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Standing Committee on General Government

Restoring Ontario's Competitiveness Act, 2019

1st Session
42nd Parliament

Monday 18 March 2019

Chair: Dave Smith
Clerk: Julia Douglas

Journal des débats (Hansard)

G-7

Comité permanent des affaires gouvernementales

Loi de 2019 visant à rétablir la compétitivité de l'Ontario

1re session
42e législature

Lundi 18 mars 2019

Président : Dave Smith
Greffière : Julia Douglas

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

COMITÉ PERMANENT DES AFFAIRES GOUVERNEMENTALES

Monday 18 March 2019

Lundi 18 mars 2019

The committee met at 0900 in committee room 2.

RESTORING ONTARIO'S COMPETITIVENESS ACT, 2019
LOI DE 2019 VISANT À RÉTABLIR LA COMPÉTITIVITÉ DE L'ONTARIO

Consideration of the following bill:

Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts / Projet de loi 66, Loi visant à rétablir la compétitivité de l'Ontario en modifiant ou en abrogeant certaines lois.

The Chair (Mr. Dave Smith): Today we're here to discuss Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts. The way it will work today is that presenters will have six minutes to speak; then there will be 14 minutes of questions divided equally between the two recognized parties. For the first presenter, we'll have the NDP start. They'll have seven minutes; then we'll move over to the government side.

CHILD CARE PROVIDER RESOURCE NETWORK

The Chair (Mr. Dave Smith): If I could have the Child Care Provider Resource Network come up and introduce yourselves. As soon as you start to introduce yourselves, your time will begin.

Ms. Brenda Burns: Good morning, and thank you for inviting us to appear here today. My name is Brenda Burns. I'm president of the Child Care Provider Resource Network of Ottawa. With me today is Sandra Zito. Sandra Zito is our caregiver support worker. Sandra has experience in both licensed and non-licensed centre-based care, home care and working with children with special needs. She is currently right now working directly with the caregivers associated with our association. We'll just start our presentation.

Child Care Providers Resource Network, or CCPRN, has supported home child care providers, children and parents for close to 40 years. We are part of the Ontario early years system and we work closely with the Ministry of Education. We have stated in the past and I restate it publicly today that CCPRN, supporting 2,000 child care providers, the majority of whom are independent professional caregivers working in the non-licensed sector, wants to work together with the government and other stakeholders to ensure that young children receive care in environments that are safe, nurturing and engaging. The safety and well-being of each and every child in our province is of primary concern for all of us, regardless of where that child receives care: centre-based, licensed home or non-licensed home environments.

We feel very strongly that the proposed amendments to the CCEYA, 2014, are a step in the right direction for families and home child care providers. We believe that the amendments proposed in schedule 3 reflect a reasonable balance between the Day Nurseries Act and the current CCEYA and will result in positive changes in the home child care sector. The amendment to ratios related to children under the age of two and the consideration of the provider's own children over four maintains a focus on child safety and well-being. At the same time, these changes offer parents more access to home child care for infants and young children, and support caregivers to operate a quality and viable business. However, we believe that ensuring the safety and well-being of children in care is a complex and multi-faceted issue and we encourage the government to go further and demonstrate support for children and families in all home child care environments.

Our mission at CCPRN is to ensure that young children are in the care of someone who is qualified, has their best interest at heart, and is able to access the most up-to-date tools and resources. We strive to do this each and every day with our network of home child care providers.

Ms. Sandra Zito: We believe that to truly increase safety and quality in all of home child care, the government must address four critical components:

(1) Consistent standards: As a province, we must establish standards for all home child care that address the health, safety and welfare of children. These standards must apply to licensed and non-licensed environments.

(2) Public education: We have to inform our stakeholders, sharing these standards with parents and independent home child care providers through a province-wide public education campaign. Parents need to be empowered to seek out quality home child care; home child care providers need to be prepared to respond accordingly.

(3) Provincial registry: A provincial registry of home child care providers will both unite them and connect them to the appropriate provincial support and resources. Core features of the registry should include basic caregiver qualifications, training and membership in a support

network such as the Child Care Providers Resource Network, and ongoing training and resources for parents and all home child care providers.

(4) Voluntary accreditation: As a province, we have to set up a voluntary system of accreditation built on a common framework that will ensure that all independent home child care providers provide optimum high-quality care. Approximately 80% of children receive care in a non-licensed home-based environment by providers who want to provide the best care possible. Voluntary accreditation would promote a standard of care based on and exceeding the CCEYA and could incorporate the provincial pedagogy for the early years, and the framework of early learning for every child today. Most importantly, voluntary accreditation will assure parents that their caregiver is committed to meeting standards and to continuously improving the quality of the service they provide.

In his 2014 report, the Ombudsman noted that, "It is also too early to close the door on other options such as developing a comprehensive voluntary or mandatory registry extending the licensing scheme to informal caregivers and/or establishing universal standards for first aid and safety training, and criminal records screening." In recommendation 110, he stated, "The Ministry of Education should review the existing voluntary child care registries and consider the feasibility of adopting a centralized provincial registry, with registration on either a voluntary or mandatory basis."

Five years later, we encourage the government to heed the advice of the Ombudsman and expand the view of what it takes to keep children in care safe in this province.

Ms. Brenda Burns: CCPRN believes that an opportunity exists to foster collaboration among all stakeholders and integrate these four components with existing provincial programs such as the EarlyON centres.

We must all work together to build an affordable, quality child care system that will ensure our children's early years provide—

The Chair (Mr. Dave Smith): You have 30 seconds.

Ms. Brenda Burns: —the foundation for a lifetime of growth, development and positive achievement.

Ontario's children are our most precious resource. Every single child in this province has a right to the best care possible, and we need to support parents in making their first decisions about early learning and care.

CCPRN supports the changes to schedule 3. We ask the province to go further and invest in all children by implementing the four components we have shared with you today. In that way, we can support safety, quality and parental choice—

The Chair (Mr. Dave Smith): Thank you.

Ms. Brenda Burns: Thank you.

The Chair (Mr. Dave Smith): We'll start with the opposition. MPP Fife?

Ms. Catherine Fife: Thank you, Brenda and Sandra, for coming this morning and for sharing your perspective on child care. Certainly, this province has fallen very far behind on this file, according to other provinces in this country. The safety and well-being of children in care, of course, should be of prominent importance for any government of any stripe going forward.

You quite rightly point out that we don't really know a lot about informal, unlicensed home care providers, because no government has ever taken the time to inspect, for instance, and set regulations for them. I wanted to know: Did you, as schedule 3 came out and as the news came out that the ratios would be changed—and we, of course, have pretty serious concerns about those ratios, I must tell you. One home care provider for me in Kitchener actually said to me that she didn't really feel that, as a home care provider—she's an informal home care provider. She's not one of your members, though. She said that if she had three children under the age of two, plus her own four children, and if something happened in that house, such as a fire, a choking, or a child got out of the house—she takes care of some special-needs children as well, which ups the ante, I hope you'll agree—she really would be challenged to ensure that she could get all of those children out of the house. I thought it was a very courageous and brave thing for her to say to me because she was admitting the complexity of care that informal child care providers deliver.

I want to know: Did you survey your 2,000 members as to these changes to ratios? We know that the government didn't consult on this component of the act. Please make a comment.

Ms. Brenda Burns: I'd like to start with the consultation, and then we'll move on to safety. First of all, when the former government introduced the possibility of changes across the province and introduced the CCEYA, CCPRN was part of the consultation stage at that point. We wrote letters and advocated to the government in 2013.

Ms. Catherine Fife: But on Bill 66 were you consulted?

Ms. Brenda Burns: If you would let me finish, I will—

Ms. Catherine Fife: Sure, but 2014 is a long time ago.

Ms. Brenda Burns: I know, but between 2014 and 2018, we have had ongoing consultations with the Ministry of Education. We've been part of at least three of their committees: the advisory committee level; a working committee for agencies, where we participated as a group representing independents; and a cross-Ontario reference group.

All of our ideas and concerns have been discussed for five years. We're recommending this ratio based on our experience and our work with home child care providers because this cap is in line with ratios and numbers for home child care in other provinces and it reflects a middle ground between the former Day Nurseries Act and the CCEYA. It offers reasonable ratios for safety without being too restrictive.

0910

So, yes, we have also consulted. Once the current government came in place, we spent a lot of time with various members of the government talking about this over quite a period of time. To say there has been no consultation on this is erroneous.

Just to address safety—

Ms. Catherine Fife: Actually, the government has been very selective about who they consult with. I am glad to hear, though, that your—so my question was around your members, your 2,000 members. Did you survey them and ask them how the change to ratios would affect their experience, just as I gave you the example of the home care provider from Waterloo region?

Ms. Brenda Burns: As I said, before the CCEYA came into being, home-based caregivers were allowed five children with no ratios. For the most part, the majority of our members managed very well.

Ms. Catherine Fife: How do you know? I'm just asking—you say "for the most part"—because we do have examples, as you know, and we have a coroner's inquest into informal home care providers who don't adhere to the guidelines that your association puts out there. We have examples which are very concerning in the province of Ontario around ratios.

Just specifically, did you survey your 2,000 members around the ratios?

Ms. Brenda Burns: We have done several surveys over the last five years—

Ms. Catherine Fife: Specifically to Bill 66 and schedule 3.

Ms. Brenda Burns: We did not do a survey, but the response from our members has been overwhelming. They have been asking for relief for five years, since the CCEYA has been put in place, because it has been a very restrictive bill which has not allowed them to make a viable living.

I would like to continue to answer the words of the first question—

Ms. Catherine Fife: What is a "viable living"? That's a very interesting point that you just—

Ms. Brenda Burns: A viable living?

Ms. Catherine Fife: Yes, because this is a business for many people, right? They're subsidizing—

Ms. Brenda Burns: This is their livelihood. Caregivers don't make a lot of money to begin with.

Ms. Catherine Fife: No, I know that.

Ms. Brenda Burns: But if you have five spaces full—and it's not always with very young infants under one. You could have three three-year-olds and you could have two two-year-olds and you could have one one-year-old.

Ms. Catherine Fife: Yes, that's the point. You could have three two-year-olds. You could have that, right.

Ms. Brenda Burns: Absolutely. But that opportunity doesn't exist anymore because of the changes. Because they put the ratio in, what happens is that children age out. Then a caregiver is left with four spaces open, and she can fill two. So her income has been cut more than 50%. How do you continue to earn a living? Well, your choice is to close your doors, which is what most of—

Ms. Catherine Fife: I'm sorry, what was that? Closed doors?

Ms. Brenda Burns: Close your doors and look for another job. We can't sustain home daycare when you are sitting there with empty spaces. Can I have—

Ms. Catherine Fife: Okay. One more question, please, because I know I'm going to run out of time.

Ms. Brenda Burns: I have not been allowed to answer the question on safety.

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Catherine Fife: You answered the question on safety. Your association supports these ratios, but there's no evidence or research that you can quote that supports those ratios. That's really, ultimately, our concern. We don't have issues with home care providers, because they're filling up the gap for a lack of leadership on the provincial child care front. We have concerns, as did the home care provider who talked to me, about the safety and the quality of work that she can provide with that ratio—

The Chair (Mr. Dave Smith): Thank you.

From the government side, Ms. Skelly.

Ms. Donna Skelly: Good morning. I do have a question I'd like to expand on. Actually, first, you wanted to continue your thoughts, if you don't mind. Go ahead.

Ms. Brenda Burns: I did want to talk about safety. We know that children in care are safe when their providers are knowledgeable and caring, when the ratios—number of children to provider—are reasonable, when parents are well informed and when there are systems and structures in place to support caregivers to provide the highest quality of care possible.

The proposed changes don't come at the expense of the children in child care in Ontario. The proposed amendment to the ratios and numbers is relatively slight and, in our opinion, it reflects a reasonable balance. This opinion is well supported by other provinces in Canada. There are five other territories and provinces where the ratios are very similar. It's a middle ground between the higher ratios and numbers of the DNA and the very restrictive numbers of the CCEYA 2014.

Ms. Donna Skelly: You mentioned "reasonable." Why is this number considered reasonable? Are you at all concerned in terms of safety?

Ms. Brenda Burns: I think when you have a well-managed, experienced caregiver who knows how to manage a group, the home is set up safely, and they have the proper training, the experience and the knowledge of children, the numbers are actually relatively easy to manage.

Ms. Donna Skelly: Thank you.

The Chair (Mr. Dave Smith): Mr. Rasheed?

Mr. Kaleed Rasheed: Thank you very much for your presentation this morning. My question is in regard to the level of quality offered in legal, independent, home-based child care, and the impact it has on the lives of the families.

Ms. Sandra Zito: Sorry, I just want to clarify your question. You're looking at the legal side of it?

Mr. Kaleed Rasheed: Yes, the legal—basically, the independent, home-based child care, the legal ones, and the impact it has on the families.

Ms. Sandra Zito: The impact on the families, yes. Families who are searching for care, most of the time, especially for infants, are searching for home-based child care because it is more personal, and it's more flexible to

their needs and their hours, perhaps. They're looking for building that relationship on a personal—and the smaller numbers, where it's one person caring for their child.

Legally, there are not a lot of regulations in place for independent home child care providers. But if this bill went through—and also, the statements that we made, the proposed critical components of public education, educating parents. Parents don't necessarily know what to look for. I deal with parents on a weekly basis who are brand new moms, and they don't know the questions to ask. They don't know that they should be able to ask to see the whole home. We need to educate parents. We need to educate the caregivers, and something that we do at CCPRN is provide workshops and training on child development and child guidance and play-based learning. These are things that will help create quality in the home and give the parents the security that their children are going to be cared for safely every single day.

Mr. Kaleed Rasheed: Okay, I'm good. Thank you.

The Chair (Mr. Dave Smith): Mr. Parsa?

Mr. Michael Parsa: With the changes that we're proposing here, this will allow families more choices, especially in rural areas, and that was a concern. Can you elaborate a little bit on that for me, please?

