of the country, and obviously places like Michigan, that in fact people can have a living wage.

Unfortunately, we came here, though, to focus on one aspect of the proposals which troubles us, and that has to do—we have a written brief which is available—with a change which wasn't actually recommended by the commissioners; it was introduced by the government. It would allow the Ontario Labour Relations Board, upon application by a union or an employer, to change the structure of bargaining units within a single employer where the existing units are "no longer appropriate for collective bargaining." The Ontario Labour Relations Board could consolidate, restructure or reconfigure units; determine which union would be the bargaining agent of resulting units; and amend the bargaining unit descriptions in any collective agreement, as well as other terms of a collective agreement. That's in section 15.2(5).

We wanted to talk to you about that today. First of all, the hospital sector is a sector which has been going through a dramatic restructuring for the last 20 years: downsizing, mergers, amalgamations, representation votes brought on by the Public Sector Labour Relations Transition Act mechanisms that regulate what happens in these kinds of events. This is a workforce which is changing, with employers who are a perpetual state of turmoil. This proposal would allow, in particular, a union—and since the change was requested by the

Ontario Nurses' Association, perhaps a nurses' union—to request that registered practical nurses could be moved into that bargaining unit. Now, I would note that this is a proposal which is opposed by CUPE, by the Ontario Federation of Labour, including many of the unions which support the current government.

I would draw your attention to the footnote on page 7 which draws your attention to the upheaval that happened in Nova Scotia when the government attempted to intervene in the configuration of bargaining units in a like manner, and after litigation, after court challenges, eventually everything remained status quo through agreement with the unions—maybe not something that we need to replicate here.

If we look at the chart that outlines the numbers of registered nurses in the province of Ontario which is on page 3 of the brief, you'll see that employment of registered nurses has never actually been at a higher level, historically—now it's 61,721—in Ontario hospitals ever. There have never been more registered nurses working in the hospitals, so it's hard to understand what the impetus is for a change that would move registered practical nurses, who actually have a different set of interests, into the bargaining units of the registered nurses, particularly when the approach of the registered nurses' organizations has been fairly hostile towards the interests of registered practical nurses. So we'd ask you to reconsider this particular amendment, and we'd ask that it be withdrawn. We're in support of the Ontario Federation of Labour's position on this matter.

I'm happy to entertain any questions, if you may have them.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We will start with the official opposition. MPP Yurek.

**Mr. Jeff Yurek:** Thank you very much. Is there anything else you wanted to add before questions? You're good?

It's interesting that you raised this issue, and it's something that we'll definitely have to be taking a look at on our side, the idea that there's actually a concern of unions taking over other unions or pulling away their membership, to grow in strength, I would imagine. So you're calling it giving more workers a choice between who represents them at the hospital level? Is that basically what I'm hearing? I just briefly scanned over your notes.

**Mr. Michael Hurley:** Well, this mechanism wouldn't only apply to the hospital sector. For example, teachers' unions could request that educational assistants be moved. Really, any organization recognized under the Labour Relations Act as a trade union could request that the bargaining unit be reconfigured. In that respect, we're talking about an application that's much more broad than the hospital sector.

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What we're arguing in favour of is relative stability with respect to the current configuration of bargaining units. They've been in place, historically, for a long, long time. There is enough upheaval, we would argue, in the hospital sector already.

**Mr. Jeff Yurek:** Yes, that kind of jumped out at me, the fact that it's across the sector, that it's across the whole province, then, with regard to the possibility of larger unions swallowing up the smaller unions—

**Mr. Michael Hurley:** Carving them up, opening up a bargaining unit, taking out a class of workers and moving them to another bargaining unit. That's really what this allows for.

**Mr. Jeff Yurek:** That would cause concerns, as you were raising here, where we've seen hospital budgets frozen for five years, and then they resort to their budget cuts with regard to replacing different classes of health care professionals with other ones in order to make their budgets meet. For instance, if this were to happen in your example, then quite possibly, that segment of the health care profession wouldn't be properly represented, because they'd have conflicting dues within their bargaining unit.

**Mr. Michael Hurley:** Yes. The registered practical nurses now, with the two-year nursing training program—which is the equivalent of what the RN program was, say, 15 years ago—are well qualified to do a host of nursing duties and perform skills, and they actually earn considerably less than registered nurses do. We've obviously been encouraging the expansion of the acceptance of their scope of practice. We've had opposition to that from organizations representing registered nurses.

The full utilization of all health care professionals to their full abilities under their scopes, as recognized by their colleges, is one of the principles on which I believe all parties agree, which is the most efficient thing to do. But that does require, sometimes, instances where there is jurisdictional disagreement about the merits of that kind of change. You really require an advocate for yourself in that situation.

From the moment that this group sought to be recognized as nurses when they were nursing assistants, getting them to the point of being recognized by the college has been a fight. They've had an advocate; that's been their union—not just CUPE, the other unions that have represented them, pushing for their recognition, pushing for them to be utilized properly within the hospitals. They've had opposition to that from groups that are now asking for the ability to carve them out and move them into their union. We're saying that will leave them in the position of being a very small minority in that union and likely not having an advocate anymore, and in fact having an organization that will not be encouraging their professional development or their utilization to the maximum.

**Mr. Jeff Yurek:** And that could disrupt our health care system even further.

**Mr. Michael Hurley:** Well, it will deny employers the ability to access highly qualified individuals who are extremely economically efficient.

**Mr. Jeff Yurek:** Thank you. Thank you, Chair.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Sattler?

**Ms. Peggy Sattler:** Yes, thank you very much for coming today and for bringing this presentation. I'm

looking forward to reading it, because you've provided a lot of data in there that you haven't been able to address in your brief oral presentation.

You quote from submissions that were made to the Changing Workplaces Review about this issue, so obviously you were aware that this had been put on the government's agenda. Did you have an opportunity to raise your concerns, the concerns you're expressing here today, in advance of Bill 148, to make your concerns known and raise some of these issues that you've pointed out, if that was included in Bill 148, which we now know it has been?

**Mr. Michael Hurley:** Thank you for your question. Since this wasn't recommended by the commissioners, I don't believe we were aware that this was being considered.

**Ms. Peggy Sattler:** Okay.

**Mr. Michael Hurley:** Yes. There was a supplementary submission that was made by the Ontario Nurses' Association requesting this change. The change was incorporated, but it was not part of the consultation process to that point. So we had no view on it because we didn't believe it was part of this process.

**Ms. Peggy Sattler:** So this really caught you by surprise, when you opened up Bill 148 and saw this included.

**Mr. Michael Hurley:** Yes.

**Ms. Peggy Sattler:** Okay. Have there been any mechanisms available to you to bring these concerns forward, other than your participation in this committee?

**Mr. Michael Hurley:** Through the Ontario Federation of Labour, where there's unanimity. This is one of the top items for change, from the unions affiliated, to the Ontario Federation of Labour, and also with CUPE. Beyond that, no.

**Ms. Peggy Sattler:** As far as you are aware through your involvement with the Ontario Federation of Labour, this is an issue that will affect other sectors, not just the health care sector. Can you elaborate a little bit on that?

**Mr. Michael Hurley:** Yes. Nothing in the proposal limits it to health care. It could be any union seeing a group of workers in another union, perhaps with the acceptance or encouragement of an employer, that could ask for that group to be carved out and moved over to them. What you start to have, really, is a range war between unions fighting over members for market share, right?

**Ms. Peggy Sattler:** Right. You mentioned the Nova Scotia experience is footnoted in your presentation. So Nova Scotia did this and there was a legal challenge, and they ended up having to back away from this provision? Is that what happened?

**Mr. Michael Hurley:** Yes. In the face of court action over the constitutionality of the change, the government of Nova Scotia entered into negotiations with the health care unions. There was an agreement reached that basically left status quo with respect, in that particular issue, to the representation of licensed practical nurses, leaving them in the unions which they had been in. Of course, the unions we're talking about in Nova Scotia are

in many respects the same unions you're dealing with here in Ontario: Unifor, CUPE and the NUPGE affiliate.

**Ms. Peggy Sattler:** Right. You mentioned at the outset that you generally support Bill 148. You've singled out this one provision as a concern. Are there any other omissions or anything else in the bill that causes you concern?

**Mr. Michael Hurley:** CUPE is going to be making a complete presentation on our concerns around the bill, Ms. Sattler. I'm sure you've probably had that already, right? Yes, so they'll be thorough in that.

**Ms. Peggy Sattler:** Okay. Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll go to the government. MPP Wong.

**Ms. Soo Wong:** Thank you very much, Mr. Hurley, for being here. I need to get some clarification. On page 2 of your written submission, the fourth paragraph, I'm going to read what you just submitted to the committee: "RPNs now have within their scope of practice duties that formerly could have been done by RNs." Can you elaborate on that particular statement? What do you mean by the scope of practice that the RPN is doing that was previously done by RNs?

**Mr. Michael Hurley:** Running IV meds, narcotics—the changes that have come to the nursing profession over time have been quite gradual. But with the recognition that came with these women being designated as nurses, then all of the changes that flew from that, you had, over time, the addition of more and more duties and the addition of more and more substantial training. Actually, I think the Ontario Hospital Association would say that there's a very great overlap in terms of the skills and qualification of these two professions—

**Ms. Soo Wong:** Okay. Because time is of the essence—we only have five minutes—my question to you is, in your submission, I don't see any collaboration or communication with the RPNAO. That's a recognized RPN association. In your submission, did you collaborate with them or consult with them on this position—your particular union coming forward?

**Mr. Michael Hurley:** We have talked with RPNAO, yes.

**Mr. Peter Z. Milczyn:** Thank you, Mr. Hurley. I'm MPP Peter Milczyn. This is our sixth day, and we're pleasantly surprised because we continue to get people bringing forward unique issues—unique in the sense that nobody else has raised them before. I thank you for that.