Ms. Sandra Zito: In rural areas, there's not a lot of centre-based care, so the option for families, most likely, is that there's somebody in their neighbourhood or somewhere down the street who is able to care for their child in a home-based environment. That's more feasible, especially in rural areas. They have to travel, they have to commute longer, so the hours that they're looking for care might be outside the scope of something that is in a licensed centre. The needs are met and are a lot more flexible when you're allowing the numbers to increase a little bit, so that they can support their neighbours and the infants.

Mr. Michael Parsa: Thank you.

The Chair (Mr. Dave Smith): Ms. Kusendova?

Ms. Natalia Kusendova: There have been several high-profile cases in the media over the last several years, with horrific stories about children being left in cars. There's a big difference between illegal settings and unlicensed settings. Can you please elaborate on that? Because I feel like the unlicensed settings have largely taken the blame when, in fact, those incidents occurred in the illegal child care settings.

Ms. Brenda Burns: Yes, I totally agree. The majority of serious incidents that have happened in the last few years have been in situations where the caregivers have taken on way more children than would be allowable under the amendments proposed here. They are definitely severely illegal situations.

We're here, basically, to speak for the overwhelming majority of home caregivers who follow the law. They want to be professional; they want to do things right. They care about the children in their care.

I hope that answers your question.

The Chair (Mr. Dave Smith): Mr. Kramp?

Mr. Daryl Kramp: One of the concerns I have, of course, is the availability for our young people to enter the labour market. As an example, I have three professional young ladies living in a rural area. Without independent care, they would not be able to work. That is just rampant across this entire province, particularly in the rural areas, where we don't have the institutionalized form of daycare. Have you had experiences where you've had people share this opinion with you? Quite frankly, how important do you believe it is to be able to ensure that our young women and men can access the labour market?

0920

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Brenda Burns: Yes, of course. I have talked to many parents over the years. Living in the city of Ottawa, we have a big amount of people around us in the rural areas who have to travel into the city in order to find care. With the restrictions under the current law, it's almost impossible for them to find that care even in the city. So yes, it's definitely going to be impacting them even more than someone who lives in the city.

The Chair (Mr. Dave Smith): Thank you very much. That's the end of the time we have for this presentation.

ONTARIO FEDERATION OF AGRICULTURE

The Chair (Mr. Dave Smith): If I could have the Ontario Federation of Agriculture please come up. Could I get you to introduce yourselves, please?

Mr. Keith Currie: Yes, thank you, Mr. Chair. My name is Keith Currie. I'm president of the Ontario Federation of Agriculture. I have three research colleagues here with me today: Peter, Danielle and Danie. We certainly thank everyone for this opportunity to speak to you this morning.

When the government introduced Bill 66, we were certainly, as far as this concept goes, very excited about it. Our organization a year ago introduced a campaign called Producing Prosperity, which was all about distributed economic development. Certainly, Bill 66, in this concept, fell within the realm of what we were trying to promote as well as an organization. The idea around open for business and red tape reduction was certainly one that we welcomed. We congratulate the government on taking that step forward.

As many of you probably have seen in our submission, our biggest concern around Bill 66, when it did come out, was around schedule 10. I'm not going to go into a lot of detail on schedule 10 because I'm working with the Minister of Municipal Affairs and Housing and the government. They have assured us that schedule 10 will be removed. I just raise it here today because I know that it has to be removed here through the committee process. I just want to make sure that the committee understands that we are still looking for that schedule to be removed and if it is, we'd be very pleased to see that. So thank you for that.

Just briefly going through the bill itself: We don't have a lot of issues in particular with it. Schedule 1 talks about the Agricultural Employees Protection Act, or AEPA. It

specifically mentions ornamental horticulture. Our concern with that is that it may exclude other aspects of horticulture; more specifically, the edible section. The current definition that is within AEPA actually covers what we need to have edible horticulture covered, so we recommend that any of the language in the AEPA around edible horticulture would also cover all of its related activities as well. We're looking for further clarification through this committee to make sure that edible horticulture is covered in the AEPA.

Also, the farm business registration act has something in section 2(2), which essentially is talking about two people in the same farming operation potentially needing two farm business registrations, which kind of flies in the face of red tape reduction. However, in speaking with the Ministry of Agriculture, Food and Rural Affairs and working with them, they have assured us that they have changed that regulation and made it so that that's not going to be a problem going forward. Again, we just bring that up for the committee's consideration, to make sure that those changes have been made. We're quite happy with where OMAFRA is going with that.

Schedule 5—MECP—the Toxics Reduction Act: It will bring Ontario under the federal Chemicals Management Plan. We're certainly not opposed to that toxics reduction plan and coming under the federal act. We support making it easier to report violations, provided that the government makes sure that the compliance system that it uses uses sound science in their investigation to remove any opportunities there may be for harassment or even for false reporting.

Schedule 7 is with the Ministry of Government and Consumer Services. It talks about the removal of the Wireless Services Agreements Act. We know that in rural Ontario, in particular—but not exclusive to rural Ontario—cellular and broadband services are sorely lacking. We want to make sure that we continue our efforts to make sure that we have full coverage right across this province for wireless and broadband and for cell service. This is 2019. In order for us to operate in a global system, we do need those tools. We do applaud the elimination of duplication, but we do caution that we do need that service before we can worry about eliminating the duplication within it.

Again, I did mention schedule 10 off the top, which was concerning to us, but we have been promised it's been removed.

I didn't want to take a lot of time today presenting to you. We had those few concerns. I want to open it up for any questions that the committee may have at this point in time.

The Chair (Mr. Dave Smith): Thank you very much. We'll start with the government side. Mr. Kramp?

Mr. Daryl Kramp: Thank you very much. I'm so pleased to have you mention rural broadband. Obviously it's been a passion for a number of years for myself, particularly where agriculture is going. At one particular point, you were here as wood and water per se, but now of course the IT world has dramatically captured your business as well, too. Our young farmers need access to the available tools that they can use—everything, not just through the Internet, but through the programs and that.

Our government, through this, is obviously putting a high focus on allowing much of your administration and that to be done online rather than simply driving 100 miles to be able to fill out a form. Do you not think this will be highly advantageous to the agricultural community?

Mr. Keith Currie: Well, no doubt. As I mentioned, we are in 2019 and certainly a lot of the work that we do in our operations involves broadband and cell service. I think going forward, we need to take a different look at how we attract telecommunications companies to invest in rural Ontario in particular. If we walk into any of your houses, you're probably looking at three, four or five people who are using one modem, but I can walk out into my driving shed and I've got equipment that probably has five, six, seven modems, not to mention what the automation is in my barn.

When we start looking at the modems that are out there on each individual property, it paints a different picture. Rather than focusing it solely on bodies in a certain area, what is the actual use going to be? I certainly open up any opportunities to increase the broadband coverage and I'm certainly looking forward to hearing what the federal government has to say tomorrow.

Mr. Daryl Kramp: Well, hopefully they'll tag along on our lead on that because obviously we are committed to working in that direction. I'm looking forward to a number of the announcements coming out in the impending future. We're dealing with all of our senior ministers, as well as the Premier, on that. We obviously recognize that need, particularly in rural, to be able to bring broadband up to an acceptable level. The days of driving the tractor down and sometimes turning in a big field and saying, "Well, I wonder, did I capture all that crop now?" where everything is all GPS—with a lot of the equipment and that, it's not just desirable, it's critical.

Mr. Keith Currie: If I might also add, it should also be affordable and competitively priced too.

Mr. Daryl Kramp: Absolutely. I think that's where you're going to find you have a very, very willing partner in this provincial government right now.

I'm looking forward to expanding on that topic with you. I've worked with you in the past and look forward to continuing to work with you in the future.

Mr. Keith Currie: Thank you. I appreciate it.

The Chair (Mr. Dave Smith): Mr. Parsa?

Mr. Michael Parsa: We heard quite often, as you know, throughout the red tape consultations that we had—we heard from farmers that they were stifled by all the red tape and having to file paperwork on a regular basis. They were spending much of their time filling out paperwork. We know they're quite tech savvy and they're able to process a lot of these online. Do you think they would appreciate being able to register their farms and interact with the government, doing all their registration online?

Mr. Keith Currie: Oh, absolutely. We're no different than virtually every other industry and every other business out there. Paperwork has become—I don't want to

say a nuisance. It's a necessary evil, but the amount of paperwork has become almost a nuisance. Can it be simplified and accomplish the same effect? That's what we're looking for.

Mr. Michael Parsa: You're telling us it stops us from farming and taking care of our livestock. Instead, we're sitting around filling out paperwork in 2019.

Mr. Keith Currie: Yes, exactly. The more that can happen where we can—I mean, rules are a necessary evil. Don't get me wrong. I don't want all the rules thrown out. We need that structure in place. But let's simplify it so that we can still accomplish the goals of what the government is requiring and allow us to still continue the business without the burden of doing a lot of paperwork.

The Chair (Mr. Dave Smith): Ms. Kusendova?

Ms. Natalia Kusendova: My question is on schedule 3, about child care. Bill 66 will allow for more flexibility for child care providers. As we know, in rural areas this can be quite challenging, especially for young families who are involved in agriculture. Can you tell us how this change will benefit your members?

Mr. Keith Currie: Certainly child care is a big concern for us in rural Ontario. When a centre closes, chances are you can't go across town to another one because we're limited in our resources. I'll be honest with you, I'm not as familiar with what's going on in schedule 3, other than we have been keeping an eye on it from a higher level to make sure that those opportunities are there for our members.

0930

We quite often have both spouses on the farm who are very invested into the farm operation itself, so when we get into our heavy seasons like spring and fall, where do their children go if we can't find the proper daycare? We want to make sure that all the rules in place do help our members to achieve the daycare services that they require.

I must admit that I'm not that familiar with schedule 3; I just want to see it improved so that our members have an opportunity to put their children in daycare.

Ms. Natalia Kusendova: Thank you.

The Chair (Mr. Dave Smith): Mr. Parsa.

Mr. Michael Parsa: So, in a nutshell, basically, it allows for more to be available, especially in rural areas, which you're saying that you welcome, a lot of your members—have they brought this concern to you at all?

Mr. Keith Currie: I'll turn it over to my researchers. Peter, I don't know if you've been made familiar with that concern; I certainly haven't.

Mr. Peter Jeffery: It has been something that's been on our radar for quite a while. As Keith alluded to, family farms have often both partners working in the operation, and at certain times of the year it's extremely busy. I think part of the challenge that has been brought towards us, really, is around flexibility. You're maybe not needing as much daycare in January, February or March, but when you get into April, May and June and the fall harvest, that's when it's really critical. It can be for longer periods of time than maybe a, for want of a better word, "commercial" daycare can work around.

The Chair (Mr. Dave Smith): Mr. Rasheed?

Mr. Kaleed Rasheed: Could you speak generally to how red tape reduction benefits farmers?

Mr. Keith Currie: It's simply just the ease of operation of your business. To this point, there has been a lot of what I'll call low-hanging fruit that has been dealt with.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Keith Currie: I'll use an example of the wildlife compensation program, which simply needed a couple of small tweaks. One was just a ministerial directive that we were struggling getting done with. We worked with it in the past, but a couple of small changes.

Is it far enough? No, we are still continuing to work with related ministries on all of these kinds of things to make sure that we continue to make sure that we streamline regulations so that they still are effective but they aren't burdensome.

The Chair (Mr. Dave Smith): Mr. Arthur?

Mr. Ian Arthur: Thank you so much. It's great to see you again. Thank you for your presentation. There are a couple of things that I want to touch on. I think you've done a very good job, particularly on schedule 1, at pointing out some practical things that I hope the government reads and listens to in their amendments.

You voiced again your opposition to schedule 10, and I know that the OFA's letter against that was one of the key points in that battle in having the government repeal that through this committee.

We're losing upwards of 175 acres of farmland a day in Ontario. Would you just expand on why schedule 10 would have been so detrimental and what we need to do to protect more of that farmland?

Mr. Keith Currie: It was essentially undermining many, many years, even decades, of land use planning. Some of the core principles around planning are around compatible uses. Changes through schedule 10 were going to allow non-compatible uses in agriculture areas in particular, or even in non-residential areas. It was allowing municipalities to supersede bylaws that were going to create those non-compatible uses. When you have an industrial site that's next to a farming operation, that's problematic. What kinds of restrictions then get put on the agriculture properties? Do those uses go together? Is the infrastructure in place? We know that we're struggling now even getting infrastructure for existing development, let alone any new development.

So we were just basically asking the question, "What are you trying to fix through schedule 10?" In talking with the Minister of Municipal Affairs—we had several meetings with him, and obviously he came to the realization that schedule 10 was not a good thing and has agreed to remove it.

Mr. Ian Arthur: Something you said there that I think we should expand on, because it relates to one of the other schedules here, is the idea of some sort of industry right beside farmland. I do want to talk about the Toxics Reduction Act, and repealing that. I think there are some significant problems in repealing it. It was not a perfect act and it was missing an enforcement mechanism, but what

it did require was reporting on toxic substances, which the federal legislation does not in the same way.

Ontario continues to put over 80 toxic substances into the environment every single year, in significant quantities. With the lack of reporting that's going to happen, do you see a problem in terms of encroachment onto farmland or potential contamination of good farmland with this repeal?

Mr. Keith Currie: I don't think so. I think the federal legislation is strong enough as long as, as I say, they use sound science behind what they're doing. I believe that, again, we're streamlining regulations to be compatible with the feds, which is quite adequate.

I don't know, Danielle, whether you want to add any more to this.

Ms. Danielle Glanc: No.

Mr. Keith Currie: We didn't see it as problematic when we looked into it.

Mr. Ian Arthur: Just to be clear, neither one had an enforcement mechanism. The toxic substances act was brought in in the 1980s and there has been slim to no diminishment in the amount of toxic chemicals we're putting into the environment every year. Do you see that as a problem for farming in Ontario in the long run?

Mr. Keith Currie: It's obviously a problem for society. It's not just farming or agriculture that that's a problem for.

Farmers are good environmental stewards. We certainly are trained and certified in the use of any chemicals that we use, and toxic substances. But certainly I think we need to make sure that the right policing mechanisms are in place to ensure that the safe use of these chemicals takes place.