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In Bill 148, what is proposed is a mechanism not to facilitate hostile takeovers of one union by another or an employer trying to somehow force different bargaining units into one. It was meant as a mechanism where there is some legitimate issue where you might have two bargaining units representing very similar professions or groups, and where there is some desire to come together to do it. It's not about imposing it on anybody. Every party that would be affected has a say in that. I understand you have a concern about that—

**Mr. Michael Hurley:** That's not what the section says, though. The section doesn't require the consent of

the current bargaining agent to make the change. If it did, I think that we would be looking at it very differently.

**Mr. Peter Z. Milczyn:** I'm telling you what the intent is. You're saying the bill doesn't say that. In your further written submission, if you have other wording that you want to propose, that's fair. I'm not going to tell you what you should ask us to do. You can ask us to eliminate it. It's your right to ask us whatever you like. But I'm suggesting that that was not the intent, and if there is better wording, you might want to suggest that.

**Mr. Michael Hurley:** Thank you very much.

**Mr. Peter Z. Milczyn:** You said generally, though, you're supportive of the direction of the bill. I'm wondering, in the hospital sector, where there are also some contracted employees and perhaps sometimes temp agency people are brought in, do you think the provisions in Bill 148—the successor rights provisions and the provisions around protecting temporary workers—are going to be important?

**Mr. Michael Hurley:** Would it be okay if we deferred that question to our formal presentation with CUPE?

**Mr. Peter Z. Milczyn:** Certainly.

**Mr. Michael Hurley:** Thank you.

**Mr. Peter Z. Milczyn:** Thank you for coming in today.

**Mr. Michael Hurley:** Oh, it's a pleasure. Sorry, we didn't prep on that particular issue.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. If you have a further written submission, the deadline to submit it to the Clerk is 5:30 p.m. on Friday, July 21.

**Mr. Michael Hurley:** Thank you very much for having us.

**Mr. Doug Allan:** Thank you.

#### UNITED STEELWORKERS

**The Vice-Chair (Ms. Ann Hoggarth):** I would like to call the United Steelworkers forward.

Do you have anything for distribution, sir?

**Mr. Brad James:** I don't. We'll be submitting a submission on the 21st.

**The Vice-Chair (Ms. Ann Hoggarth):** Okay. If you'd state your name for the record, and then you may begin your five-minute presentation.

**Mr. Brad James:** I'm Brad James, and I'm the United Steelworkers national organizing department coordinator. Good afternoon, committee, and thanks for being here and doing this good work.

Our unit has about 70,000 members in Ontario in just about every industry and job. I work with non-union employees as they decide whether to make the move to build collective representation and to improve their terms and conditions of work. During my short time here today, I'm going to limit my comments to that section of Bill 148 and to a few specific sections of Bill 148 around people's right to join unions.

We were pleased to see the broad consultation process that led to the Changing Workplaces Review. While Bill

148 goes some way toward important change in these areas, we think it falls short in a few.

First of all, our union strongly supports the return of card-based certification rights for all workers in the province. We see no policy reason to provide that right to a very limited number of employees in certain sectors. That reasonable test of majority support has been a time-tested process, and we think that all Ontarians deserve the same rights.

The Labour Relations Act makes it clear in section 5 that every person is free to join a trade union of their own choice, so how can it be that, for example, people here in London at the Tim Hortons where I bought a coffee on my way in today or at a large manufacturing plant will have weaker rights than the very people who built those workplaces, for example, the construction workers, or the people who might guard them as security guards or clean them as cleaners?

The card-check system was a tried and true method for determining whether employees had displayed majority support for a union for decades under governments of all stripes. Removal of this right has been shown in the research around the CWR to have a significantly bad impact on the very people whom the government seeks to assist with some of this legislation.

It's incorrect to say that a vote-based system is fundamentally more democratic in this workplace environment because it's the way that we elect our politicians—yourselves, for example. Union representation votes are unlike any other kind of vote or election because of the inherent power that employers have over employees: the power to determine their pay, their hours, their benefits and, indeed, their livelihoods.

We encourage you to support an amendment to the bill which would give all Ontarians the right to card-based certification, a union choice process that has been time-tested.

Next, we encourage your committee to amend Bill 148 around how it provides important workplace information to employees and their chosen unions.

During organizing campaigns, employees deserve the right to actually communicate with each other about this important decision, and to understand the contours of their workplace in the same way that their managers do. Employees deserve simply the right to know the size and shape of the arena in which they are playing.

Bill 148 does provide some access to information if unions can demonstrate membership support from a minimum of 20% of the proposed bargaining unit, and if the board determines that unit to be, in fact, appropriate for bargaining. However, important information is missing from this procedure.

Bill 148 should provide for comprehensive contextual information, as I call it, including employees' job titles; employment status, full- or part-time, casual or temporary; and an organizational chart showing the relationship of the employees in the proposed unit to their supervisors and to other employees. Without such information, employees are in the dark while they try to sort out who

might or might not be in their possible bargaining unit. Yet such information remains, as it should be, accessible to the employer. Providing employees and their chosen union with this contextual information will help reduce costs in litigation at the time of filing an application for certification, because you'll see better-crafted, more intelligently crafted, and properly crafted bargaining units.

In addition, in order for employees to engage in their legal rights to organize, they need to be able to communicate with each other. Bill 148 should permit supportive union employees and their unions to access—in addition to the full names, phone numbers and email addresses that the bill provides—employees' mailing addresses, job classifications and employment status.

Finally, Bill 148, as it is currently written, requires a union's application for certification to exactly mirror the bargaining unit that was applied for in its request for information. This undermines the very purpose of providing the information in the first place, and that purpose is to give unions and employees a better understanding of the structure of their workplace so they can craft an intelligent and proper bargaining unit.

To the extent that this restriction seeks to address concerns about unions obtaining a list for a large bargaining unit and applying for a smaller one, I want to remind the committee, as it's well aware, that the law as currently structured requires employees to sign up 20% of the bargaining unit in the very first place.

We think that that section of the act, which requires the subsequent application within a year to mirror the original application, should be removed. It's needless and superfluous.

Finally, a last point: Our union strongly supports a modernized Labour Relations Act that would allow for broader-based bargaining structures to emerge with democratic employee support, if it's displayed, such as the model recommended in the CWR final—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. You almost got through it.

We will go to the third party, please. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much. Please finish your sentence, if you would like. Was it just a word that you were short?

**Mr. Brad James:** No, it wasn't.

**Ms. Peggy Sattler:** Okay.

**Mr. Brad James:** Our union supports, as the commissioners recommended in their final report, the development of a broader-based bargaining structure, one that allows truly durable and rational bargaining units to exist in this new economy. The special advisers recommended a model in broader-based bargaining that they limited to the franchise sector. We think that's an important start.

We think that the government, and perhaps many other interested parties, are showing interest in altering the Wagner-Act-based structure of our Labour Relations Act for the future, to develop a Labour Relations Act that truly can represent the modern workplace.

We're interested in, in our union, and we will reference in our final submissions, the Baigent-Ready model



that was considered in BC, to truly give employees, and the very employees that this Changing Workplaces Review was designed to address—precariously employed employees—the right to raise all votes at the same time through a broader-based bargaining structure. We're very supportive of that.

**Ms. Peggy Sattler:** Thank you very much. You talked about the inherent unfairness or anti-democratic nature of allowing card-based certification for some sectors and not for others. Can you expand a little bit on what that would mean for those sectors that are excluded from card-based certification?

**Mr. Brad James:** We applaud the bill's extension of card-based certification to workers in the building services sector, for example. Our union represents 6,000 or 7,000 workers who provide security services across the province. Those people and contract cleaners and contract foodservice workers will now have this right, and we think that's good. But we think that those workplaces are not that fundamentally different, and that distance from the access to collective bargaining, from thousands of other workers in virtually every other sector, whether they would be part-time workers at a fast-food operation or at a hotel or, indeed, in a manufacturing plant—we think that all Ontarians deserve that right, deserve the access to make a choice about their collective representation.

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So while we think Bill 148 is a good first step around the extension of card-based certification—it adds to the government, in its previous iteration, moving card-based certification into the construction sector—we think that there is no firm policy reason that that right shouldn't be extended to all workers so they can make a choice on whether to join a union or not.

**Ms. Peggy Sattler:** You mentioned the power dynamic when you're looking at employer-employee relationships and how that can affect a voting process. Can you expand a bit more on that?

**Mr. Brad James:** Certainly. Even when a union is successfully certified after a vote or after a card-check-based system, as Ontario had for decades, the employer remains in control. The employer retains residual management rights and runs the operation.

A union vote is fundamentally different from the vote when I attempted to run and be one of you, although I was unsuccessful. I think I ran in Mr. Yurek's riding a hundred years ago. That process always has a representation option. Someone is always elected. In a union process, in a union vote, employees either get representation or they do not. So it's a fundamentally different outcome.

As well, the inherent nature of employee-employer relations means that employees have a reasonable concern about the reaction of their employer to their choice. The card-based system has been a time-tested system that provides some protection to employees as they make that choice, while still ensuring that there's a majority test for union support. It has been returned at the federal level, as the committee has probably heard a dozen times. We

think it's time for this government and other parties to support its return to Ontario, as was the case under Bill Davis and successive Premiers.

**Ms. Peggy Sattler:** You talked about the limitations around access to workplace information. Do you see that as a barrier to unionization in workplaces?

**Mr. Brian James:** The committee will hear in future submissions, certainly, from some folks from our union in Niagara Falls who will be presenting. I've organized in campaigns where it took the employees, indeed, in a para-public institution, well over a year and a half to actually understand how many employees the employer had. This seems to be a mountain too high to climb for employees who are choosing to join unions. They should have some sense of how to contact and how to understand the contours of their possible bargaining units so they can make a determination on whether they should have a union or not.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll go to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon. Thank you for your submission this afternoon.

On the issue of card check, as you acknowledged, one of the key parameters around the Changing Workplaces Review was trying to address those Ontario workers who are in the most precarious situations. Many Ontario workers do have the benefit of being part of collective bargaining units and have the protections that provides them. Many others are in relatively well-paid jobs in the private and the public sector, and perhaps the ESA and the LRA are sufficient for them. But we know that increasingly, with the prevalence of part-time work, contract work and other forms of employment like those, we have this class of employees who would find it extraordinarily difficult, in many cases because they're in dispersed workplaces, to understand what their rights are, to understand who the other employees in their firm or in their sphere are. The government chose to look at those particular sectors for card check because we thought that in those sectors, there would be no other mechanism available to those workers.

That's more of a comment than a question.

Vis-à-vis the issue of provision of lists, this bill does provide an opportunity for the requirement for an employer to provide a list at a certain point in the drive to certify a union. Is there wording that you would like to suggest as an amendment to the bill that would, in your view, give greater clarity and transparency to the information that should be provided?

**Mr. Brad James:** Yes, absolutely, Mr. Milczyn. We will provide that in our submission on the 21st. Also, we will support the OFL submission on the same point.

Our union has done pretty substantial work on this issue. It has been one of our issues for a long time that employees in a democratic society deserve the ability to actually communicate with each other. The provision of information is important to achieve that right.

We'll be putting in some very specific suggestions to change the wording of Bill 148 to achieve those very ends.

**Mr. Peter Z. Milczyn:** Thank you. In terms of some of the other provisions of Bill 148—the provision of successor rights in specific sectors where we know that there’s a great deal of contract churn, and the provision of some protections to temp agency workers—are those things that your union was looking for in this bill or finds to be important advancements?

**Mr. Brad James:** Absolutely. We represent, as I said, thousands of people in the contract security sector who are affected by contract flipping, when security clients change contracts. So we think it was overdue. It’s to be applauded that people in the building services sector, broadly defined—security, cleaning and foodservices—now have that sort of successor rights protection that everybody else in the economy has.

We do support the extension of that right. We’ll be supporting the OFL’s call for that right to be extended. We understand the government is open to considering how to extend that right into other sectors. We’ll be participating and trying to give advice about our experience in this sector, to help others.

We think that’s an overdue change. Our members will benefit by it; their families will benefit by it. It gives a little bit of a floor under people who are in a very precarious sector.

**Mr. Peter Z. Milczyn:** Thank you very much for your presentation today.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We’ll move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Thank you for the presentation. I’m a little hampered, not having your brief. There’s an awful lot of complex stuff, I find, on the card-based or card-check certification.

You talked about the card system as providing more choice and more protection. What is the lack of choice in the existing system?

**Mr. Brad James:** For choice to be exercised, it has to be free, presumably, of coercion, either real or apprehended or felt. The card-based system has been shown, for decades, through repeated studies and through experience across Canada, to provide that level of protection.

The choice about workplace representation is fundamentally different than the democratic choice that we engage in when we elect our MPPs or our mayors. It’s a fundamentally different process because of the different power dynamics—power dynamics that I’m not choosing to quibble with. The employer is the employer, and retains the right to manage the workplace. So it’s not about a lack of choice; it’s about a choice that can be more freely exercised. The card-based system provides a measure of protection around that and has been proven to do so. You can see it from the positions the parties take, and the research that was provided by various academics to the Changing Workplaces Review that showed repeatedly the reduction in certification rates, specifically among some of the groups that the government seeks to assist, after moving from majority-test systems, through cards, to workplace votes.

We can get into some details about how workplace votes are run. I can provide you with some examples—I

don’t know if there’s time—of how it’s fundamentally different from a vote where some of you were elected, of course.

**1600**

**Mr. Toby Barrett:** It sounds like this kind of influence, or intimidation, if you will, is going on, even though it’s against the law. There is legislation that prevents this already, right?

**Mr. Brad James:** Absolutely. And the intimidation, the fear and the concern, can be apprehended or can be evident through unfair labour practices, through breaches of the act. Again, research that was provided to the workplaces review shows an increase in unfair labour practices by employers in the main, subsequent to the change from a card-based to a vote-based system. It’s been proven in various jurisdictions across Canada.

Putting oneself in the shoes of employees, again, the employee always knows that the employer, as is its right, runs the show and that a choice of a union is sometimes, improperly, seen as a choice against the employer when it’s no such thing. Employees have a legitimate concern about the exposure of their choice to the employer.

**Mr. Toby Barrett:** Your work is with non-union people?

**Mr. Brad James:** Mostly, and then I work with people as they join our union, if we’re successful through whatever means—a card-based system in certain jurisdictions across Canada or a vote—and then into the first-contract preparation phase in our union. Yes, that’s what I do.

**Mr. Toby Barrett:** Maybe I read this coming out of the Steelworkers. So the non-union work, like in the retail sector, the fast-food sector—I think some Tim Hortons employees are Steelworkers.

**Mr. Brad James:** In beautiful Sept-Îles, Quebec, and a few places like that, but not in Ontario. If you drive through Sept-Îles, you’ll be going through the Tim Hortons drive-through. We don’t represent any Tim Hortons workers in Ontario, at least as far as I know. We certainly do organize broadly. We work with employees in virtually any sector in Ontario. We aren’t restricted by our historical name of Steelworkers to the manufacturing sector, if that was your question.

**Mr. Toby Barrett:** Again, I worked in the steel industry, but that was years ago. Metro, I think, the Metro food distribution system—am I wrong?

**Mr. Brad James:** That’s not our union, but I can—

**Mr. Toby Barrett:** Okay. All right.

**Mr. Brad James:** I don’t think so.

**Mr. Toby Barrett:** But I get the impression, yes, you are in a wide diversity—

**Mr. Brad James:** Certainly.

**Mr. Toby Barrett:** —other than heavy industrial. Regrettably, the factory I worked in is closed. We’ve lost something like 300,000 or 350,000 jobs, and much of that would hit the steel industry.

**Mr. Brad James:** Certainly.

**Mr. Toby Barrett:** I might mention that down in my area the steel industry is very important. I am concerned—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Mr. Toby Barrett:** Sorry. We both talk too much.

**Mr. Brad James:** Of course.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much for your presentation. If you would like to submit a written submission, it needs to be to the Clerk by 5:30 on Friday, July 21.

**Mr. Brad James:** We'll be doing so and all of my massive verbiage will be covered in that. Thanks very much for your time.

#### UNIFOR LOCAL 88

**The Vice-Chair (Ms. Ann Hoggarth):** I'll now call Unifor Local 88. Good afternoon. Do you have something to submit?

**Mr. Dan Borthwick:** Yes.

**The Vice-Chair (Ms. Ann Hoggarth):** If you would please state your names for the record, and then your five-minute presentation will begin.

**Mr. Dan Borthwick:** My name is Dan Borthwick. I'm Unifor Local 88 president.

**Ms. Colleen Wake:** I'm Colleen Wake. I'm the chair of the Union in Politics Committee at Unifor Local 88.

**The Vice-Chair (Ms. Ann Hoggarth):** Go ahead.

**Mr. Dan Borthwick:** Good afternoon. Our local union represents over 3,000 workers at the GM CAMI facility, Auto Warehousing Co. Canada and Doug Coleman Trucking in Ingersoll and southwestern Ontario.

I would like to thank the committee for allowing us to speak here today. I applaud the government in taking a leadership role in creating decent work. All Ontarians will benefit from these bold and significant changes. Unifor Local 88 supports the government's decision to increase the minimum wage to \$15 an hour. Both the workers and the communities in which they live will benefit.

Unifor Local 88 has joined with the Ontario Federation of Labour and its affiliates to put forward recommendations to the government and amendments to the current legislation. Unifor Local 88 and other members of Unifor presented at all the 2015 hearings for the Changing Workplaces Review. We have also participated in rallies and attended town hall meetings, as well as submitted written submissions.

Unifor Local 88 supports Bill 148, but we are also calling for further improvements to the law so that no one falls through the cracks. Unifor will be making a written submission to the committee reflecting the consensus priorities of the Ontario Federation of Labour. It will highlight the areas that are significant to Unifor Local 88, Unifor, and our members.

We believe the bill needs to be strengthened in four broad areas: extending card-based certification to all workers; stronger successor rights, to stop the abuses of contract flipping; protection of women through domestic violence leave; and extending the concept of broader-based bargaining.

Today, I'm going to speak on union certification and card-based certification for all members.

The government has reintroduced card-based certification in three sectors dominated by precarious work: building services, temporary help agencies, and home and community care services. In doing so, it recognized that workers benefit from having access to collective bargaining.

But it is not only these sectors where workers benefit from having a collective voice and a role in negotiating their terms and conditions. Therefore, I believe Ontario must return to card-based certification for all workers in all sectors.

The current system of collecting cards and then holding a vote is a serious barrier to workers' ability to join together to tackle the power imbalance in their workplace. During the period between card-signing and the vote, workers can be subjected to harassment and intimidation, making them fearful of losing their job if they vote for the union. This means that the vote may not actually reflect the workers' true wishes.

Unifor Local 88 is very active in the community, speaking to unorganized workers on the benefits of having a union in their workplace. We had one organizing drive that was going very well. In a three-month period, we had over 65% of the workers sign cards. We made application and the vote was scheduled. Unfortunately, and more common than many think, the employer began an anti-union campaign. They harassed workers, they cut shifts, they spread falsehoods, and they intimidated the workers both verbally and with written material in the days leading up to the vote.

In the so-called secret vote, workers come into the workplace to cast their vote in front of the government, their employer and the union assisting with the certification. The workers find this process very intimidating and stressful. Workers are not confident their vote is secret. They believe their employer knows how they vote. The workers are concerned that they will be terminated.

In our case, the vote was completed, and only 40% of the workers voted to certify.

Over a year later at the same workplace, the workers once again approached our local union to begin a certification drive. This time, the employer terminated one of the workers who had been involved previously and was stepping up again to assist with the signing of cards. The employer gave no reason. They paid the termination and severance pay.