Mr. Ian Arthur: Which the federal legislation does not provide for.

The Chair (Mr. Dave Smith): Ms. Fife?

Ms. Catherine Fife: Thank you, Keith, and thanks, everyone, for being here today and weighing in on Bill 66.

I just want to pick up on my colleague's line of questioning. We had a spill in Cambridge and it went down into Puslinch county, which disproportionately affected farmers. Wells had to be closed. Our primary concern with the changes that are proposed is that it reduces the accountability even further. So the farmers who are going to be disproportionately affected by that spill in Cambridge—I mean, ultimately, who do you think should pay for it? They've lost their well source. There is no mechanism to hold the company accountable for the spill. The government is left looking to manage this problem.

Do you think that there should be greater accountability for toxic spills and for a lack of responsibility on behalf of the company?

Mr. Keith Currie: I believe the government should be left to manage it from an oversight aspect. Certainly those that are responsible for the damage from that spill should be held accountable, and if we need to make changes within that schedule to do that, then we would certainly be amenable to that. Those of us on the farm are responsible for what we do.

Ms. Catherine Fife: Exactly.

Mr. Keith Currie: We're held accountable, so we would expect everyone else to be accountable as well.

Ms. Catherine Fife: Exactly. We view farmers as the original environmental stewards of the land, right? And so ensuring that a polluter-pay model is in place will ensure at least a mechanism of accountability. That currently is missing in the federal bill.

So it would be helpful for us if you could go back and perhaps come back with proposed ideas to actually make environmental stewardship in the province of Ontario measureable and accountable.

Mr. Keith Currie: Duly noted.

Ms. Catherine Fife: Just on the schedule 3, because I know my colleagues have followed up on this, around rural child care, we share the concerns around rural child care. This has been a long-standing issue for so many years. But I just want to point out—and I know you mentioned that you hadn't gone down on a deep level analyzing schedule 3—that schedule 3 doesn't actually create more spaces. It just creates a different age ratio. So it just changes the ratio. I think a long-term solution for rural early learning and care—

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Catherine Fife: —is the solution, down the line, and I think that the OFA is actually the organization to advocate for that, as you have done over the years. But this solution, under schedule 3, will not create more spaces in rural Ontario. That's really a missed opportunity.

Mr. Keith Currie: That is a concern of ours, and certainly long term, Producing Prosperity in Ontario, our campaign, will help address that as well.

Ms. Catherine Fife: Exactly. And for every dollar invested in early learning and care, there's a return on investment, particularly for women, who are major farmers in the province of Ontario.

Mr. Keith Currie: Yes, they are.

Ms. Catherine Fife: Thank you, Keith.

Mr. Keith Currie: Thank you.

The Chair (Mr. Dave Smith): Thank you very much. That concludes the time that we have for this presentation.

0940

CHEMISTRY INDUSTRY ASSOCIATION OF CANADA

The Chair (Mr. Dave Smith): Next we have the Chemistry Industry Association of Canada, if you could come to the table for me, please, and introduce yourself. Your time will start when you start to speak.

Mr. Don Fusco: Good morning. My name is Don Fusco. I'm the director of government and stakeholder relations for the Chemistry Industry Association of Canada.

Chair and committee members, it's a pleasure to be here today and provide comments on Bill 66. As part of my remarks, I have provided a submission which provides more details, and copies of letters from our members that

have been sent to Minister Smith, Minister Phillips and their local MPPs.

My comments focus on two areas within Bill 66: the repeal of the Toxics Reduction Act, and the revoking and transfer of the Municipal/Industrial Strategy for Abatement (MISA) regulations into a facility's environmental compliance approvals.

Ontario's $22-billion chemistry industry is the third-largest manufacturing sector in the province, directly employing 46,000 Ontarians in well-paying jobs and supporting another 240,000 Ontario jobs in other sectors. Our members are key employers in the Sarnia-Lambton, GTA/Niagara and eastern Ontario regions. We provide important inputs to a range of key manufacturing sectors, including automotive, forest products, construction and food and beverage. Ontario remains Canada's largest chemistry jurisdiction, accounting for about 44% of the nation's chemistry output.

Through our sustainability initiative, Responsible Care, our members commit to an ethic and principles of continuous improvement and sustainability which cover all aspects of our business and product life cycle. Through this commitment, our industry in Ontario has, since 2004, reduced the release of toxic substances by 55%; reduced releases to water by 97%; and reduced absolute greenhouse gas emissions by 55%.

To get into the first item in the Toxics Reduction Act: When that act was first introduced, few acts were met with such opposition from the business community. This was not, as some suggested, because business did not wish to address the issue of toxic substances; rather, since the introduction of the Canadian Environmental Protection Act and the complementary Chemicals Management Plan, beginning in 2006, and the pre-existing National Pollutant Release Inventory, Canada was already positioned as a world leader in providing effective oversight, transparency and public accountability of toxic substances.

The TRA created an additional regulatory burden on industry with no discernible benefit. It must be clearly understood that repealing the act causes no gap in regulatory oversight for substances deemed toxic in Canada. All of the work that would be required to calculate the use of a substance in a product, or the reported related discharges or disposals, is duplicative. The uses and exposures of concern are determined at the front end of the Chemicals Management Plan's risk assessment process for existing substances, new substances or new uses of existing substances. Through the Chemicals Management Plan, 23,000 substances have been formally categorized, with 4,300 identified as in need of further investigation. To date, over 3,500 of those substances have been exhaustively and independently assessed by federal scientists. The federal Minister of Health and Minister of Environment and Climate Change have committed to addressing the remaining chemicals by 2020.

In short, we see no evidence that TRA is having, or will have, any measurable reduction in the releases of reportable substances, and, therefore, no benefit from reduced risks to citizens' health or the environment.

Second, the revoking of the Municipal/Industrial Strategy for Abatement regulations to a facility's environmental compliance approval is another change that is long overdue. The MISA regulation is extremely rigid. Contained within the legislation—and it's not a regulation but legislation—is a listing of the companies and the specific effluent, or water discharge, limits for each facility at the time the legislation was originally enacted. Without changing the legislation, there is no way for a listed facility to have any changes made, whether they be administrative, such as a name change, or operational, to reflect changes in production. The legislation still includes facilities and their respective effluent limits that are no longer in operation.

Furthermore, new facilities coming to Ontario after MISA was enacted were not added to the act, and others that were listed in the regulations have already transferred their effluent requirements to the ECAs. This creates an un-level playing field between companies which are named in the regulations and those which are not, even if their water use is similar.

We see Bill 66 as an example of the Ontario government's effort to deliver a practical and pragmatic regulatory framework so that the citizens of Ontario can enjoy a sustainable future where both the environment is preserved and the economy prospers.

Thank you for your time.

The Chair (Mr. Dave Smith): Thank you very much. We will start with the opposition side. Ms. Fife.

Ms. Catherine Fife: Thank you, Don, for being here today. It's good to see you. I've met with your association many times over the years and have actually gone out and spoken with them as well. I agree that the responsible members of your association have taken a proactive approach to addressing spills and toxins released into our environment, and they're proud of that. They've done that not just because of any regulation or any law, but they've done that because it is also good for business. It's good because there's obviously a stigma attached, I would say, to your association.

That said, there are bad actors in your industry. They don't pay attention to any laws, any regulations, and there are very poor accountability measurements for those companies. Why do you think those companies—I shouldn't say "why do you think." How can we hold those companies accountable? If the Toxics Reduction Act wasn't the way to do it—there's a number of reasons why it wasn't a perfect act—what is the solution? We don't think that the federal legislation is also the answer.

Mr. Don Fusco: Thank you very much for the question.

Certainly, Ontario was the only jurisdiction in the nation to have an act like that. Every other province and jurisdiction in the country defers to the federal government and, as I said, the world-recognized Chemicals Management Plan and the related items within the CEPA act. We do take pride in our Responsible Care code of ethics, which is a commitment that our members maintain and that is independently verified. We would like to work with

the government to find ways to help have the government encourage more producers within our sector to join and commit to Responsible Care.

Ms. Catherine Fife: But you agree that companies should have a plan, right? That was one of the factors that was part of the Toxics Reduction Act—that at least companies have to be thinking about how to reduce toxins.

Mr. Don Fusco: It's interesting. You can speak to one aspect, which is what the plan forced for those companies that have no opportunity to reduce toxic substances because there are no alternatives that exist that are either technically or financially feasible. The only way for them to reduce their toxic substances is for them to reduce their entire production and their employment here in Ontario. That's not the case.

Ms. Catherine Fife: So that's not negotiable.

Mr. Don Fusco: Absolutely not.

Ms. Catherine Fife: The piece that comes into line, though, when I go back to those bad actors that are in your sector, is that there's a true lack of oversight and inspections. Any piece of legislation that we bring forward with the goal of reducing toxins in Ontario will have to be measured and that's a hard thing to do, especially for those companies that you just pointed out. The government has put a pause on all new hires and inspections, and that's the missing part of the accountability piece, right?

Mr. Don Fusco: Well, the existing compliance and enforcement branch within the Ministry of the Environment and Climate Change exists. All firms that release substances must have either an ECA or an environmental permit. There are processes and procedures to ensure that when they're out of compliance to do so, but certainly—

Ms. Catherine Fife: Do you think it was effective, though, Don?

Mr. Don Fusco: It's incumbent upon every organization to ensure that they stay within their compliance. And there are media today that certainly will hold companies accountable, in addition to the enforcement and compliance requirements that exist.

0950

The Chair (Mr. Dave Smith): Mr. Arthur.

Mr. Ian Arthur: In terms of just the quantity of toxic substances that we continue to release in Ontario, there are some great examples of places like New Jersey and many other states which have been more effective than us in reducing the amount of toxic substances we release each year. Why do you think that is? How can Ontario become a leader in this? We're falling behind jurisdictions that we shouldn't be falling behind.

Mr. Don Fusco: New Jersey and Massachusetts, for instance, were pointed to when this act came to be and were examples, and given that Ontario would not be an outlier because of that case, that is more so because the United States did not have similar types of regulations and legislation like the Chemicals Management Plan. As such, we benefit from that here, across the country.

Mr. Ian Arthur: But those states have actually been highly successful in reducing how much that they're putting out in comparison to Ontario.

Mr. Don Fusco: New Jersey and Massachusetts—especially Massachusetts—do not have the same type of manufacturing footprint that Ontario has, and other jurisdictions such as Texas, Louisiana, Illinois and Pennsylvania.

Mr. Ian Arthur: Okay.

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Welcome, sir.

One of the refrains that we're going to continuously hear throughout this entire hearing on Bill 66, of course, is the overlap, the duplication, on and on and on: Why do you have to have so many jurisdictions doing the same thing if we're dealing with a simple environmental application? As an example, in our local ridings you have to have a permit from the municipality, from the county, from the conservation authority, from the provincial government and from the federal government to Fisheries and Oceans. Chances are, 90% of everything they're doing is the same thing. Here, we are absolutely committed to public safety and public health. That is not the problem. But we already have literally a world-class federal environmental toxic chemical assessment program that is renowned around the world. Why do we continuously have to have more and more overlap and duplication?

Mr. Don Fusco: I couldn't agree more. When you overlay that on the industry standards and initiatives like Responsible Care that provide that internal oversight and commitment to continuous improvement and sustainability, it's another level of what I would say is diligence and protection and proactive management.

Mr. Daryl Kramp: Thank you very much. If I may use a comparable, for a number of years I worked representing Canada's interests in China. If you want to go to the Pearl River Delta, the manufacturing sector that they have there, then you know what pollution and environmental challenges are. We're very, very fortunate to live in a country where we have the level of control, where we have the guidance, where we have the legislation, where we have the support from across the nation, and we are literally world leaders.

But we don't live in isolation. As you had mentioned previously, we don't live in an area where we have no manufacturing. Ontario is the hotbed of manufacturing in this country. It has to follow within federal guidelines, but my goodness, we cannot just sanitize the world and suggest that we're not going to be in business. We have to find that balance. I would submit that your membership and your organization have really adopted this federal plan and suggested that it is the way to go.

Mr. Don Fusco: Our members have employees who work and live in the communities where they work and raise families and enjoy all that there is and certainly do want to live in safe, clean regions. Our track record on our performance: We'll stand by it and continue to find ways to improve.

Mr. Daryl Kramp: Thank you.

The Chair (Mr. Dave Smith): Mr. Parsa.

Mr. Michael Parsa: Thank you very much, Mr. Fusco, for coming in.

All of us want a safe working environment. It is everyone—because I don't think anyone would ever disagree with that.

The toxic reduction planning costs—it costs facilities roughly about $4.2 million annually. Would you agree that this represents a fairly significant burden on costs that are required both provincially as well as federally? When we're talking about competition now—because we're not on our own; we're always competing with various jurisdictions—doesn't that put us at a major disadvantage, compared to other jurisdictions? Again, we're talking about something that is already regulated at a federal level that we're duplicating provincially.

Mr. Don Fusco: Yes. Our members—many are Canadian divisions of foreign multinationals. They are committed to their operations here in Ontario. However, they not only compete globally for market share, but they compete globally for investment dollars. As such, they have sister operations anywhere in the world, and we must compete with that. This is not about dropping to the lowest level in terms of regulatory burden; this is finding ways to be smart about what is regulated and, where there is duplication, to reduce duplication, because reducing duplication exists everywhere else where we're competing.

Mr. Michael Parsa: Thank you.

The Chair (Mr. Dave Smith): Ms. Skelly.

Ms. Donna Skelly: Good morning. During the debate on Bill 66, the member from University–Rosedale stated that "when we no longer require industry to report on the toxics that they're using, it creates situations where a company could set up, and could be releasing toxins into the groundwater, creating a cancer cluster, and neighbours nearby don't even know."

Could you speak to the point that this really isn't the case by repealing the Toxics Reduction Act?