The terminated worker applied for employment insurance and was denied because of his termination. The employer provided misleading information to EI and caused the denial of benefits. Unifor Local 88 assisted the worker with his EI appeal, and the adverse decision was overturned.

I ask the members to check out the stories that were in recent newspapers: "WestJet CEO Sends Email to Employees Warning Against Unionization of Airline Staff"—that was just recently, on July 13—and "Union Tries to Organize Soho House Toronto, an Exclusive Downtown Club," in May 2017.

I speak for workers with no voice, and for myself. I find the current system is—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. Time is up. Questions begin with MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon. Thank you for coming in, and thank you for making a presentation.

I think I made this comment to one of the previous presenters. As the government was looking at drafting Bill 148, we landed on extending card-check certification to those particular sectors because so much of the work in Bill 148 was put into finding out more about the nature of precarious employment in Ontario and looking at ways to protect the most vulnerable workers.

The workers in those particular sectors, in what I would describe as dispersed workplaces, where they don't all walk into a factory every day or walk into an office building or a hospital or a school, in many cases might not know a single other employee of that employer. Really, there was no other way that we thought we could extend their right to choose to become a member of a bargaining unit, without providing card check to them.

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For other sectors, we felt it was easier for employees to communicate with each other to discuss the options and to participate in union certification if that was their choice.

That's more of a statement than a question to you, but I just wanted to put that into context.

You're not the first presenters to make those remarks. We hear them and understand them. As was said, the government is continuing to look at the Labour Relations Act and other aspects of it to see what further reforms could be done.

I was wondering if you could turn your minds to a couple of other issues: certainly, the issue of providing lists of employees during a certification drive—whether that is a positive aspect of Bill 148—and also some of the provisions around successor rights for those sectors where there's a lot of contract flipping, and also the protections for temporary workers.

**Ms. Colleen Wake:** Thank you very much for your time today and for your question. We do appreciate that you've extended that support, through the legislation, to those who are the most precarious workers, because we really do need to make sure that we're taking care of those.

The concern is that we still see that intimidation and that wall, really, for our workers, who may all work in the same place, who do still have the ability to organize; however, without the card-based certification, it's proving very difficult.

As Dan stated, we had the experience with one workplace. Another one that we've had is a larger workplace, and we did receive a large percentage of signed cards for that workplace. However, in order to get those—we had employees who were concerned, and we were holding town hall meetings off-site, far away from anything that was union so that it wouldn't cause the employer to be concerned or whatever, but they were following them and writing down their licence plate numbers. They were

facing sanctions when they came back to work the next day for going and listening to one side.

The situation is that even before we get to the card-based certification, the intimidation on all workers, not just the precarious ones, is great. Just so we're clear, when they approach us—the majority of the folks who come and talk to us—their concern is not wages; it is about their treatment in the workplace; it is about how their employers speak to them—whether it's favouritism through different areas or whether it's a matter of dressing down in front of others. That's not an appropriate and A-okay way to do things. The majority of them come from health and safety concerns, human rights concerns—all of those things. The difference, I think, was stated earlier today as well: The power still lies with the employer. The union that is speaking to them does not hold the power of saying, "You will not have your job tomorrow." So they're still facing that intimidation factor throughout.

**Mr. Dan Borthwick:** So as far as the successor rights question, the current legislation, as it's proposed, is a start, but we believe it needs to go further and—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll move to the official opposition.

**Mr. Toby Barrett:** Thank you, Unifor, for testifying.

I think you were just getting to it—on page 3, you list four areas that need to be strengthened. We've talked about the card-based certification a fair bit. Actually, the Steelworkers covered that, as well, and in a fair bit of detail.

Number 2: You were just about to talk about stronger successor rights and the abuses of contract flipping. I don't see that in the report here. Do you want to tell us a bit more about that?

**Mr. Dan Borthwick:** Successor rights, as they currently are proposed, are a good starting point, but we believe they should cover all sectors, both privately and publicly. Everyone needs to be protected from contract flipping.

We see in our union where one employer will have a service agreement with a major corporation and then there's a contract bidding that happens, and another contract is awarded to a second employer, and those workers are left hanging with no employment and no successor rights to move on. We believe all workers who are currently in the workplace, who are performing the services for an employer, whether it's contract work or work directly for the employer, should be maintained and successor rights should be adhered to.

**Mr. Toby Barrett:** Is this already covered in other contracts in other areas, like mergers and acquisitions, where a small company gets bought by another company?

**Mr. Dan Borthwick:** I'm not aware. I would suggest that it depends on the contract services agreement that's signed between the two merging parties, and if there was a unionized contract that had successor right clauses within the collective agreement already.

**Mr. Toby Barrett:** So if a unionized company gets bought out, they're automatically still in the union then?

**Mr. Dan Borthwick:** No.

**Mr. Toby Barrett:** Not necessarily. Yes, I can see the variability with contracts.

So stronger successor rights, in other words. More specifically, I'm just wondering what are some—

**Mr. Dan Borthwick:** Right now there is none.

**Mr. Toby Barrett:** Yes. So not so much “stronger,” actually—

**Mr. Dan Borthwick:** We believe that the proposed amendment to the Labour Relations Act is a start, but it doesn't go far enough. It doesn't protect everybody and include everybody. It's limited to particular sectors in the province. We believe it should be across the board to all workers. There should be no exclusions as part of the LRA or the ESA. Every worker in this province should be covered by both.

**Mr. Toby Barrett:** Number 3: Today we've heard a bit on the domestic violence leave.

Number 4: “Extending the concept of broader-based bargaining.” What does that refer to, number 4 on page 3?

**Mr. Dan Borthwick:** What we're looking at is when there are a number of groups in a certain area that are of like and similar work, that have the same—I'm going to say work or scope—that they all be included into one bargaining unit. I'll use an example like Tim Hortons. I don't know how many franchises there are here in London, but instead of doing 20 or 30 separate certifications and bargaining, that it all be rolled into one process.

**Mr. Toby Barrett:** Yes, okay. So for the purposes of this legislation, one example of that relates to franchises then?

**Mr. Dan Borthwick:** Yes.

**Mr. Toby Barrett:** Okay.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll move to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much for your presentation today. You started by congratulating the government for taking the lead on this. I want to congratulate Unifor and the labour movement for the incredible work that has been done over the last more than a year to raise awareness of these issues, to raise awareness of the importance of making it easier for Ontarians to join a union, if we are to ensure that there actually is decent work for all of the citizens of this province.

You have raised concerns about some of the limitations that have been included in this legislation around card-based certification and successor rights. Can you elaborate a little bit more on the impact of those limitations on making it easier for Ontarians to join unions? You provided some of your own experiences about the requirement for a vote and how that has a negative impact on the ability to form unions, but I just wondered if you can provide a little bit more context for us about the need to expand the legislation to address those two issues.

**Mr. Dan Borthwick:** So, talking about card-based certification, we believe it's of the utmost importance and a right under the charter for individuals to have a choice

and to express their choice in one method, not the two methods that we currently have under the legislation, where the individual freely, of their own determination, signs a card and then, secondly, has to go for a secret ballot vote.

**1620**

I don't know of any other circumstances where you have to vote twice for something that you want. It's usually one decision, one time.

Card-based certification is the way to go. It worked for 50 years prior to the change in the legislation. There's no reason why all the people in this province shouldn't have the ability to make a choice through card-based certification.

**Ms. Peggy Sattler:** The example that you provided about Unifor Local 88's experience was shocking to me, and it makes me wonder if there are concerns about enforcement. If that couldn't be enforced to ensure that there was no employer intimidation, even, as you pointed out, of that flawed process—if the oversight wasn't there to protect that process, are you concerned about enforcement of all of the provisions of Bill 148?

**Ms. Colleen Wake:** Absolutely. This legislation has done a great deal to make things a little better in the province. However, you're absolutely right, Peggy. The concern is, how is it going to be enforced? Is it going to be enforced? Why hasn't it been enforced, so far?

Many of the things that we're talking about, in many opinions, would fall under a direct violation of the Labour Relations Act, with the changing of shifts and the intimidation factor, yet it hasn't been enforced so far.

We would absolutely like to see how that's going to be enforced. I know there was a statement that there would be more inspectors, officers. I'm not sure of the right word at this point. But we need to make sure that workers feel comfortable enough to be able to go and ask for that to be called as an inquiry.

Right now, I believe that an awful lot of our workers in Ontario are concerned that, should it be found out that they are the person who went to have that conversation, to have it looked over, they will immediately be facing those sanctions without any further protection.

The thing is, we've heard over and over again that it's not a democratic system. I've heard that brought up more than once by some of the parties. As Dan said, we should only have to vote once in order to join a union.

Secondly, as a union, we provide information. We give them an opportunity, we give them information, so that they know what they're facing and what they're up against. We don't put a pen in their hand, and we don't hold their hand to the card to sign that card.

That is more of a vote than having to then go through employer intimidation for a select period of time and then sign your name on a card again.

**Ms. Peggy Sattler:** I appreciated your highlighting the need for protected leave for domestic violence. Can you speak a little bit more about the importance of including provisions on that, and why what's included isn't enough—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you.

**Ms. Peggy Sattler:** Okay.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have a further written submission that you'd like to give to the Clerk, it has to be here by 5:30 on Friday, July 21.

**Ms. Colleen Wake:** Thank you.

**Mr. Dan Borthwick:** Thank you.

#### LONDON AND DISTRICT LABOUR COUNCIL

**The Vice-Chair (Ms. Ann Hoggarth):** London and District Labour Council. Please state your name for the official record, and your five minutes will begin. Do you have anything to be distributed?

**Ms. Tina Stevens:** I do. Hopefully, that doesn't cut into my five minutes.

**The Vice-Chair (Ms. Ann Hoggarth):** The Clerk will get it from you.

**Ms. Tina Stevens:** Thank you. I have a folder.

**The Vice-Chair (Ms. Ann Hoggarth):** If you could start your presentation.

**Ms. Tina Stevens:** Thank you. My name is Tina Stevens, and I'm the secretary for the London and District Labour Council as well as a member of OPSEU Local 102.

In my daily employment, I am a court and client representative within the Ministry of the Attorney General.

Throughout my experience in the labour movement, there is a lot to be said around the conditions that current workers have to deal with on a daily basis. The main issues that families have to deal with are child care expenses and scheduling issues while working in a precarious environment of job instability.

Ontarians are working in a province where many job losses have been experienced because of the downsizing of the Ontario government, which has negatively impacted many communities in southwestern Ontario.

Alongside these job losses, workers in many sectors now have to take on two and three jobs so their families have the ability to survive in all areas of food security, education and the maintaining of a minimum-standard quality of life. No longer are the days when jobs were plentiful and monies could flow into extracurricular activities, such as music, arts and sports, to keep their children active.

In my employment, I had to survive 15 years of being on contract within the court system. Throughout many weeks and years, I had to deal with the uncertainty of scheduled hours and no job security. My partner had to maintain various precarious types of employment within the cleaning services. In both cases, we had to work alongside other workers who were receiving higher pay, who were doing the exact same work as we were doing at a lower pay rate, during which time there was always a threat of the employer not renewing your current contract because of fear of speaking out about the risks of the workplace conditions or lack of hours. Yet it was not

looked upon in a positive sense when you had to turn down work because of other employment commitments. The expectation was that you had to be available and committed solely to your current employer. Thus, there were many days when you were not called in to work.

In certain situations, the employer holding your contract changes, which therefore creates even more uncertainty in cleaning services, as their processes or standards change. In some cases, some employers do respect health and safety, and make sure your safety is protected. With changes to a new employer, issues of harassment and intimidation were endured, with the threat of the termination of your job if you didn't comply with the risky conditions you were told to undertake.

There was certainly a time when discrimination was felt in the words conveyed directly to me. My employer at the time called me a squaw, and I felt humiliated in front of my co-workers. In my defence, I stated, "You can't say those words," but then was threatened with losing my job.

In a similar sense, in my early working years, sexual innuendos and inappropriate conversations were endured, well before any workplace harassment and discrimination policies were set in place.

Throughout the years, in the foodservice industry, I was faced with watching many other non-indigenous workers step on each other in competitive fields, to get ahead for higher wages. Thus, there was no equality for the same work we were doing, but the notion that if you cut corners and undermined your fellow workers, you were considered to be more of a leader and therefore should receive bonuses. The person with the loudest bark received more considerations around scheduling, time off and incentives.

These types of behaviours and violations would be served better in a unionized environment. Workers should have the right to protections under health and safety laws without the fears I once experienced. More workplaces should have the right to card certification. In any society, workers should be treated equally only for the job they are performing, and as well, should be able to perform their job functions in a workplace that does not involve fears, intimidation, harassment or discrimination.

But once these good qualities are sought out by workers, and discussions are commenced about unionizing, employers then, through different strategies, demonize these workers, and in various cases, these workers are terminated for their efforts.

Currently, we are seeing an ever-increasing denial of these rights of card certification and unionization, by allowing industries and businesses to close down when these rights have been won, or we see the closures of businesses with no successor rights, which then reopen their doors but with lower-waged workers with no entitlements to benefits or security. These methods have to be curbed for workers to have the right to good-quality jobs.

Employers in the province are being sent the wrong message. Card certification should be the right of all

workers and not just limited to certain sectors. Are you saying that it's okay for bosses to bully and intimidate workers who are trying to organize in some sectors but not others?

Profits can no longer be the way of existence—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, Ms. Stevens.

**Ms. Tina Stevens:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** The first questions will come from the official opposition. MPP Yurek.

**Mr. Jeff Yurek:** Did you want to continue your comments and wrap up?

**Ms. Tina Stevens:** I just wanted to say that businesses do argue that they have no control over these working conditions. But really, it's not the \$15 minimum wage, it's not the right to card certification, and it's certainly not the request for better working conditions. It comes down to, bluntly, their profit margin.

1630

With increased issues of homelessness, housing affordability and access to education, these stabilities have to be considered for all Ontarians. If not now, when?

Businesses challenge this fact because they want to give back to society, but workers within self-run businesses have to first establish that they are a worker rather than an independent contractor when it comes to employment insurance and claims under WSIB. They are not covered under current labour legislation under present definitions.

As well, the 10 days of leave need to be instituted now for illness, injury and certain other emergencies and urgent matters. For women, in collaboration with the bill brought by Peggy Sattler, domestic or sexual violence in Ontario requires an additional and separate 10-day paid leave from work, allowing victims to seek safety, with the help of their employers.

**Mr. Jeff Yurek:** Good. Thank you.

You started out earlier talking about the government. Are you talking about both government employment and business?

**Ms. Tina Stevens:** Yes.

**Mr. Jeff Yurek:** You seemed to change. So, with regard to the government employment, have you seen—we heard earlier from the universities that there has been a trend to having increased contract workers as opposed to full-time—

**Ms. Tina Stevens:** When I first started off in my employment with the Ministry of the Attorney General, they had full-time, quality, good jobs. From then on, for the last 25 years, they have instituted contract work, with fewer benefits and less security.

**Mr. Jeff Yurek:** It seems that some of the issues you're raising—it seems to be possibly poor management within the government sector itself.

**Ms. Tina Stevens:** I find that it is top-down, and there's a real disconnection between the top people in employers with respect to what is being said and what is knowledgeable, and the processes and methods that are

used by the front-line workers. Therein lie a lot of your answers on how to be able to make more efficiencies.

**Mr. Jeff Yurek:** So there seems to be a barrier, I guess, between top-level management in the government and the people actually doing the work?

**Ms. Tina Stevens:** Right. Specifically, the barriers are in terms of the people who come into the workplace through different hiring practices. Sometimes it's just who you know, and not necessarily the experience or the pride with which you do your work.

**Mr. Jeff Yurek:** I truly am sorry that you had to go through what you had to go through during your career. That's something that should never have been accepted in this province. Hopefully, we're moving in the right direction with regard to discrimination and workplace harassment.

**Ms. Tina Stevens:** I agree that there are steps that are being taken. But in regard to being able to take that discrimination and harassment away from all workers, all workers should be entitled to these protections, and not just in certain sectors.

**Mr. Jeff Yurek:** Okay. And just one last question with regard to domestic and sexual violence in Ontario: You're asking for a 10-day paid leave.

**Ms. Tina Stevens:** In addition to the emergency leaves.

**Mr. Jeff Yurek:** Yes, that's what I told a group this morning. They were only asking for five; they're trying to meet you halfway. But, I mean, put everything on the table and then see what happens. That's what I always say, especially at these meetings.

**Ms. Tina Stevens:** I think workers are impacted differently. With respect to when it's a loved one, like a mother or a father, two days is not enough in regard to being able to take care of the closings, take care of their business. There's not enough time within two days of bereavement to be able to effect the changes that need to be made—as well, taking into consideration your own emotional intelligence.

**Mr. Jeff Yurek:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** To the third party: MPP Sattler.

**Ms. Peggy Sattler:** Thank you so much for coming today and for your presentation, and for your courage in sharing your personal experience with racism and discrimination against you, targeting you as an indigenous woman, and also your experience of domestic violence. I know that it is never easy to talk about those things, and to talk about that in this context is especially difficult. I really, really appreciate your doing that.

Your presentation focused on the importance of card-check certification, and raised concerns about the fact that this is only being extended to certain sectors. Can you elaborate a little bit more on the implications of limiting card-check certification on the ability of Ontario workers to get easier access to unionization?

**Ms. Tina Stevens:** I speak to it in regard to that not only are there differences, economically, raised in terms of wages for vulnerable workers and workers of colour,

there are clear differences. You can definitely see in different studies that there are differences, with respect to people who are maybe not culturally impaired, in a sense, to our cultural workers, as well as when it comes to, specifically, women. I speak very heavily in compassion on the issue of women. We really have to curb the issue of the gender wage gap. Not only are there male breadwinners in the family, but moreover there are single mothers. Those are the breadwinners that we're having to deal with in the current fashion and the current time. Society has changed quite a bit, and I think that women should be recognized, in terms of the wages that they receive.

**Ms. Peggy Sattler:** Thank you very much. I also really appreciate your acknowledgement of my private member's bill in the body of your submission and your support for designated protected paid leave for domestic violence and sexual violence. Can you expand a little bit on why what's proposed in Bill 148 is insufficient to address the needs of survivors of domestic violence and sexual violence?

**Ms. Tina Stevens:** Being a survivor of my own domestic violence situation, being able to take those days off and having those days afforded—that was not there when I was experiencing domestic violence in my own life. I had to grit my teeth, and I had to bear it all in regard to being able to just go back to work instantly. Whether it was the bruises that people didn't see or whether it was the emotions that I was going through, I had to just fight through it. And I couldn't tell anybody. In terms of being able to experience those emotions and being able to heal from those bruises to be able to get your life back on track, you need that time available, away from work, so that you can have that time to bring health and well-being back into your existence.

**Ms. Peggy Sattler:** Do you think that people would be reluctant to disclose that they were accessing personal emergency leave for domestic violence and sexual violence if there isn't protected leave that is specifically designated for that?

**Ms. Tina Stevens:** Absolutely, because of the fact that not enough, in terms of education, has been done with respect to domestic violence and sexual violence. This is one way to really bring to light that these people should not be shamed for what they're going through in their life and that they get the dignity and the privacy that should be extended to them.

**Ms. Peggy Sattler:** Also on the issue of personal emergency leave days, there are no provisions for sick days, either, in addition to domestic violence and sexual violence days. Do you see that as a barrier to enabling employees to access the time that they need to deal with their own physical and mental health as well as other issues?