Mr. Don Fusco: Again, when you bring in the federal Chemicals Management Plan regulations, as well as the provincial environmental compliance approval process, the spills bills that exist—and in this day in age, there is so much more public oversight and scrutiny beyond the government regulations to hold companies to account—there is no way that that would fall through the cracks.

Our members, with our Responsible Care code of ethics, work with our local communities and have community advisory panels made up of residents neighbouring their property, and if there is any hint or any sign of any type of issue, that will be raised by the community advisory panel to our members to work on.

Ms. Donna Skelly: And if you could expand on that, that there is no way that could fall through the cracks, how can you assure us that it wouldn't, and that repealing this Toxics Reduction Act will not cause future problems?

Mr. Don Fusco: Well, the Toxics Reduction Act and the discharge reporting is completely duplicate to the federal national pollutant reporting regulations. That data is available today federally that was reported through the provincial Toxics Reduction Act. That is 100% fully duplicated.

Ms. Donna Skelly: One hundred per cent?

Mr. Don Fusco: For discharges to air, water and disposals, yes.

Ms. Donna Skelly: Okay, those are my questions. Thank you.

The Chair (Mr. Dave Smith): Mr. Rasheed. You have 30 seconds.

Mr. Kaleed Rasheed: Sure. Could you actually elaborate on the Responsible Care program and the initiative that your members are undertaking voluntarily to reduce toxics output at your facilities?

Mr. Don Fusco: Responsible Care: I can't talk about it in 30 seconds, but it encompasses 152 codes for operations, outreach with suppliers and also their customers, as well as working closely with the community—

The Chair (Mr. Dave Smith): Thank you very much. That ends the time that we have for presentations.

We have received just over 600 letters of submission over the course of the weekend. I'm looking for unanimous consent to have a single copy printed to be brought to the committee and then provided to each of the committee members electronically so that we're not printing off more than 7,000 sheets of paper. Agreed? Excellent.

We are in recess, then, until 2 p.m.

The committee recessed from 0959 to 1400.

The Chair (Mr. Dave Smith): Seeing that it's 2 o'clock on my watch, we will begin. We are back today talking about Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts.

There has been a change to the orders given to us. Mr. Schreiner received unanimous consent this afternoon. Any time that is left over from the questions, of the 14 minutes, he can ask questions to use that time up. Because it is a new session that we've just started on this, the time allocation is six minutes for the presentation and 14 minutes for questions, divided intoseven minutes between each of the official parties. Any time that is left from that 14 minutes can be given to Mr. Schreiner.

OPENMEDIA

The Chair (Mr. Dave Smith): I'd like to call up OpenMedia, please.

Mr. Rodrigo Samayoa: Thank you. Hello, Mr. Chairman.

The Chair (Mr. Dave Smith): I understand they are teleconferencing in. They are on the line. If you'd like to introduce yourself, please, and begin your presentation.

Mr. Rodrigo Samayoa: Yes, of course. My name is Rodrigo Samayoa. I am here to speak on behalf of OpenMedia. Thank you to all the members of the standing committee for giving me a chance to speak today on behalf of our community.

OpenMedia is a national, community-based organization that works to keep the Internet open, affordable and surveillance-free. We work towards an informed and participatory digital policy by engaging hundreds of thousands of people in protecting our online rights. As a national organization, our community spans the whole country, including over 100,000 people in Ontario.

I am here today because we are greatly concerned about schedule 7 of Bill 66, which will repeal Ontario's Wireless Services Agreements Act. I am here to request that the government keep this act in place. Repealing this act will strip the people of Ontario of important protections and narrow the avenues for complaints that customers have when it comes to unfair and predatory practices by wireless service providers.

I know I only have six minutes to speak, and you are all experienced lawmakers, so I will not go into a detailed breakdown of the act. Earlier today, I provided the Clerk of the Committee a longer policy brief that has more detailed information about why we believe the act should remain in place. Instead, I want to use this time to bring you the voices of some of the people of Ontario and why they feel it's necessary that the government keep these protections in place.

Over the past few months, thousands of people have been emailing their MPPs, calling on them to protect the Wireless Services Agreements Act. Before coming to you today, I reached out to a lot of these people, and hundreds of them sent me comments that they wanted me to read in front of you. Due to the time constraints, I'm only bringing you a few of the messages, but I have included most of these messages in the policy brief that I handed to the Clerk.

Patrick, from Mississauga, told us that he has been exposed to misleading sales tactics, such as claims that his plan has unlimited data, only to find out that his data is throttled after 4 GB. He complains that Canadians unnecessarily pay some of the highest prices for data in the world.

Jane, from Etobicoke, told me that Virgin Mobile, which is owned by Bell, recently increased her phone bill by $5 for each household member despite having only recently signed up. She has no idea how Virgin was able to do this, and this has had a big impact on her life as she is disabled and needs her phone for emergencies. If Virgin Mobile increases the prices again, she may have to do without it due to the prohibitive costs of phone ownership.

Steve, from Oshawa, who actually used to work in the telecom industry himself, told me his story of how he went from being middle-class to low-income due to poor health. He tried to make ends meet by signing up with alternative phone options like voice-over IP, but found that those did not meet his needs. Eventually, he was forced to buy a service with Rogers, only to find out that Rogers increased his bills after some months with them. Today, he is looking to going back to using the more limited voice-over IP services to make ends meet.

Connie, from South Huron, says she lives in a rural community, and as such, service is poor in her area and there is a lack of competition where she lives. She was regularly charged roaming fees for calling neighbours three doors down. When she tried to cancel her plan at the end of the contract period, they charged her a cancellation fee and she thought she had no choice but to pay it.

Susi, from London, Ontario, tells a similar story. When she tried switching providers at the end of her contract period, Bell charged her a $100 penalty. Once she moved to Rogers, she started being overcharged and had to spend hours on the phone to get those charges fixed. Meanwhile, her partner was overcharged over $1,000 over a four-year period while using Virgin Mobile.

Finally, there's Stacey, from Newmarket. Her comments actually summarize what many people who sent me comments have to say, so I'm going to be quoting her here: "Over the past few years it has been getting easier to deal with cellphone companies [thanks] to the laws put in place to protect consumers. Do not repeal these laws. I do not want to go back to being charged unreasonable fees and having sales and marketing people being misleading, and forcing me to do hours of research to try and make sure that I am not being misled. Do not undo progress. Canada is still one of the worst places in the world for cellphone plans, and the provisions in Bill 66 will only set us backward."

As you can see by those comments, companies are still taking advantage of people even with the CRTC's wireless code of conduct and Ontario's Wireless Services Agreements Act. The government spokespeople who claim that Ontario's wireless consumer protections are redundant just because a federal code of conduct exists are ignoring the lived realities on the ground, where people are still victims of misleading sales tactics, predatory contracts and unreasonable fees. What these comments tell us, and what the experience of thousands of people across Ontario tells us, is that, far from being redundant, this act is not only necessary but needs to be more strictly enforced.

These companies bank on the fact that people like Steve and Susi don't know what protections they have. They also bank on the fact that, even if Steve complains, the highest penalty a company can get under the federal rules is $5,000, which isn't much for these companies.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Rodrigo Samayoa: Most importantly, there is no way for Steve, Susi, Jane and Patrick to all come together to launch a class action lawsuit under the federal regulations and fix the overarching problems at the root.

The Wireless Services Agreements Act, on the other hand, actually gives the people in Ontario this option, giving them more avenues to resolve their issues. By repealing the act, the Ontario government is peeling back one more layer of protection and abdicating its responsibility to the people of Ontario—

The Chair (Mr. Dave Smith): Thank you very much. You've come to the end of the six minutes.

Mr. Rodrigo Samayoa: Thank you.

The Chair (Mr. Dave Smith): We'll start with the government side. Mr. Parsa.

Mr. Michael Parsa: Thank you very much for your presentation. I have a question for you. All of us here, especially the lawmakers—their job is to protect and do everything they can for consumers. This particular bill is all about removing over-regulation and redundancy. From my understanding, the federal legislation right now covers practically everything in the Wireless Services Agreements Act. So what's the difference between the provincial and federal regulations, since the federal government pretty much regulates everything?

Mr. Rodrigo Samayoa: So there are two main differences. The first one is, there is actually some regulation on advertising that is covered by the Ontario act but that is not covered by the federal regulations. So that's one piece that Ontario has over the rest of the country. The second and biggest difference is the enforcement mechanisms. Under the federal rules, the highest penalty a company can get for violating the rules is $5,000, whereas under the Ontario rules, penalties can go up to $250,000, which is a major difference when you consider that these companies have millions of dollars to spend.

Another thing to consider is that, under the federal regulations, each complaint must be reviewed individually. Even if thousands of people are experiencing the same issues, each problem is reviewed by the CCTS individually, so there is no way to address systemic issues; whereas with the Ontario regulations, customers can actually launch class action lawsuits and hold companies accountable for systemic issues. So that is actually something that people in Ontario can do that a lot of people in the rest of the country cannot do. I would say that the enforcement mechanism would be the biggest thing that Ontario has that the rest of Canada doesn't.

Mr. Michael Parsa: How many times have these fines been enforced by the provincial government?

Mr. Rodrigo Samayoa: I don't have those numbers at the moment, but I can find out and send that information to you at a later time.

Mr. Michael Parsa: Great. Thank you.

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Thank you for your testimony, sir.

I'm going to repeat and reframe what I've said here a few times already, and probably before we get to the end of Bill 66 I will say it many, many more times: overlap, duplication—why do we need massive, more bureaucracy to deal with the same issue? If the issues are identical, that would be a no-brainer. If there are some variances—you just mentioned a couple, and I can respect that—would it not make more sense to simply amend legislation that is already in place by a respective body to deal with a potential problem than to re-establish, again, a whole new bureaucracy to deal, 99% of the time, with the same kinds of problems? It just does not make any sense to me. Can you elaborate?

Mr. Rodrigo Samayoa: Yes, of course. As you say, a lot of the regulations at the federal and provincial level are the same. What changes is mostly the enforcement mechanism. So when it comes from the perspective of the companies, they actually don't have to do any extra work; they just have to follow the same regulations.

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Really, it's in how violations are treated that it's different. It doesn't actually add any red tape for companies. It doesn't add any extra cost for companies. It just gives consumers more protections. That, I think, is actually a reason why you shouldn't get rid of these protections—because it doesn't cost businesses anything to keep this act in place.

Mr. Daryl Kramp: I agree with you: It might not add more staffing or requirements for the companies, but it sure as heck does for the administrative bodies of government. We are absolutely overgoverned in this province and in this country. What are we doing now but adding more and more to it with all of these agencies, to simply run in tandem with other agencies at other levels of government that simply do the same thing, albeit with some minor variances? I still would maintain: Let's correct the minor variances, not re-establish a whole new agency.

Mr. Rodrigo Samayoa: We'd argue that until the federal government stands up and creates proper enforcement mechanisms, those bureaucracies have different purposes. Right now, the federal government does not actually have the proper enforcement mechanisms, but Ontario does. What we need is for Ontario to actually enforce these rules, because at the moment, the federal government is not doing this.

Mr. Daryl Kramp: Thank you.

The Chair (Mr. Dave Smith): Thank you very much. The government side has decided that they are done, so there's about a minute and 45 seconds that will be available to Mr. Schreiner. Ms. Fife.

Ms. Catherine Fife: Thank you, Chair. Thank you, Rodrigo, for taking the time to call in and truly raise and amplify the voices of those consumers across the province who find themselves on the wrong side of a deal when it comes to some communications companies. I just want to say that New Democrats agree with you. The fact that this act actually ensures that predatory and misleading advertising is regulated in the province of Ontario is important, as is the oversight piece and the enforcement mechanism.

We've just heard a government member say, "Why don't we just amend this part of this act instead of repealing the whole thing?" So perhaps some of your recommendations would be listened to by the government.

I do also want to say that I appreciate the fact that you have raised the issue that open media and affordable access to the Internet, particularly for rural communities—which we've heard government members talk about—is a matter of accessibility for seniors and for those folks who aren't able to move out in the community. I visited KW AccessAbility in Kitchener, and this message was loudly communicated to me in support of consumer protection. Can you please extrapolate on the fact that this is an accessibility issue: having affordable access and consumer protection around communications skills?

Mr. Rodrigo Samayoa: Yes, of course. I believe you cut out for a little bit, but I think I got your question. It was around accessibility. Is that right?

Ms. Catherine Fife: That's right.

Mr. Rodrigo Samayoa: Okay. Yes, that is the main reason why we are hoping to keep these protections in place. A lot of the time, without having these protections, companies are able to increase prices and charge overage fees to people who actually can't afford to pay these fees. In the wireless market, this is an especially big problem when you look at the fact that Canada is paying some of the highest prices in the world when it comes to cellphones and both wireless and wired Internet.

Part of the reason why I can't be with you in person is that I myself live in a small community in rural British

Columbia, and here we only have one cellphone provider and one Internet provider. If I have a problem with either of those, I actually have no option but to stick with these companies. Unlike Ontario, I don't have provincial rules that give me extra protections, aside from what the federal government would give me. That's why the province of British Columbia is looking at implementing similar rules which Ontario is right now trying to repeal. This is something that we are pushing provinces to do. Five provinces already have similar legislation in place.

I think that this is a big problem nationally. I think that by repealing this act, Ontario will actually be going backwards, whereas other provinces are currently taking steps forward to protect consumers and to increase accessibility in the cellphone and Internet markets.

Ms. Catherine Fife: Thank you very much. I just want to also thank you for your comments around the fact that the federal legislation doesn't have the appropriate oversight mechanisms. We are provincial legislators, and we have our responsibility here in the province of Ontario. While the government seems happy to cede that responsibility to Mr. Trudeau, we are not, and so we are very supportive of keeping this piece of important legislation on the books.

Rodrigo, thank you very much for calling in today.

We'll cede the remainder of our time to Mr. Schreiner.

The Chair (Mr. Dave Smith): Mr. Schreiner, you have about three and a half minutes, then.

Mr. Mike Schreiner: Thank you, Rodrigo, for phoning in. I really appreciate you highlighting the three major differences between the federal and provincial legislation, and for highlighting the fact that wireless services in Canada are comparatively higher than most other jurisdictions around the world and, in particular, for rural consumers.