**Ms. Tina Stevens:** Absolutely. It's not necessarily specifically just for domestic and sexual violence, but it's as well with respect to the issues of their family, in terms of when your child is home sick and you're trying to pay bills because of the child care expenses that keep increasing on a yearly basis. Those things are, as well, an

extension—your family is an extension of you. Being able to break down those barriers and properly take care of your children, that's what we do as women and that's what we do as mothers. We need that time to be able to really take care of our families because of the fact that our health and well-being and balance at work heavily depend on what's happening at home.

**Ms. Peggy Sattler:** And the fact that the days are unpaid after the first two days, do you think that that would create barriers to people accessing—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. We'll go to the government now. MPP Martins.

**Mrs. Cristina Martins:** Thank you very much for being here this afternoon. I know you're a little bit nervous, and you've shared so much with us today, so much of your personal situation, and with such passion as well, so I wanted to thank you for that. That's what makes all of these consultations so real. It's when we hear not only from organizations, associations or those types of entities, but from real people with real experiences. So thank you for sharing that.

You touched on a couple of things that I wanted to just talk to you about. You had spoken about the gender wage gap and that there needs to be something done about this. I couldn't agree with you more. For the past two years since this Changing Workplaces Review has been undertaken by our government, I've heard from women in my constituency office on the importance of ensuring not only that we narrowed the gap, but that we closed the gap. The notion of equal pay for equal work in this bill is something that I imagine you fully support.

**1640**

**Ms. Tina Stevens:** I would say, from my own personal perspective, that it really does not go far enough. I'm saying that because of the fact that working with indigenous cultures, being able to look at the full scope, at the full review, in regard to being able to have present and current consultations, to have present and current stats—those stats are consistently always going to change. As well, it doesn't include everybody that it needs to, because of the fact that not everybody is involved in the census. Not everybody can be contacted by telephone or email. Those people who are homeless, those women who are homeless, aren't being involved in these stats.

The gender wage gap has made the strides to be able to make that good start, but it really does have to go further.

**Mrs. Cristina Martins:** Just to clarify, what we're talking about here is Bill 148. There has been extensive consultation on this particular bill. There is a separate, ongoing consultation as well on the gender wage gap, for which we still await the report.

You said something, and you sounded almost as if you were quoting an article, an op-ed, in the newspaper last week, in Huffington Post Canada, that said that when women thrive, their communities thrive and their families thrive, and that they will actually be the greatest beneficiaries of the increase in minimum wage. What is that



going to look like in your community? What does that mean for those women who are having to juggle two, three, four jobs just to make ends meet?

**Ms. Tina Stevens:** First, it's going to decrease the amount of jobs that they have to keep, in regard to maybe one- or two-income families that produced the types of income to be able to put their children and other family members through education, and being able to provide them the extra supports that they required.

Today, society doesn't allow that to happen. There's more money being taken out of our pockets; there are more taxes that we're paying; there are more increases in terms of the rising of food prices. Collectively, you are going to have to rely on all members of your family today, as opposed to just the two breadwinners.

**Mrs. Cristina Martins:** I guess this bill, coupled with the fact that we're introducing free pharmacare, free medication, for all children and youth 25 and under, free tuition for families whose net income is less than \$50,000, and 25% off hydro all across the board in all of Ontario—all this, coupled with this bill, you agree, will make Ontario a fairer place and attract more people to come to Ontario, and will make people living in Ontario better people all around?

**Ms. Tina Stevens:** I remain a little bit skeptical, and that's only because of the fact that until I actually see these changes be put into place, everything that you've just stated—is there going to be attraction to the job market here? There could be, in terms of whether it's the trade deals, whether it's outside things as well that Ontario is going to be participating in, business-wise, corporation-wise and everything else like that. Those things have to be put into place. We have to see the results. Right now, nothing is based on results. Being able to state all of that is well and good, but I want to see the results. If I don't see the results, then what is the good in this bill?

**Mrs. Cristina Martins:** The 25% off hydro—you would have seen that in your hydro bill in July. Free OHIP is starting as of this September. Medicare is starting in January. Hopefully, all of these things, collectively, along with this bill and the increase in minimum wage, will ensure that Ontarians have more money in their pockets all around.

**Ms. Tina Stevens:** I understand those notions, but again, you have to anticipate the impacts of the changes in government.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you for your presentation. If you have a further written submission, it should be to the Clerk by 5:30 on Friday, July 21.

**Ms. Tina Stevens:** Thank you.

MR. BRIAN TANSEY

**The Vice-Chair (Ms. Ann Hoggarth):** I call Brian Tansey. Good afternoon, Mr. Tansey. If you'd please identify yourself for the record, and then your five-minute presentation will begin.

**Mr. Brian Tansey:** My name is Brian Tansey. I'm not here to talk about the minimum wage or anything to do with the Labour Relations Act. But I do want to talk about an issue that I brought up at the Changing Workplaces Review that—I wouldn't say mysteriously, but I just don't understand—got dropped between the interim report and the final report. So, of course, it doesn't appear in the draft legislation of Bill 148. That issue is wrongful dismissal.

Actually, we've heard even just today the number of times the word "precarious" was mentioned. Everybody who is not in a union is in precarious employment because in Ontario an employer can dismiss you for no cause, for cause, and they can lie to you about the reason. It's a mishmash. In Quebec, you can't do that. In Nova Scotia, you can't do that. And in the federal jurisdiction, you can't do that. Actually, the remedy for being wrongfully dismissed in those three jurisdictions is reinstatement, and that right was confirmed this last summer by the Supreme Court of Canada.

The decision by the Supreme Court came out between the issuance of the interim report and the final report of the Changing Workplaces Review. It looks to me, from the wording in the Changing Workplaces Review interim report, that they were anticipating, Messrs. Murray and—who was the other commissioner?

**Interjection:** Mitchell.

**Mr. Brian Tansey:** Mitchell and Murray. They were anticipating the Supreme Court decision was going to go against reinstatement. Instead, the Supreme Court confirmed it.

I want to tell you a little story. I don't think it will take me the three or four minutes left. I'm an insider. I'm paid by employers to help employees who have been dismissed. In order to help an employee who has been dismissed, I have to figure out who they are. I also have to figure out: What's the story? What happened here? I sometimes get five minutes with the employer—usually not—and then I'm dedicated to the employee, even though the employer is paying me for this.

I'll tell you a little story about one of these employees. It's very typical. It illustrates the problem in this province right now, where you can be dismissed for any reason and all you get is a statutory severance. A young guy—well, he was not so young; he was probably 30—was moved by a very large employer; everybody here would know the name. This was about five years ago. He was a business analyst, very competent, very intellectually capable, dedicated to his work, ethical and all this stuff. He was moved from the head office in Mississauga of this company, although it's not the world head office, to a job in sales in eastern Ontario, where the environment was more French than English. He didn't speak French, and he didn't have a sales personality. He certainly didn't have a sales personality suitable to eastern Ontario and western Quebec. After six months on the job, they fired him. He couldn't do the job.

I got my five minutes with the employer—several of them, across the table from me—trying to check out,

“What about this guy?” before I meet him. The short story is, they assured me—I said, “Look, you’re a large company. You’ve told me all these wonderful things about this guy. How come you haven’t found another place in the company for him?” They said, “We checked.” “Okay.” Anyway, I left it at that.

When I finally meet this guy, I find out that they must not have checked, because the first thing we did was he went back to the two guys who he had worked for in Mississauga who had then since moved on, two of them much senior to him, to the Cleveland world headquarters of this company. When they heard he had been dismissed from his job in sales, to which he wasn’t suited, they offered him a job. Obviously, this company had not checked with the two people who knew him best. This is typical.

A recent case I had was where a guy was hired at \$22 an hour to do basically plumbing inspections, to do plumbers’ work, which is \$60 an hour, by a company that is also very well known in Canada—they don’t have a good reputation anymore, but they were very well known in Canada. He started to push back on that. He said, “Look, I’m not qualified.” They fired him.

So my point is that the wrongful dismissal remedy should be reinstatement unless the employer can prove just cause. It hasn’t made its way into Bill 148 and it didn’t make its way into the final report, but it’s quite unfair.

Am I finished?

**The Vice-Chair (Ms. Ann Hoggarth):** Yes, you are, sir. Thank you. To the third party: MPP Sattler.

1650

**Ms. Peggy Sattler:** Thank you very much for taking the time to join us today and to raise that particular concern. I’m not sure if you are a legislative expert, if you have expertise in reading legislation, but do you have any advice or recommendations for this committee as to where your concern about reinstatement as a remedy for wrongful dismissal could be included in the current wording of Bill 148?

**Mr. Brian Tansey:** It wouldn’t be hard—and I heard another witness say the same thing: I’m not a legislative drafter. I’m not a lawyer, although I feel like I am in this particular field, in the sense that I really understand both sides of the issue. I’m all for firing if you’ve got cause. I’d be the first one to say, “Fire him. You’ve got cause. It doesn’t cost you a penny. But don’t fire unless you have just cause.”

It would be very simple. I mean, I would never recommend that you take some other province’s legislation—Nova Scotia’s, let’s say, or Quebec’s or the feds—and just cut and paste. I would never do that because I think the right thing to do is for each culture—in this case, it’s an employee culture within a specific province: Ontario. We should be able to come up with our own stuff.

But Quebec enacted this legislation 40 years ago. That was when the first PQ government got elected. They were not wild men. They weren’t all separatists—I’m actually from Quebec. They had three campaign promises

that year. I think it was 1976. One of their campaign promises, when that party was elected, was fairness for workers. Isn’t that interesting? Look at the title and the words we’re throwing around now in this legislation. Fairness for workers was one of their three campaign promises. They amended their employment standards act and they put in this article 124, if you want to look at it. It’s article 124 of the employment standards act in Quebec.

Ironically—I would never have expected this—they have actually strengthened that legislation over 40 years.

**Ms. Peggy Sattler:** So you’re recommending that this committee take a look at article 124 from Quebec’s employment standards act to make a decision about its relevance and applicability to Ontario’s employment standards.

**Mr. Brian Tansey:** Yes, or Nova Scotia’s, or federally. It’s all the same. In fact, you could look at any union contract. If you’re unionized, you’re covered by this. You can’t be unjustly dismissed. The employer has the burden of proof to make the case that they had cause.

Like I said, I’m not here as a lefty advocate for hard-done-by employees who were terminated for no reason; I’m here because it’s not right. What happens if you are terminated and you don’t know the reason? My job is to help you get to your next job. If the reason might have been performance in that job, and nobody’s told you and nobody’s told me, then the likelihood that you’re going to go and try to find another job is pretty well the same. A lot of employers are not sophisticated enough to really check and they’ll hire you, and you’ll fail again.

It could be performance; it could be a whole lot of other things, including things like the example I gave you last, about how it was a safety problem. Really, it was a safety problem for that organization. They were having a non-plumber do plumbing work. That’s not right. They fired him before he went to the Technical Standards and Safety Authority.

**Ms. Peggy Sattler:** And this was a concern that you yourself raised prior to the interim report of the Changing—

**Mr. Brian Tansey:** Yes, and it made its way into it. It got into the interim report. It was there as an option. The remedy for dismissal could be reinstatement. It was there.

**Ms. Peggy Sattler:** Okay. And we’re not sure how many other organizations or individuals raised this issue with the advisers?

**Mr. Brian Tansey:** No, I don’t know.

Here’s the other political problem, as I see it, because I’m trying to explain it to myself—it is an issue of fairness. Why would the Ontario Legislature not—considering they’re using F-A-I-R all over and they’re trying to be fair, why would they not have moved on this? I had to explain it to myself somehow. I can only imagine that it was the employer lobby, between the issuance of the interim report and the final report.

The employers, of course, do not want to have their hands tied. They want to be able to hire and fire whoever they bloody well please and say whatever they like to

them, because right now, they can. In fact, there was a fair amount of public pushback. It wasn't just under-the-table stuff; lawyers were hired by their employers to push back on this.

Now, I can't say that I know for sure that that's the reason, but it got dropped.

**Ms. Peggy Sattler:** Thank you very much.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, sir. We'll now go to the government. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Good afternoon, Mr. Tansey. Thank you for coming in with your presentation.

You're the first person in six days of testimony who has raised this issue, so I want to thank you for that. We do want to hear from people on a broad range of issues and not just have everybody come in and tell us what they think about minimum wage or scheduling, as valuable as that input is. I do thank you for that.

I don't know the reason why this particular issue was dropped between the interim report, the final report and Bill 148. I can tell you that much of the focus of Bill 148 is to protect the workers who are in the most precarious situations, the most vulnerable situations, whether that relates to card-check certification for those employees in dispersed workplaces, the protection for part-time workers to ensure that they get equivalent pay, temp workers from agencies and so on and so forth. I've seen you sitting here for much of the day, so you already know all of that.

On this particular issue, though, you're saying the difference is that an employer should always be required to show cause or not terminate an employee.

**Mr. Brian Tansey:** Yes. That's what it gets down to. It takes a sophisticated management company to figure out, "Hey, wait a minute. He's not working out in this job." It's like my first story. That was just an illustration, but it's an absolutely true story.

I'm sure that's what happened in Quebec, that the Quebec employers, ordinary employers, have really picked up their game. They know that they can't dismiss without cause, so they've done two things: They're more careful about managing a performance problem, let's say, so that you end up dismissing for lack of performance, and/or they're more careful at the front end—"Who am I hiring?"—and the probationary period and all that stuff. That's the way it should be, and that's all this would do.

Of course, the other thing is, it doesn't give anybody a competitive advantage or disadvantage. Every employer would be faced with the same thing. All employers who have unions are already faced with that problem, or issue, or whatever. All employers would now be covered by it. So, talk about fair workplaces—all employers would have to up their game, or drop further back, I guess, if you're not more careful about who you hire, how you manage their introduction to the company and how you manage their usefulness in the organization.

**Mr. Peter Z. Milczyn:** So you're saying that federally legislated workplaces and Quebec and Nova Scotia have this provision?

**Mr. Brian Tansey:** Yes. In Nova Scotia, you have to have 10 years of service to apply for that remedy—in

other words, to go to an arbitrator or a judge and say, "Hey, look, I've been wrongfully dismissed."

**Mr. Peter Z. Milczyn:** So there is a process in place?

**Mr. Brian Tansey:** Yes. In Quebec, it was five years of service. You needed five years of service to apply for the remedy. Now it's one year. In Quebec, if you wanted a lawyer, you used to have to hire your own lawyer and pay them. In Quebec, they give you a lawyer now. That's how far it's gone.

In all events, the basic concept is that the right is there, that an employer can't dismiss without cause or will face an order for reinstatement. It has happened hundreds of times that I know of in Quebec and in the federal jurisdiction—reinstatement.

If you are reinstated, and let's say you don't fit, really, or they don't like you or something like that, now you've got bargaining power. "I've been ordered reinstated. I'm coming back." "Oh, no, you're not." "Yes, I am. Here's the order." "Okay, well, how about if we give you \$50,000 instead of \$10,000?"

Or what actually happens is, in the course of the arbitration, you find out that in fact it was performance, or you find out that it wasn't. You find out it was, for example, that a safety standard has been—the evidence all gets introduced, and there's the plumber with his pictures and affidavits and stuff like that, showing that in fact the company was using a \$20-an-hour employee to do \$60-an-hour work, and of course making money off it.

**Mr. Peter Z. Milczyn:** What exactly is your title? Employment coach?

**Mr. Brian Tansey:** Yes, now. I've had a very varied career, but in the last 20 years, I've been paid by employers to give assistance to employees who these employers have terminated.

**Mr. Peter Z. Milczyn:** So what is that called? Post-employment assistance?

**Mr. Brian Tansey:** You can call it what you like. It used to be called, which is not wise—oh, I forget. Anyway, it was given the wrong name. It was given a name that made the person who was in my position have the responsibility of finding you a new job—that's not it; I help you to find the new job. You have to find the new job. Of course—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much. We will move to the official opposition. MPP Barrett.

1700

**Mr. Toby Barrett:** With respect to wrongful dismissal, it sounds like in Ontario any kind of responsible or professional actions by the employer are all voluntary, and that would probably apply to larger organizations that would maybe have somebody working for them who knows a bit about human resources or personnel. They would go through the process—it would be a verbal warning and then a written warning, possibly, to cover themselves. I assumed there was some law there that—say, you say something to an employee, or your boss chews you out inappropriately or threatens to fire you—you can go to a government-run tribunal.

**Mr. Brian Tansey:** You mean if you're not unionized?

**Mr. Toby Barrett:** Yes.

**Mr. Brian Tansey:** Well, it doesn't happen that fast. You don't go to a tribunal on that basis. The employer would have to fire you, first of all, or do something that in effect would be some action to give rise to a complaint. Usually, that would mean dismissal. They'd have to dismiss you for, let's say, chewing out your boss or whatever it was. It could be insubordination, disloyalty, poor performance, stealing. There are all kinds of just causes for dismissal.

**Mr. Toby Barrett:** I was referring to if the boss chews you out or uses language and then terminates you. But there is recourse for an employee.

The people you work with are non-union, right?

**Mr. Brian Tansey:** Right.

**Mr. Toby Barrett:** So they don't have the advice of a union or an organization—

**Mr. Brian Tansey:** I'm very glad you asked that because it's—actually, I do have a written submission here. I didn't want to read a submission, so what I said to you is not what's in here.

Former Chief Justice Warren Winkler said to the Ontario Bar Association about 10 years ago that in civil litigation—in other words, if you want to take your employer to court for wrongful dismissal, as opposed to using the Employment Standards Act—it takes so long and costs so much that, in effect, there's no access to justice. That was his expression: "access to justice." He charged the Ontario Bar Association, the employment law section, to do something about it. And what did they do? They did a study. And who did they talk to? They talked to lawyers. Lawyers tend to lose if you have legislation about this because they're not going to get all kinds of people coming in and trying to go through civil action and pay a fortune—\$10,000, \$20,000, \$30,000—in fees and wait three years for a decision. What happens is the system—in Quebec, it's 90 days. When you put your complaint in, they have 90 days to adjudicate it and maybe order your job back—or maybe it's proven that in fact they had cause; I don't know.

**Mr. Toby Barrett:** So the Ontario Ministry of Labour doesn't do anything on this? You can't phone the government and ask them for help?

**Mr. Brian Tansey:** You can. In fact, the client I told you about who was asked to do plumbing work used—he's a French client—a bureau de consultation. There is an employees' counsel advice office, but it's pretty loose.

**Mr. Toby Barrett:** In Quebec or Ontario?

**Mr. Brian Tansey:** In Ontario. In Quebec, it's serious. In Ontario, there is something, but it's very limited.

To go back to your question, they could take that office and give it a shot of energy and say, "Okay, now your responsibility is," for example, this process, to make sure that employees who feel they've been wrongfully dismissed get heard and adjudicated and maybe reinstated, or maybe not. I'm just saying that with reinstatement there when the employer cannot prove they

had cause, it is a pretty strong message about fairness in the workplace, and everybody ups their game.

**Mr. Toby Barrett:** Or unfairness—whether you're in a union or not. There's a big distinction.

**Mr. Brian Tansey:** What do you mean?

**Mr. Toby Barrett:** Well, you're saying that if you're in a union, there's really not a problem here—

**Mr. Brian Tansey:** You're covered. Yes, you're covered. The employer has to go through that same process: grievance, one, two, three, four, and arbitration, and an award can be to get your job back. Reinstatement is common in a union environment.