I'm just wondering if you think that withdrawing this act will lead to higher prices for Ontario consumers, especially those in rural parts of the province.

Oh, we may have lost him.

Ms. Catherine Fife: Did we lose him?

Ms. Donna Skelly: Well, Mike.

Mr. Mike Schreiner: There you go. I had my chance, eh?

Laughter.

The Chair (Mr. Dave Smith): We'll just give it a second here, to see if we're able to pick him back up.

Mr. Mike Schreiner: The technology is almost there, but not quite, eh?

The Chair (Mr. Dave Smith): Are you still there, Mr. Samayoa?

If we leave him, we leave him and we move on to other presentations.

Mr. Samayoa, are you there?

Interjections.

The Chair (Mr. Dave Smith): Mr. Samayoa, are you there?

Mr. Rodrigo Samayoa: Yes, I'm here.

The Chair (Mr. Dave Smith): I'll turn it back to Mr. Schreiner, then, to ask his question again.

Mr. Mike Schreiner: I don't know if you heard the question, Mr. Samayoa, but I'm happy to ask it again.

Mr. Rodrigo Samayoa: Please. I did not hear.

Mr. Mike Schreiner: I'll delete the preamble and just say that you've highlighted the higher costs that Canadians pay, in particular people who live in rural parts of the country. Are you concerned that the withdrawal of this act, through Bill 66, will lead to higher prices to access wireless services, and especially for those who live in rural and remote parts of the province?

Mr. Rodrigo Samayoa: Realistically, I don't think that repealing this act will lead to widespread or overall price increases. What does worry us is that people will be charged overage fees and cancellation fees, which still happens even with the wireless code in place. Part of the problem is that all or some of these fees are either a mistake from the company, or sometimes they're purposefully charged when people don't actually know their rights. So we are afraid that when these protections are lost, we will see more people having to pay these sometimes illegal fees, and people will have no other way of addressing them other than going through the difficult process through the CCTS.

Mr. Mike Schreiner: Just a quick follow-up, if I have time: Currently under the act, people can try to recover these cancellation or overage fees, as the act currently works?

Mr. Rodrigo Samayoa: You mean the provincial act?

Mr. Mike Schreiner: Yes.

Mr. Rodrigo Samayoa: Yes, that's right.

Mr. Mike Schreiner: Okay. Thank you.

I'm done.

The Chair (Mr. Dave Smith): Thank you very much for the presentation, Mr. Samayoa.

Mr. Rodrigo Samayoa: Thank you for having me.

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ONTARIO COALITION FOR BETTER CHILD CARE

The Chair (Mr. Dave Smith): Our next presenter is the Ontario Coalition for Better Child Care. If you could come up to the table for us, please. Please introduce yourself. You'll have six minutes.

Dr. Brooke Richardson: Good afternoon. My name is Dr. Brooke Richardson. I'm speaking here today as a board member of the Ontario Coalition for Better Child Care and as president of the Association of Early Childhood Educators of Ontario. I'm also a lecturer in early childhood studies at Ryerson University, a post-doctoral research fellow at Brock and a mother of four children under the age of 12.

Let me start with a little bit about who I'm representing. The Ontario Coalition for Better Child Care is a broad-based, member-driven coalition made up of hundreds of organizations, including child care programs, social justice, women's and labour organizations, and associations, including the AECEO.

I'm here to address our concerns about Bill 66 and child care. I'm going to focus my remarks on schedule 3, which proposes changes to the Child Care and Early Years Act and the Education Act. We are recommending that schedule 3 be removed from the bill in its entirety. We are not suggesting amendments to the schedule; rather, it is our position that the inclusion of these education issues in an omnibus bill on business competitiveness is inappropriate and seems hasty and haphazard. We are especially concerned that the proposed home child care changes under schedule 3 put young children's health, safety and well-being at risk.

We take issue with both the substance of the proposals and the rationale for changes. So let's look at the details of the home child care proposals. Bill 66 proposes to increase the number of very young children that one person may legally care for in regulated and unregulated home child care settings. The proposed changes would allow home child care providers to care for three children under the age of two, up from a current limit of two, as well as additional allowable children over the age of two years, for a total of five children in unregulated and six children in regulated child care settings.

The changes also allow for home child care providers to care for any number of their own children four years of age or older at the same time. Current laws allow for the provider's own children four years of age and over not to be counted when the children are at school, but the changes mean that these children will never need to be included in the total number of children being cared for even when they are present in the home before school, after school, evenings or weekends. This means there would be no hard cap on the total number of children that could be cared for by a single adult in a home.

Let's look at a concrete example. If an unregulated provider has three of their own school-aged children, they could still look after five for pay, swelling the total to eight children, including three babies, with one adult in an unregulated private home. That is simply too many very young children for one person to adequately care for, no matter how educated and amazing they are. These changes mean that children's needs will not be well met and, at worst, it could put their safety and security at risk.

Given the risks and seriousness of these changes, you would think that there must be a very strong rationale for pursuing this, so let's look at that. The rationale given by Minister of Education Lisa Thompson for these changes at a January 29 press conference was to increase access to child care for parents and to help home child care providers to expand their business and earn more money. While aiming to increase access to child care for parents is certainly admirable, it cannot be achieved at the expense of safety and quality considerations. Caring well takes time, energy, empathy and creativity. Caring cannot be made efficient with strategies deemed appropriate for agriculture and pawnbrokers.

Young children's well-being and the quality of their care environments must be paramount when it comes to setting laws and regulations around child care. Thus, the goal of increasing access to child care for parents is best met by continuing to invest in licensed child care to increase the number of quality sites and spaces. Further, expanding business is not an appropriate goal for the Ministry of Education. The safety of children and the quality of education and care must not be compromised by a desire to earn more. The real bottom line here are children's lives, not profit margins.

I would like now to turn to the proposed changes to before- and after-school programs. Schedule 3 lowers the age that children may attend authorized recreation programs rather than licensed child care programs for before and after school. This is an inappropriate way to address the needs for more before- and after-school child care programs. Young children starting school, especially the four-year-olds who are still adjusting to school, would benefit from smaller groups and more qualified staff that are emblematic of licensed settings.

Another change removes the requirement for third-party operators providing before- and after-school care for school boards to have registered early childhood educators to lead their program. This is a clear lowering of program standards and will weaken quality. Ontario RECEs have specialized knowledge of child development and pedagogy in the early years. They create rich, inclusive learning care environments. Removing the requirement of ECE-led programs jeopardizes the quality of experiences for young children.

To review, simply put: safety first. The changes proposed in schedule 3 put the safety, security and immediate well-being—

The Chair (Mr. Dave Smith): Thirty seconds.

Dr. Brooke Richardson: —of very young children at too great a risk. The justification for these changes is simply not adequate to warrant these proposals, and we are recommending that schedule 3 be removed from Bill 66 in its entirety.

Thank you. I'll take questions.

The Chair (Mr. Dave Smith): Thank you. We'll start with Mr. Tabuns.

Mr. Peter Tabuns: Ms. Richardson, thanks very much for being here today and making that presentation. I was present for the presentations and debate the last time we changed the child care regulations, and there was certainly a lot of concern at the time about the number of children who would be looked after by a single child care person in a home. One person said that she could carry out two kids in her arms, but she wasn't sure if she could carry out three if there was a fire.

Can you tell us a bit about the safety concerns that you have with regard to this change in ratio?

Dr. Brooke Richardson: Yes, definitely. It's very clear to me that eight children is just completely unreasonable for one person to be able to handle. That, to me, requires no explanation. I'm a mother of four, age range from 14 months to 11, and me and my husband have our hands very full. I couldn't add three more children into that mix, let alone three babies.

Certainly safety is the paramount concern, particularly when it comes to infants. Like you said, regulated or

unregulated home care settings meet very minimal health and safety standards already, so to just permit more children is leaving children in the same—I think it's important to remember that this legislation came about because of the Ontario Ombudsman report entitled Careless About Child Care, where four infants and toddlers died within a seven-month period in Ontario in 2013-14. That is unacceptable, and that is exactly what's going to happen again.

My question is: Why do we have to keep waiting for children to die, and why would we keep permitting more children to be cared for when we know that this is what is going to end up happening?

The Chair (Mr. Dave Smith): Ms. Fife?

Ms. Catherine Fife: Thank you very much, Brooke, for speaking on behalf of so many parents and the concerns that they have. Those are genuine concerns around safety.

We've been told that this is a solution to less child care, but also, in rural communities, less flexible options. Can you address that head-on? We know that schedule 3 will not create more spaces; it just changes the nature of that child care experience.

Dr. Brooke Richardson: First of all, yes, there's this fallacy that it's going to create more spaces. Most of the people I have talked to and engaged with as members of an organization or just in general discourse are saying, "I can't possibly take on any more children, even if I wanted to. It's too hard. I'm going to be sacrificing something, and it's not fair to the children."

Interestingly, I'm working on another project right now looking at non-standard child care work, which relies heavily on unregulated and home child care provision. The problem is that as I talk to parents across the country, parents want more than a place where their child is hopefully going to be alive at the end of the day, right? We need to set higher goals for child care in this country, and if that's what we're going by, that's a real problem.

When I talk to parents—and my friends and colleagues are parents as well; this really intersects both my personal and professional life—parents are interested in high-quality child care experiences for their children. They don't want to have their children sat in front of a TV all day. They want constructive experiences, and it's just literally impossible to do that if you have—can you imagine having three infants all day every day, with no other support?

Ms. Catherine Fife: No. It's actually completely irresponsible, because—

Dr. Brooke Richardson: It is.

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Ms. Catherine Fife: As you pointed out, we have a coroner's inquest report on the death of two-year-old Eva, so for the government to move forward with this strategy, knowing what we know, knowing the research and the evidence—we are going to try to pull the entire schedule. We think it shouldn't belong in this bill as well, and we share your concerns that this is being described as a business idea, like "open for business." Even the minister, in the House, was like, "And that's not all," as if she was on the Shopping Channel selling frying pans. It's not appropriate language to be using when we're talking about children.

Dr. Brooke Richardson: No, it's not. It's commodifying children, right?

Ms. Catherine Fife: Yes.

Dr. Brooke Richardson: So, ethically—and I am an ethics-of-care researcher—I have, certainly, major issues with it being included in Ontario's competitiveness act. Yes, child care is a key component of a competitive economy, but that's in creating high-quality, licensed child care spaces and not in downloading this work onto the backs of already marginalized, racialized women, who are very underpaid and undervalued.

Ms. Catherine Fife: How much time do I have? Two minutes?

Let's go back to the real problem. This morning, we heard from another group, who pointed out that 80% of the child care in the province happens in informal home care situations because successive governments have not invested in rural child care options that are flexible, that are quality-based, and that are affordable.

Dr. Brooke Richardson: Exactly.

Ms. Catherine Fife: But as you point out, the return on investment for child care is there, from an economic perspective.

Dr. Brooke Richardson: Yes.

Ms. Catherine Fife: Can you speak to that a little bit?

Dr. Brooke Richardson: We just have to look at Quebec, where they have a much more publicly supported child care system. The amount of earnings that women re-entering the workforce are contributing to the taxes is more than offsetting the cost of the system. Pierre Fortin is an economist who has done a great deal of research in this area.

So, yes, I think it's important to keep in mind that this is a public investment with public returns, but only if it is high-quality enough, only if it's good enough for the children and families who use it, or else you are not going to see that.

Ms. Catherine Fife: All right. One final thing: Thank you for raising the before-and-after care, because our public education system and our schools in communities are there for those communities. We are underusing that resource for families and children. The original extended day was supposed to incorporate before-and-after from a not-for-profit sector. The fact that the government is looking at businesses infiltrating education to make money off of parents who are desperate for before-and-after—

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Catherine Fife: —just the final word on how misguided that is.

Dr. Brooke Richardson: I think it's extremely ethically problematic. It's problematic from an ethical and a bottom-line financial perspective. We can't sacrifice children's well-being in this profound way. This is not a minor tinkering; this is a profound revision.

The Chair (Mr. Dave Smith): Thank you.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Dave Smith): From the government side: Ms. Skelly.

Ms. Donna Skelly: It's Michelle?

Dr. Brooke Richardson: Brooke.

Ms. Donna Skelly: Oh, Brooke; sorry. Thank you, Brooke, for showing up here today and making your presentation.

My kids are much older now, but like many parents, when my children were smaller, I worked in an industry that wasn't a 9-to-5 kind of situation. I worked from 4 to 12; my husband worked crazy hours. At that time—and I think it's pretty consistent with what we're seeing across Ontario today—the 9-to-5 model for child care, if you will, just doesn't work for, I would actually argue, most families.

I live in Hamilton. The commute to Toronto can be two to three hours each way. Parents are being forced to really think outside the box when it comes to being able to find what they consider good child care.

When my children started junior kindergarten and kindergarten, we were always struggling to find adequate after-care programs. The truth is, we were able to find them, and they weren't always programs that were run by ECEs, or programs that fit the model that you're talking about. I'm just wondering if you could speak to that, because in today's society, parents, as I said, don't fit that 9-to-5 schedule.

Dr. Brooke Richardson: I think that's a really good point. In fact, I'm working on a contract right now with Employment and Social Development Canada on non-standard child care in Canada. I'm actually in the process of interviewing parents about this very issue. And it is an issue, it is a problem, that 9-to-5 is the typical regulated child care hours.

But there's also a number of misconceptions along with that, which are that home-based child care can be more flexible and can adapt to those needs. In actual fact, parents have as much difficulty trying to find before-7-a.m. or overnight care or evening care, where their child can be fed or go to bed. These are still extremely hard to find, even in unregulated and regulated home child care settings.

The solution that I think needs to be examined—there are some wonderful programs that exist. Discovery centre, which is in Winnipeg, has a flex-care program. Parents can sign up for a flex-care program, and they can schedule to have early morning or they can use later evening. The centre is open—I can't remember the exact hours, but it's somewhere along the lines of 6 p.m. till midnight. Most children are there between the typical hours, but they offer this other program which allows parents working a schedule like you were working to also benefit from the quality learning environment. It's a very popular program. There are a few other cases like that in Canada.