**Mr. Toby Barrett:** And that's government-backed, in a sense. Or is a union on its own?

**Mr. Brian Tansey:** The union is on its own, yes. The union makes their own contract. All I'm saying is that I don't know of any union contract that doesn't have this in there. All it really is is a detailed process—

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, Mr. Tansey. You said you had a submission. The deadline for the written submission—it has to be to the Clerk of the Committee by 5:30 on Friday, July 21.

LIBRARIANS AND ARCHIVISTS  
BARGAINING UNIT,  
UNIVERSITY OF WESTERN ONTARIO  
FACULTY ASSOCIATION

**The Vice-Chair (Ms. Ann Hoggarth):** Our last presenter of the day is the Librarians and Archivists Bargaining Unit at Western University.

Please state your name for the official record, and your five minutes will begin.

**Mr. Shawn Hendrikx:** My name is Shawn Hendrikx. I'm here representing the University of Western Ontario Faculty Association, Librarians and Archivists Bargaining Unit, with regard to the consolidation of bargaining units.

The proposed language in Bill 148 provides for bargaining units to be merged when a unit is newly certified. It also provides for the structure of bargaining units to be changed when the employer or union requests a review of the existing arrangements and the units are no longer appropriate for collective bargaining.

We find that this is too restrictive. It perpetuates multiple bargaining units so long as they meet a minimal standard of appropriateness. It does not allow workers the autonomy to reorganize the structure of their bargaining units to achieve something superior, benefiting from increased efficiencies in negotiations and operations.

We would also like to see the language amended to remove the requirement that one of the units be newly certified in order to request a merger. We did not have access to this process for merging when we were certified. We would have merged at the time, had we been able to. Changing this language would also allow us to benefit from the provision for merging.

Our situation at Western University is that our faculty, tenured and contract, certified as a union in 1998, and

then our librarians and archivists certified in 2004. At the time, labour law only allowed a new bargaining unit to merge with an existing unit if the employer agreed. Our employer did not agree, and so we have two bargaining units within one union. We are an exception across Canada. In every case where both faculty and librarians are unionized, they're in the same bargaining unit.

Since the librarians and archivists certified, UWOFA has sought to merge the bargaining units. In every round of negotiations for a librarians and archivists collective agreement, we have asked the employer to agree to merge the bargaining units. They have consistently refused to consider a merge.

The primary benefit of merging our bargaining units would be more efficient and cost-effective negotiations. Currently, we and our employer have to prepare for two rounds of negotiations, usually in consecutive years.

Our librarians and archivists unit has approximately 50 members, whereas the faculty unit has over 1,200. But both negotiations require significant union resources. In other words, the librarians and archivists negotiations are not simply 5% of the effort of the faculty associations, even though that unit is less than 5% in terms of size.

Our two collective agreements have many articles in common, and many parallels between other articles. It would not be difficult to merge the collective agreements even further. The example of every other unionized faculty association in Canada shows that university employers and faculty associations can successfully negotiate collective agreements that adequately represent the bargaining conditions of both faculty and librarians and archivists.

We also emphasize that our faculty bargaining unit includes both tenured and contract faculty. In some respects, the working conditions of these groups of faculty are less similar than the working conditions of tenured faculty and librarians and archivists.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you. You were way under.

We're going to go to the government first. MPP Milczyn.

**Mr. Peter Z. Milczyn:** Thank you, Mr. Hendriks, for your presentation today.

I was just looking through our submissions from earlier in the afternoon. I believe it was CUPE, on behalf of the health units, who had a little bit of the opposing view to what you're saying, where they had a concern about the language in Bill 148 and the provision to allow for applications to consolidate bargaining units and so on.

1710

You recounted your experience for your union, which was in your view suboptimal, and you made your case for that. Certainly it makes sense to me—I'm not familiar with all the intricacies of these issues—but do you think that the language that is in Bill 148 around providing for the ability to make an application to consolidate bargaining units or to reorganize the collective bargaining units would have helped your particular situation, if Bill 148 had already been in effect when your situation was going on?

**Mr. Shawn Hendriks:** It would have helped. However, there would still need to be a discussion about whether it would be appropriate for them to merge. Due to the limitations of applying what that level of appropriateness means, I think it's still an issue. But this is definitely a step in the right direction.

**Mr. Peter Z. Milczyn:** What's in section 50, I believe, speaks to the ability for a party to bring forward this application and initiate the dialogue about this. Obviously, all the parties involved have a stake in it and have the ability to make submissions—the various collective bargaining units as well as the employer. But the intent is precisely a situation such as yours which you outlined, where there's a bargaining unit that it just doesn't make sense to hive off of another bargaining unit. It would actually make sense for all involved for it to be consolidated.

I hope that what's contained in Bill 148, should the legislation move forward as it's written now, would be sufficient for you. If you do have any specific recommendations around language for that section of the bill that you think would address your concerns, we'd welcome those suggestions for any amendments, if you feel amendments are necessary.

I was wondering whether you have any views on some of the other aspects of Bill 148 that might apply to your sector, issues around scheduling, the paid emergency leave days and, if you take certain additional leave days, protection for successor rights for contracts. It might be in the post-secondary sector, not necessarily in your area. Again, it's maybe not so much of an issue in your area for any temp workers who are brought in, but they are provided some additional protection. Do you have any views on those aspects of the bill as they relate to your working environment?

**Mr. Shawn Hendriks:** In terms of librarians and archivists, I think we're broadly supportive of those initiatives. I don't believe that they apply directly to the working conditions that we have. However, for faculty and contract faculty, there would definitely be more to discuss. I believe the UWOFA president will be providing a submission with regard to that.

**Mr. Peter Z. Milczyn:** Thank you very much. As I said, if you do have some specific suggestions around the section of the bill that addresses the issues that you've raised, we would welcome your suggestions for that.

**The Vice-Chair (Ms. Ann Hoggarth):** We'll now move to the official opposition. MPP Barrett.

**Mr. Toby Barrett:** Maybe for my benefit, just to review, we would want government to have a bigger say in whether a union consolidates or whether a union deconsolidates or a group hives off? Through law, we would make certain things mandatory. Is that what you're asking for, where union members wouldn't have a choice? I'm just not clear on that.

**Mr. Shawn Hendriks:** Yes. Currently, the employer can agree or turn down an application for two bargaining units to merge. So Bill 148 will allow that, as long as the board finds that it's no longer appropriate for the two units to be separate. Our concern, though, is what that

“no longer appropriate” means. If it’s too stringent of a test because—for instance, in our case, you could argue that it has been appropriate to have the two separate units because we have been operating as such for this length of time. But due to the reasons that I brought up, with efficiency and the amount of work that’s involved for a small bargaining unit as opposed to the faculty, who are more than 10 times larger than the librarians and archivists—sorry, I forget where I was going with that.

**Mr. Toby Barrett:** Further to that specific example, I still don’t quite get it. There’s a threat here that we’re talking about?

**Mr. Shawn Hendriks:** It’s not a threat. We are supportive of Bill 148. We just believe that it could go another step further to allow currently certified units to go through section 15.2 of the bill in order to merge with another unit.

**Mr. Toby Barrett:** Okay, I think I understand.

Is there anything further on this legislation that has come to your attention? Do you support the legislation? Do you have any other general comments?

**Mr. Shawn Hendriks:** In consultation with members, I think we are broadly supportive of the bill. With the big-ticket items, with minimum wage and other protections, although they may not directly impact librarians and archivists, we can see the benefits of those for the broader campus community.

**The Vice-Chair (Ms. Ann Hoggarth):** We’ll go on now to the third party. MPP Sattler.

**Ms. Peggy Sattler:** Thank you very much for being the very last presentation of the day and for hanging in and providing this feedback on the bill.

It is very interesting that you have given this presentation supporting that section of the bill that allows these mergers to happen. Earlier today, we had a presentation that raised red flags about that provision of the bill. One of the issues that CUPE raised was about the potential for an employer to force a merger on unions that didn’t want the merger to happen. In your case, at Western, you mentioned that the employer has consistently refused to allow the merger. Do you have any reason that was provided to you as to why the employer did not want this merger to happen?

**Mr. Shawn Hendriks:** I don’t have any word from them for the specific reasons. My general understanding

is that it’s strategic to keep the two separate because of the discrepancies in our collective agreements—because the librarians and archivists did certify at a later time. So in some respects, we have some catching up to do, although in other areas we are actually ahead of the faculty. So it could be in the employer’s best interests to—if they did combine them, that they could potentially lose out in certain respects.

**Ms. Peggy Sattler:** The earlier presentation we heard today from UWOFA talked about the needs of contract faculty throughout the system, so it’s a systemic issue that is common across the post-secondary sector, and recommendations were made about improving the language on equal pay for equal work. Is your issue unique to Western, or is that also something that exists across the post-secondary sector?

**Mr. Shawn Hendriks:** Can you repeat your question, please?

**Ms. Peggy Sattler:** Yes. The earlier issue that was brought by UWOFA is a systemic issue that affects the entire sector. The issue that you’ve raised today about this ability of unions to merge—is that something, to your knowledge, that is unique to Western, or is that also a concern that exists in other post-secondary institutions?

**Mr. Shawn Hendriks:** It’s my understanding that this is entirely unique to Western.

**Ms. Peggy Sattler:** Oh, okay.

**Mr. Shawn Hendriks:** So, yes, there’s no other university that has the librarians and archivists unit separate from the faculty unit, unless the librarians are not certified to begin with.

**Ms. Peggy Sattler:** I see. Okay. Well, thank you very much for joining us today.

**Mr. Shawn Hendriks:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you very much, and if you have a written submission, the deadline to submit it to the Clerk is by 5:30 p.m. on Friday, July 21.

**Mr. Shawn Hendriks:** Thank you.

**The Vice-Chair (Ms. Ann Hoggarth):** On behalf of the committee, I’d like to thank all of today’s presenters. We appreciate your input. We will now adjourn until tomorrow morning at 9:30 in Kitchener-Waterloo.

*The committee adjourned at 1722.*



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