I don't think the solution is to simply privatize, because the reality is that these programs—as a parent, I know the cost of programs is prohibitive. A lot of parents want to send their kids to arts programs, and these are great, but they're very expensive and they're not practical for many parents who need child care where their children are. They need something in the school. They can't necessarily pick up and then drop off here and then pick up there, because they're working. So there needs to be that seamless day, that seamless transition. It's also extremely disruptive for children, let's be honest, if they're getting shuffled here, there and everywhere. If you can be in the same place, have consistent caregivers, have a consistent space that they are comfortable with, that's going to be much better for the well-being of children. It's going to work better. What works better for families works better for children, and vice versa.

Ms. Donna Skelly: I would agree with you, but I would argue that it doesn't always have to be provided by ECEs or the people you believe are qualified to provide this care. There are a number of programs that have been recognized as being educational but also simply fun for kids. I remember, when my babies were small, I didn't want to put them into yet another learning experience, if you will. I wanted them to actually just relax and play after school. So I don't think it's always about forcing them to—

Dr. Brooke Richardson: That's a really good point. A really common misconception is that early learning is always about learning. No. In fact, here in Ontario, we have a play-based curriculum. It's not about shoving more information into children's brains; it's about experiential learning. With everything children are doing, they're learning. This is the knowledge that we need for young children.

When my son entered kindergarten, he was three. I would not have wanted him in a room with 14 other people with no qualified early childhood educator. To me, that is so problematic. Early childhood educators do have training in the early years about what children require, and that is different from school-aged children.

Ms. Donna Skelly: But would you agree that it's not necessary to have these—and you mentioned that your preference is an early childhood educator to care for children in after-school programs—that there are options that involve people who know what they're doing and who can provide an excellent, safe experience for young children?

Dr. Brooke Richardson: I think, of course, that exists in some places, but that is not, by and large, the default. It's difficult to find, and it's not supported by public policy infrastructure. So who is going to get access to those programs? The wealthy children whose parents can pay for those programs, whose parents can pay—there's a van that comes to my kids' school, that picks up kids, school transportation, and takes them to their after-school programs and then takes them—

Ms. Donna Skelly: There are affordable options.

Dr. Brooke Richardson: There's a place near my house that offers affordable options. I could never send my children there in good faith because there are 15 children who are four years old, and that's chaos. And they don't have centres built for that; the space isn't built for that.

The Chair (Mr. Dave Smith): Ms. Hogarth, you have 30 seconds.

Ms. Christine Hogarth: Thank you for your statement.

I just want to continue on with what MPP Skelly was talking about. We have a lot of parents—and you talked about being a parent yourself and you talked about safety. Safety was paramount. As a stepmother, we had a daughter in after-school programs, and it was done by the school.

Don't you believe that the parents should have a choice, and would you not interview those child caregivers?

Dr. Brooke Richardson: In fact, I wrote my dissertation on choice—

The Chair (Mr. Dave Smith): I'm sorry; we're out of time. Thank you very much for your presentation.

Dr. Brooke Richardson: All I want to say is, you need to have options to have choice—

The Chair (Mr. Dave Smith): Thank you.

Dr. Brooke Richardson: —and right now there are no options.

Ms. Christine Hogarth: Absolutely, choice. Yes, thank you.

Dr. Brooke Richardson: Options.

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ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Dave Smith): We have the Association of Municipalities of Ontario. They are on the line. Can you hear us?

Mr. Jamie McGarvey: Yes, I can.

The Chair (Mr. Dave Smith): Could you introduce yourself for me, please? You'll have six minutes.

Mr. Jamie McGarvey: Okay. My name is Jamie McGarvey. I'm president of AMO and also mayor of the town of Parry Sound. I can begin?

The Chair (Mr. Dave Smith): Yes.

Mr. Jamie McGarvey: Okay. I will offer some comments, and you have a copy of our written submission, I believe.

Bill 66, the Restoring Ontario's Competitiveness Act, is a broad piece of legislation with important objectives. Its aim is to help municipal governments, businesses and families in Ontario succeed by reducing red tape and regulatory burden. AMO supports these objectives as a matter of principle; however, we respectfully propose a number of amendments to help improve the bill so that it can better balance other societal interests.

I appreciate that the government will table an amendment to remove schedule 10 of the bill that deals with the proposed changes to the Planning Act, intended to help streamline the land use planning approvals process to facilitate business development under prescribed circumstances. Let me simply say that AMO feels that the concept had merit, but the schedule did not offer clear direction or offer a comfort level as it relates to other important values such as water quality.

Now I will focus my comments on three schedules in particular.

Schedule 9: construction employer designation. AMO has advocated for the province to clarify that municipal governments are not construction employers for many years. We welcome the proposed legislation, which reflects the reality that construction is not a core municipal function. Municipal governments contract out capital projects to construction businesses. These construction firms are construction employers, not the municipal governments contracting their services.

The mislabelling of some municipal governments as construction employers has had a negative impact. Impacted municipal governments can only contract out capital projects to bidders from a particular union. All of the qualified bidders, both unionized and non-unionized, are automatically excluded from the procurement process. The lack of competition drives up the cost of capital projects. This means that municipal residents have to pay more money to see infrastructure improvements in their community. This is not fair to municipal residents and it's not fair to the qualified contractors barred from bidding on municipal projects.

What Ontario needs is a fair and open bidding process for all qualified firms. Schedule 9 is welcomed: It's a win-win for municipal governments, qualified contractors and municipal taxpayers. Until Bill 66 comes into force, other municipal governments remain at risk of being incorrectly designated construction employers, so the sooner this is in place the better. This is what schedule 9 of Bill 66 promises to do by clarifying that municipal governments are not construction employers.

While we welcome schedule 9, minor adjustments would improve protection for municipal-related corporations that are not construction employers. Schedule 9 should be amended to include local housing corporations, district social service administrative boards and other municipal corporations. We applaud the Ministry of Labour for addressing this long-standing municipal concern.

I'd like to spend the rest of my time speaking about schedules 2 and 3 of Bill 66.

Schedule 2: repeal of the Pawnbrokers Act. The repeal of the Pawnbrokers Act without replacement by other legislation is concerning to municipal governments. Though outdated, the Pawnbrokers Act provides law enforcement with important tools to address criminal activity in pawnshops. It also helps police recover stolen items and return them to their owners. Without the act, municipal governments will have to fill the gap using limited tools and resources. Bylaw officers are certainly stretched as it is. They cannot take on additional functions. Instead of revoking the act, we would advise the province to consult with law enforcement and municipal governments. This can help determine how best to modernize the Pawnbrokers Act to reflect the 21st-century reality. This legislation needs to be modernized, not eliminated.

Schedule 3: the Child Care and Early Years Act and the Education Act. As you know, municipal governments are important partners when it comes to child care in Ontario. AMO acknowledges that the intention of changing age allowances is to increase access to child care. We know that there is a need for more child care spots across the

province; however, we are concerned that these changes will lead to health and safety concerns. We are concerned that they may reduce the quality of care.

Our children and working parents deserve the best quality of child care possible. We need to make sure that our children are safe. Our advice to the standing committee is to take a pause on schedule 3. The ministry should consult with parents, child care providers and municipal service system managers. We need to focus on improving access to licensed child care without reducing service quality and compromising health and safety. More discussion is necessary so that Ontario can get it right.

In conclusion, I remind the standing committee of AMO's written submission. The written submission outlines other minor concerns and suggestions that we have on Bill 66.

The Chair (Mr. Dave Smith): Thank you very much. Mr. Parsa, you're up first.

Mr. Michael Parsa: Your Worship, I have a very quick question for you. Thanks very much for the presentation. I just want to know your views on whether OPG should be included in the open tendering.

Mr. Jamie McGarvey: I have some staff people there.

The Chair (Mr. Dave Smith): Could you introduce yourself, then, please?

Ms. Pat Vanini: Sure. My name is Pat Vanini. I'm the executive director with the association.

In answer to your question, we haven't taken a position on OPG. We are looking at municipal governments and their corporations directly.

Mr. Michael Parsa: Okay, thank you.

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Obviously, we all are accountable to the taxpayer, regardless of which particular level of government we're at, whether it's municipal, provincial or federal. A lot of times, of course, if we have bidding that's exclusionary, the price is up dramatically. If you only have one purchaser or one buyer, you really have some serious problems trying to be competitive. It's estimated by many people that costs, when they're sole-source alone, can be upwards of 30%, 35% or even 40% higher than open bidding.

I've always been of the opinion that if you're capable of doing the work, you deserve a shot at that job. I've seen wonderful, qualified, capable people in the union and outside of the union. What I'm concerned about is why there should be priority given to one or the other if they can do the job and save the taxpayer more money. Your thoughts?

Mr. Jamie McGarvey: I was going to say, I think that's our position. We need to be able to access both the union and non-union contractors, as long as they're qualified to do the work. That's what we want, because an open bidding process is really, really important. It can save you hundreds of thousands to millions of dollars on an open bid.

Mr. Daryl Kramp: Thank you very much. I'll pass on time now in order to leave Mr. Schreiner some more. We'll go to my colleague Logan.

The Chair (Mr. Dave Smith): Mr. Kanapathi.

Mr. Logan Kanapathi: Thank you for that presentation. I'm coming from the municipal world, and I met you through AMO.

Could you tell me what open tendering will mean for AMO and your stakeholders?

Mr. Jamie McGarvey: I'll use an example of a recent tender that we had. We had the engineer's report on this project. It's a road project with some infrastructure. Compared to what the engineer had suggested for a price, one bid came in at around $2.2 million, one came in at $2.1 million and then another one came in at $1.9 million. You've got those to look at. The last bid was very, very close to the engineer's report and what they had done. If you're excluded from those others, you can be paying top dollar. As we've said, that goes right back on to the taxpayer to have to come up with that money to pay for it on their taxes. Not having any extra ways of getting funding other than municipal taxes, the OMPF, the federal gas tax and a few things like that, we're very limited, so the taxpayer carries that large burden.

Mr. Logan Kanapathi: Thank you for that answer.

The Chair (Mr. Dave Smith): Ms. Skelly.

Ms. Donna Skelly: Thank you for your presentation.

I'm a former city councillor and I can share with you that what you have articulated is very real. I know that in the city of Hamilton, which fell victim to this particular regulation, there was at least 30% to 40%, I would say, in additional costs when they were trying to build anything. We saw a recent example with a school that they were trying to build, and it came in—I think it was 40% over budget, and they're waiting for this to go through because they know they can actually get the project back on track.

One of my situations involved a splash pad. I think across Ontario, the average price for the Taj Mahal of all splash pads was about $300,000; mine came in close to $700,000 just on a splash pad.

I'm glad that you support this because I think that people have to understand, at the end of the day, this is about taxpayers having to foot the bill and paying a lot of extra money for the same project. I just wanted to get your comments.

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Mr. Jamie McGarvey: I agree, and that's why we've put this position forward. We are concerned that if it does stay—some of these municipalities are construction employers. They're going to be very limited in scope as to who they can get to qualify for those jobs. So, again, we support it. We appreciate it.

I've been doing this quite a long time and have seen a number of tenders over the years. Sometimes municipalities end up getting held hostage to bids and paying a lot more than what they should.

Ms. Donna Skelly: Okay. I think we're going to save the rest of the time for MPP Schreiner. Thank you.

The Chair (Mr. Dave Smith): Ms. Fife.

Ms. Catherine Fife: Thank you for calling in and sharing some concerns that AMO has with regard to Bill 66. It's a pretty sloppy piece of legislation, I have to say.

You've got everything in this bag—child care and pawnbrokers and planning. We do share your relief, I guess, that schedule 10 has been pulled from the act. The municipality of Waterloo, amongst many progressive municipalities across this province, filed motions telling this government that they had serious concerns around the environmental and the health and the well-being, and, of course, the override clause that was contained within the open-for-business bylaw, which gave the government the right to override municipal councils. We share your relief that that has been removed.

Also, just on schedule 2, with the repeal of the Pawnbrokers Act, were you consulted at all on the changes around the proposed repealing of this piece of legislation?

Mr. Jamie McGarvey: I'll refer that to our executive director, Pat Vanini, who is there, because that would have been probably a staff-to-staff consultation.

Ms. Catherine Fife: Okay. Pat?

Ms. Pat Vanini: I would say it really wasn't consultation. We were just given a heads-up that it was going out. Our position is exactly as tabled in our submission.

Ms. Catherine Fife: So you're recommending that schedule 2 be removed from Bill 66, so that municipalities can actually have the enforcement piece locally to deal with various pawnbrokers in your municipalities.

Mr. Jamie McGarvey: Correct.

Ms. Pat Vanini: The loss of that bill means we lose those tools that police forces use in terms of stolen goods etc., so we'll have a void. How we address that void if the schedule is removed—that's another conversation for yet another day.

Ms. Catherine Fife: Do you think that it would be essentially a download to municipalities? Because it would be left with you to figure out how to deal with this now unregulated—

Ms. Pat Vanini: I wouldn't say it's a download. We define "download" as from the province to municipal governments. This is just where a tool that municipal governments and their police forces have used is being taken off the table.

Ms. Catherine Fife: You do say, though, that it would eliminate a key law enforcement and public safety tool if it is repealed. So municipalities want that still on the books.

Ms. Pat Vanini: They'd like to have the tools as part of the police mechanism to deal with crime.

Ms. Catherine Fife: So if they don't have the tools, though, in the absence of that—

Ms. Pat Vanini: In the absence of that, we'll have to work on other things. Whether or not there will be enough in the Municipal Act in terms of entry and those types of things—that's going to require some special work to discern what could perhaps exist in some other tools to fill the gap. But we haven't done that work yet.

Ms. Catherine Fife: Okay. I know the chiefs of police as well had some serious concerns around schedule 2. So, I hope the government is amenable to addressing some of those concerns raised by AMO and also by chiefs of police around the potential increase of crime and the tracking of stolen goods. That's an important piece.

Mr. Jamie McGarvey: Yes.

Ms. Catherine Fife: Just on schedule 3, if I could, around the amendments: I'm very encouraged that AMO has said that you think the government should reconsider until a more thorough discussion can be had between the government and municipal child care services.

Mr. Jamie McGarvey: Correct.

Ms. Catherine Fife: Child care is an absolutely essential service in all of our municipalities. I know for a fact that service system managers were not consulted on this change. Ultimately, the region of Waterloo does have responsibility around the health and safety of children, and they have raised their concerns to this government in a very strong way.

I'll cede this over to my colleague Mr. Tabuns.

The Chair (Mr. Dave Smith): Mr. Tabuns.

Mr. Peter Tabuns: Thank you for the presentation this afternoon.

With regard to schedule 4, you write that "municipalities have raised concerns potential negative impacts down the road" with the changes that are here in schedule 4. Can you outline what you see as those potential negative impacts?

Ms. Pat Vanini: Let me start. You're more of an energy expert than I will ever be, and my energy expert happens to be on vacation. I don't know how that happened.

I think that from our energy task force perspective, we look at the normal operations and the interaction between those who use energy and how it relates to an LDC, a local distribution corporation etc. We've been through metering and sub-metering, which allows us to deal with multiple users. I think that's the real challenge: How will this affect those multiple users?

Again, as I said, I think with the pawnbrokers we still don't know what that will look like, and, unfortunately—I wish I had those crystal balls. We'd all be great policymakers then. But we'll see what those things are, and if there are some negative impacts, you can rest assured we'll be back in front of the government with suggestions for how to change it and fix it.

Mr. Peter Tabuns: Could you give any more detail on your recommendation which says, "However, where this creates billing concerns for social housing, a solution should be developed to resolve concerns"? I know you're at a disadvantage as you don't have the person who usually has this portfolio with you today, but what are the billing concerns—if you can speak to that?

Ms. Pat Vanini: The "billing concerns" are exactly what shows up in the bill, how it shows up and how you attribute it to the users. I think that gets into the fairness aspect. I live in a condo corporation as a single person and I see others with more. I know I'm subsidizing their water use. To what degree does that happen? I think that's the issue in these housing circumstances.

Mr. Peter Tabuns: Okay. I don't have further questions.

The Chair (Mr. Dave Smith): Mr. Schreiner, you have two and a half minutes.

Mr. Mike Schreiner: Are you done? Great.

Thank you, Your Worship, for phoning in.

I appreciate the concerns you raised around schedule 3. As a mayor of a relatively rural city I'm curious if you think the existing health and safety ratios restrict parent access and parent choice to home child care?

Mr. Jamie McGarvey: When I talk to our child services through the DSSAB here, they certainly feel that the ratios are good right at the moment.

Again, when you're working with small children and the needs of small children—I will go back to a previous life where we worked through the DSSAB and my wife did child care. I know that there's a certain number or point where you can only have so many children or it becomes quite an issue to deal with them. I think that the safety and the health of the children and the safety and health of the provider need to be looked at in both cases. The last thing you want is a provider being overtaxed. This is where I think really it should be taken back and, as we suggested, deal with—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Jamie McGarvey: —social services to make sure that they have that consultation with them so that they can move forward in a safe and healthy manner, not only for the child, which is paramount, but also for the provider.

Mr. Mike Schreiner: Thank you, Your Worship. Very quickly, do you feel that schedule 2 will increase policing costs for municipalities?

Mr. Jamie McGarvey: Well—

The Chair (Mr. Dave Smith): I'm sorry. There isn't time left to answer that question.

Mr. Jamie McGarvey: Okay.

Mr. Mike Schreiner: Thank you.

The Chair (Mr. Dave Smith): Thank you for the presentation.

1500

ENVIRONMENTAL DEFENCE

The Chair (Mr. Dave Smith): Next up, we have Environmental Defence. If you could come to the table, please, and introduce yourselves. You have six minutes.

Mr. Tim Gray: Good afternoon, Mr. Chair, committee members. My name is Tim Gray. I'm executive director of Environmental Defence. This is Muhannad Malas, who is our toxics program coordinator. I'm going to speak briefly to schedule 10, and he will speak to schedule 5. Hopefully, we can cram this all into six minutes.

This past winter, in a short five-week period, 53,000 Ontarians wrote to the province asking that schedule 10 be removed from Bill 66. Citizens were outraged that after promising to protect the greenbelt in the spring of 2018, the government repudiated that commitment by proposing legislation that would open the greenbelt and many other protected lands to employment-focused development. Thankfully, on January 23, Minister Clark responded to this public concern and committed in writing to removing schedule 10 from the bill. We're here to explain our concerns about this schedule and support the promised amendment.

The proposed schedule 10 changes to permit fast-track development also propose to operationalize these actions at the municipal level through an Open for Business bylaw. This bylaw can be passed at a municipal council meeting that is convened without public notice, public consultation or review. Once passed by council, the bylaw would be forwarded to the Minister of Municipal Affairs where, after his or her approval, it would not be appealable to the Local Planning Appeal Tribunal, the only process recourse available to citizens.

Despite assertions from government that such an approach is needed to allow business development, the facts tell a different story. First, over 16,000 hectares of land designated for employment uses sit vacant within our towns and cities in the GTHA, as shown in appendix 1 of our submission. Secondly, the province already has powers under the Planning Act that permit the Minister of Municipal Affairs and Housing to rezone land outside of the normal municipal planning process. This is called a minister's zoning order, and it can be and has been used to designate lands where there is an immediate and compelling need to create space for new development that is in the provincial public interest. Finally, municipalities have requested the ability to easily convert existing excess employment lands to other uses. This request is reflected in the province's current growth plan consultation document, which speaks to enabling these re-designations.

The government also stated that this schedule was drafted to meet stated need at the municipal level. However, many municipalities have made clear that they oppose schedule 10. In their opposition to schedule 10, a number of these municipalities have indicated the presence of employment land surpluses and a capacity to approve new businesses on employment lands faster than the proposed OFB bylaw could provide for.

Schedule 10 would also override legislation that protects farmland that supports a prosperous agricultural and rural economy. In the greenbelt alone, economic activity and employment in agriculture and agri-food, recreation and tourism has contributed over 161,000 jobs and over $9.1 billion to Ontario GDP.

Schedule 10 also presents a direct threat to Ontario's source water protection framework under the Clean Water Act by enabling development to proceed in areas currently deemed off limits under source water protection plans. These plans and policies have taken years to develop and approve, and have included extensive community consultation.

Schedule 10 proposes to override legislative protection for other values in Ontario. These include protection of natural heritage; provincially significant wetlands, woodlands and valley lands; the freshwater and ecological health of Lake Simcoe and the Lake Simcoe watershed; and vulnerable aquifers in the Oak Ridges moraine that provide drinking water for over 250,000 people.

It's also important to remember that many aspects of modern land use planning and the land conservation framework now in place in Ontario were initiated by

Progressive Conservative governments. For example, the Niagara Escarpment Plan was our first environment-focused land use plan and was established by the Davis government. Early work to limit sprawl occurred under the Harris government's Smart Growth program, and the establishment and protection of the Oak Ridges moraine was a signature PC government achievement that received all-party support. Undermining that legacy makes no sense, flies in the face of evidence and tarnishes the good work of generations.

Mr. Muhannad Malas: Thank you for the opportunity to speak to you today. I'll be speaking to schedule 5. I'll start off by highlighting why Ontario needs toxics legislation or a toxics reduction law.

Exposure to toxics, such as cancer-causing and hormone-disrupting chemicals, is increasingly linked to the rise in cancer rates, diabetes, asthma, infertility and behavioural conditions like ADHD. Up to 15,000 Canadians die prematurely every year because of air pollution, and in Ontario one in four children are affected by asthma. Evidently, we need to do more to protect Canadians and Ontarians from toxics.

Schedule 5 of Bill 66 wrongly assumes that the Ontario Toxics Reduction Act duplicates the requirements of federal toxics regimes in terms of reporting. There are significant differences between the two systems. Unlike the federal reporting regime, the Toxics Reduction Act in Ontario requires facilities to report the use, creation and the addition of toxics into consumer goods. This information is critical for our understanding of exposures in Ontario.

Secondly, the Toxics Reduction Act requires facilities to consider ways to reduce toxics by developing reduction plans. In the few years since the implementation of the act, 40% of over 1,000 facilities that indicated plans to reduce toxics in their operations—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Muhannad Malas: —have actually achieved reductions.

In Massachusetts, where there is a law that is similar to Ontario, reductions have reached up to 52%, and for toxic waste, up to 92%.

In Ontario, we need the Toxics Reduction Act because the federal legislation has failed to adequately reduce our exposures and to tackle toxic chemicals.

The issue of duplication actually is mischaracterized in this case, so we urge you to uphold the law and remove schedule 5 from the bill.

The Chair (Mr. Dave Smith): Thank you very much. Mr. Arthur.

Mr. Ian Arthur: Thank you so much for coming in and for your presentation.

I want to focus on schedule 5 a little bit more. Can you expand on why the federal legislation is not duplicative and why it's so important that we have the toxic substances act here in Ontario?

Mr. Muhannad Malas: The reporting in Ontario focuses on the creation, the use and the addition of toxic substances into products. At the federal level, the reporting only focuses on emissions, disposal and recycling at facilities. So it doesn't actually look at those three other things that are really important, especially when we consider that today our exposure to toxic chemicals is largely from consumer products, and those are completely missing from the federal system.

Also, at the federal level, the chemicals management program, which is cited as a justification for why the TRA should be repealed, has focused on assessing toxic chemicals and has only regulated a select few of the thousands of chemicals that they have assessed. In fact, the federal government has basically given the green light to industry to continue to use a lot of toxic chemicals that we know are banned elsewhere.

Lastly, the Toxics Reduction Act in Ontario is modelled after a law in Massachusetts that really helped industry to reduce toxic chemicals, but also find ways to produce in a cleaner way and find alternatives that are based on greener chemistry. In Massachusetts, production increased, or rose, in the 30 years since the implementation of the act, and at the same time we've seen significant decreases in the use and emission of toxic chemicals.

Mr. Ian Arthur: And they've remained competitive even though they're reducing.

Mr. Muhannad Malas: Exactly.

Mr. Ian Arthur: The numbers that you have here are, honestly, quite shocking. A 7% reduction in the use of toxics is equivalent to 69,000 tonnes?

Mr. Muhannad Malas: That's correct, and this is only in a very short period of time, since the implementation of the TRA. The Toxics Reduction Act has only been in place since 2012, I believe.

Mr. Ian Arthur: Do you believe that the Toxics Reduction Act in Ontario is an obstacle to doing business in Ontario?

Mr. Muhannad Malas: Certainly not. The act was, again, modelled after Massachusetts, which had, at the time, a two-decade experience with the act. It was really supposed to be a business-friendly way of reducing toxics, unlike what's supposed to be, at the federal level, more of a regulatory—or a stick—to try to control toxics. So the frame is different.

Mr. Ian Arthur: I'll pass it over to Mr. Tabuns.

The Chair (Mr. Dave Smith): Mr. Tabuns.

Mr. Peter Tabuns: Thank you both for coming in and presenting today.

Following on my colleague's line of questioning. You note that there are public health benefits to maintenance of the Toxics Reduction Act in place. Can you enlarge on what the public health benefits are of leaving this act in place, or could be?

Mr. Muhannad Malas: Sure. I'll provide an example of a facility that has prepared a plan to reduce the use of lead. Lead is a neurotoxic substance to which there is no safe level of exposure, and it's not regulated in many, many uses at the federal level. This facility is located in Peterborough. According to their reduction plan, which is mandated by the Toxics Reduction Act, they would like to reduce the use of lead by about a tonne over five years.

That basically means reducing exposure to the users of the product that this facility makes, but also to the workers, and also reducing environmental exposures.

Lead in soil is a big problem in Ontario and we're all exposed to it, but specifically, there are communities—in rural communities, it's an issue because hunting is a practice that's more common there than in some urban areas. So this is just one example of the potential public health benefits of having a tool to encourage facilities to reduce very toxic chemicals. Without this tool, these facilities would not be compelled to do that.

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Mr. Peter Tabuns: In Massachusetts, given that they've had two decades of experience with this act, have there been any public health findings that speak to the benefit of the act's existence in that jurisdiction?

Mr. Muhannad Malas: Some of the evidence around the benefits of the act I can speak to, in terms of not specific public health data, but more around how certain exposures have decreased.

As an example, in the dry cleaning sector, a chemical known as perchloroethylene is used at most of the dry cleaners in Ontario. It's a very toxic chemical. It's tightly regulated by the federal government. In Massachusetts, this program has allowed the promotion of an alternative technology which is called professional wet cleaning, and it doesn't use toxic chemicals. So in Massachusetts there is an uptake in the dry cleaning sector, where a lot of small businesses have moved away from a toxic chemical to wet cleaning because of the incentives that are provided by the toxics reduction act there. Perchloroethylene exposure among workers in Massachusetts has dropped significantly. Many of you may have heard of dry cleaner cancer, which is more of an anecdotal thing, but there's some evidence to support that. That has implications on dry cleaning workers being faced with less risks when it comes to exposure to toxic chemicals.

Mr. Peter Tabuns: I'll give it back to my colleague, and if he has time I'll take another shot.

The Chair (Mr. Dave Smith): Mr. Arthur.

Mr. Ian Arthur: When you're talking about the health outcomes—we heard earlier from another deputant that industry in Ontario is different, that somehow Ontario can't reduce toxic substances, that Massachusetts and New Jersey just aren't the same. Would you agree with that, or do you think that we can actually address this here in Ontario?

Mr. Muhannad Malas: I would like to hear more context about why they think so. I don't see why we can't achieve the same sort of reductions that have been achieved in Massachusetts, especially given that in Massachusetts, actually, there is wide support by industry for this—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Muhannad Malas: —so I would assume that this is something that we could see here, as well.

Mr. Ian Arthur: In many ways, it would position them at the front of a transition and give them new economic opportunities.

Mr. Muhannad Malas: That's correct.

The Chair (Mr. Dave Smith): Ms. Fife.

Ms. Catherine Fife: How is the environmental sector feeling these days? We seem to be walking things backwards. Can you give us a sense of what the feeling is out there right now?

Mr. Tim Gray: I think with these two sections of Bill 66 there was widespread concern—

The Chair (Mr. Dave Smith): I'm sorry; we've come to the end.

Mr. Parsa.

Mr. Michael Parsa: Thank you both for your presentation.

You alluded to a jurisdiction in Massachusetts—you referenced it several times—and you said that there were no obstacles to business in Massachusetts. Is the economy in Massachusetts anything like Ontario? For example, are there any auto plants? When you compare Massachusetts to Ontario, are they comparable, in your opinion?

Mr. Muhannad Malas: I think there would probably be a lot of close comparisons between the two. Comparing specific manufacturing sectors, there would be some comparison, so we would draw on those comparisons to try to inform our understanding of them.

Mr. Michael Parsa: Could you elaborate on how you would think they would be comparable, please, if you don't mind?

Mr. Muhannad Malas: Sure. As an example—and this is an example that I'm aware of; there are probably many other examples—the manufacturing of paints is something that we have. We have paint manufacturers in Massachusetts. We have paint manufacturers here in Ontario. One of the toxic solvents used in paint removers, which are also manufactured by some of those same facilities—in Massachusetts, there has been the development of an alternative that replaces the need for this toxic substance that has killed 60 people in the US. That data in Canada does not exist, just because of the way we track deaths caused by exposures. But what's interesting about that case is that that alternative has been commercialized by a Canadian company, and now it has been brought into stores. That's just one example of where there are some comparisons that we can draw on.

Mr. Michael Parsa: You also said that the federal program does not cover all toxics; correct?

Mr. Muhannad Malas: Yes, that's correct.

Mr. Michael Parsa: But you're aware that they're delaying the full repeal until 2021, when their plan will in fact cover it all?

Mr. Muhannad Malas: I am aware of that.

Mr. Michael Parsa: Including the provincial Toxics Reduction Act.

Mr. Muhannad Malas: One of the things about the chemicals management program at the federal level is that it's supposed to end in early 2021, and there's no certainty that it will be renewed or continued. Right now, even as an environmental sector, we are in discussions with the federal government about the future of that chemicals

management program. But at this point, there is no certainty that there will actually be a chemicals management program at the federal level after 2021.

The Chair (Mr. Dave Smith): Ms. Skelly.

Ms. Donna Skelly: I would like you to expand on that. That's a bit of crying wolf, would you not say? There's no certainty, but there's certainly no indication that they're going to be not carrying forward with the program itself.

Mr. Muhannad Malas: As I said, it's uncertain what that program would look like. The focus of the program, since 2006—13 or 14 years, so far—has been on assessing chemicals. There was an objective, which was to assess 4,300 chemicals. Once that goal is met, it's up to the federal government to decide what to do with that program. That program is a very costly one, so there are also budget implications and decisions to be made. But, as I said, the program at the federal level does not focus on reducing toxics; it's focused on looking at which toxics are toxic and which ones are not toxic, which is just a different kind of program or regime.

Ms. Donna Skelly: As you know, part of the reason that we are sitting here today is, our government is committed to—and as the parliamentary assistant for job creation, economic development, red tape and trade, I can assure you that our government is really focusing on creating an environment that truly is open for business, that allows us to be competitive globally. One of the concerns—and it's, again, along this line of questioning. You talk about one of the decisions, for example, that the federal government could possibly be making as to whether or not they would continue with the program—is the costs associated with it, and even the fact that it's a regulation; it's a piece of red tape, if you will. We are looking at this change because we believe that the federal government can do it. We don't need duplicative regulations, because they are burdensome and they are costly, both to government and to job creators. In keeping with what we are attempting to do as a new government, which is to create an environment that makes us competitive south of the border and around the world—this is one area we believe is a duplicative measure that we can simply address through the federal government. Would you not agree that there are some options and opportunities for us and that perhaps your concerns would be better addressed at a federal level?

Mr. Muhannad Malas: I strongly believe that the Toxics Reduction Act is meant to encourage businesses in a way that is not supposed to be regulatory, that is not supposed to increase costs, and is actually to find those cost savings while moving away from toxics. That's what we have seen in Massachusetts. I know I've mentioned that example a number of times, but it is really what we have seen over there.

Also, if you want to weigh the cost for the government to have this law against the cost of all the illnesses and diseases that are caused by environmental exposures, I think you would find that it makes sense to keep those sorts of policies in place to ensure that we're reducing exposures.

Ms. Donna Skelly: But from the perspective of your advocacy work, would it not make more sense to simply say, "We know that this can be done at a federal level. We understand that there will be economic pressures on both the federal and provincial governments to move forward with this. We are trying to work with industry because we believe in a solid, competitive environment. Let's work at the federal level." We believe that most of these regulations currently exist and this is simply a duplicative area of regulations. Would it not make more sense to simply say—

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Donna Skelly: —"Let's work at the federal level," and try to have all of your concerns addressed there?

Mr. Muhannad Malas: Well, in the context of the federal legislative system being inadequate, I think it's very important for the province to also have a framework to reduce toxics, because we've seen the federal government sort of dragging its feet for years to regulate—

The Chair (Mr. Dave Smith): Thank you. I'm sorry. We've come to the end of our time.

1520

CANADIAN MANUFACTURERS AND EXPORTERS

The Chair (Mr. Dave Smith): Next up, we have Canadian Manufacturers and Exporters. If you could come to the table, please introduce yourselves. You have six minutes.

For anyone who would like a little bit more space, we have opened up the room next door. There's closed-captioned TV over there as well, and a little bit more room for you.

Mr. Alex Greco: Good afternoon, Mr. Chair. It's Alex Greco, director of manufacturing policy, Canadian Manufacturers and Exporters, as well as Dennis Dussin, chair of our Ontario advisory board at CME.

Good afternoon, and thank you for inviting us here to represent our 2,500 direct members and to discuss Bill 66, Restoring Ontario's Competitiveness Act, 2018. Joining me today is Dennis Dussin, president of Alps Welding and our Ontario advisory board chair for CME.

Manufacturing drives Ontario's economic activity, wealth generation and overall prosperity. The sector directly accounts for over 12% of the province's GDP, with nearly $300 billion in annual shipments, $200 billion in exports and 770,000 jobs. These numbers are significant. They tell the story of a sector that has stagnated in recent years and with it, so too, has the province's economy. That said, these numbers are also only part of the story.

What is also important to note is the worrying drop in business investment, not only in Ontario but across Canada. Consider this: Business investment fell by 2.2% in the third quarter and then again by 2.5% in the fourth quarter of 2018, erasing almost all of the gains made since the economic recovery began after the 2008 great recession. In fact, GDP in business capital spending is now a full 13% below its peak in the fourth quarter of 2014.

In our view, business investment and reducing the regulatory burden for manufacturers go hand in hand with each other. Over the last several years, Ontario's manufacturers have continuously identified the regulatory burden as being a significant impediment to investment in the province. To understand this better, last year, CME conducted a detailed consultation with Ontario's manufacturing sector. Our goal was to develop a plan that would double manufacturing output in Ontario by 2030.

Throughout our consultations, manufacturers made it clear to us that the regulatory burden has been troublesome in several ways. But one way truly stands out: The ongoing struggle for companies to comply with complex regulations is increasing operating costs. At CME, we are focused on creating a regulatory system for manufacturers that is simple, transparent and predictable, that aligns with business processes, is scientific and outcomes-based, and supports growth. Given this premise, we generally support Bill 66. We believe it is a positive step to reduce costs, remove barriers from investment and harmonize regulatory requirements with other jurisdictions.

I would now like to highlight a few of the measures in the bill that are relevant to CME and why we support them, and to provide additional recommendations. First, we welcome the repeal of the Toxics Reduction Act. We feel strongly that the repeal of the legislation will eliminate unnecessary regulations that are duplicative with the federal system, and will result in better environmental performance for manufacturers. Our members have told us that the TRA has resulted in few, if any, reductions in the use of toxic substances and has not resulted in any incremental or societal benefits to the sector.

Moreover, the significant costs associated with the TRA that go well beyond simply reporting to one government of another with little benefit have long been of concern to companies operating in Ontario. In our view, the federal approach to assess substances and implement risk management plans, including, in some instances, outright bans, is the best approach to managing chemicals.

Secondly, we are pleased to see in the bill that employers would no longer be required to post the Employment Standards Act poster physically in the workplace but retain the requirement that they provide the poster to employees in some capacity. During our consultations, we had one member who had told us that they got an unnecessary fine for basically having the almost exact same posters—both the online version and the physical version—physically posted in the workplace. This underscores the point that the requirement for having the same exact poster be posted within the workplace where instead it could be easily emailed to employees is unnecessary and adds additional and unnecessary costs for doing business in the province. In conjunction with this recommendation, we also support the averaging of an employee's hours of work for the purpose of determining the employee's entitlement to overtime pay being included in Bill 66.

Thirdly, we welcome the government proposing a measure to stop requiring a new regulation whenever businesses and non-profits merge single-employer pension plans into jointly sponsored pension plans. We are supportive of this measure because it removes one of the hurdles for these mergers that are designed to improve transparency, economies of scale and the sustainability of single-employer plans. In future regulatory burden reduction bills, however, other obstacles, such as the funding deficiencies and replication of the benefit formula, need to be addressed, as well.

Finally, we are pleased with the government's direction to protect industrial lands. Based on the consultation of our members, manufacturers have felt increasingly punished by regulators, especially at the municipal level, for "encroaching' on residential areas. As land values increase due to residential demands, companies are being pushed out of the area, or are looking to sell out as the land they are on is worth more than the operational investment. Moreover, even when manufacturers are not looking to sell out, tax assessors are assessing the value of the land under "highest and best use" provisions, which changes the valuation to high-density occupation, which carries a much higher tax burden. We appreciate that the government has directed the Municipal Property Assessment Corp. to not speculate on what may happen in the future, but to value the property based upon the current permitted uses. However, we are aware of a significant number of properties owned by our members where MPAC—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Alex Greco: —clearly returned assessed values based upon speculated future potential uses instead of current potential uses. Thus, we recommend that the government look at defining what class of properties are to be valued based upon their current use as opposed to their highest and best use. We also recommend an amendment to Bill 66 that includes a full repeal of the "highest and best use" provisions in order to increase protection for current industrial lands and to reduce the costs on the property tax system and on industry.

We thank you—

The Chair (Mr. Dave Smith): Thank you very much. Ms. Kusendova.

Ms. Natalia Kusendova: Good afternoon, Mr. Greco and Mr. Dussin. Thank you so much for being here.

I was listening intently to your presentation, and one thing that stood out to me was when you said that manufacturers made it clear when you consulted them that the regulatory burden has been troublesome in several ways—but specifically, the ongoing struggle for companies to comply with complex regulations is increasing operating costs.

We have a quote from the Canadian federation of businesses in which they state that average businesses in Ontario spend $33,000 per year complying with regulations and in other provinces the number is $25,000 to $27,000.

With that in mind—during the second reading debate on this bill, the member from Kingston and the Islands stated, "I fundamentally believe that this government has an outdated view of business and manufacturing and the companies we should be trying to attract. They're the jobs

of the past." Do you think manufacturing jobs are jobs of the past?

Mr. Alex Greco: Go ahead, Dennis.

Mr. Dennis Dussin: Sure.

No, I don't think these are jobs of the past at all. It has been proven that manufacturing jobs are higher-paying jobs than in most other sectors. They're higher-skilled jobs than many other sectors. They're jobs that are available to people who may not have traditional post-secondary education. They're jobs that are great incomes for new Canadians. I think manufacturing jobs are part of the solution to some of the issues that we have in our province and in our country. I don't think they're jobs of the past at all.

There is a lot of talk about advanced manufacturing and what that means. I would argue that all manufacturing now is advanced manufacturing. I would say those jobs of the past, for the most part, don't exist anymore. I think manufacturers today, if they're thriving, are advanced manufacturers and the jobs that we have are highly skilled jobs, highly sought-after jobs and well-paying jobs.

Ms. Natalia Kusendova: During the campaign, we heard that red tape is killing jobs in Ontario. In fact, in Ontario we have close to 380,000 regulations, and the closest province, BC, has about 170,000.

Our rationale for this bill comes from an understanding that Ontario has to compete to attract jobs, and attracting jobs and investments is about working hard and having good policies.

Could you speak to the importance of making sure that Ontario is competitive, particularly for our manufacturers and exporters?

Mr. Alex Greco: I think it's incredibly important right now. If companies are wanting to be able to scale up from small-to-medium companies to medium-to-large companies, they need to have a regulatory environment that is simplified, that is less duplicative and that is less costly.

I think one of the things, too, is—and I mentioned it in my remarks—there has to be a balance between not only reducing red tape, but also encouraging investment in manufacturing. If we're not looking for companies to have more ability to make more investment and to have the opportunity to have less restrictions on their businesses, then they won't have the opportunity to grow in the manufacturing sector.

Beyond just cutting regulations, we have to look at our approach in terms of how we cut regulations in Ontario. One thing that I didn't get a chance to say at the conclusion of my remarks is, we have to look at a data-driven, evidence-based approach for regulations, moving forward.

1530

One of the things I would encourage the government to consider is look at introducing a regulatory bill of rights that is based on principles. Look at long-term, specific principles that we could adopt in terms of future red tape bills, so that we can look at transparency, accountability and predictability when we're reducing red tape—but also making sure that regulations remain up to date in the manufacturing sector, so that we are able to not only have a thriving sector, but also our regulations and our regulatory approach remain up to date.

The Chair (Mr. Dave Smith): Ms. Hogarth.

Ms. Christine Hogarth: Thank you for being here today.

I didn't get to ask my question of the last deputant, so I'm going to carry it over. I just want to talk a little bit about schedule 5 and the Toxics Reduction Act. You're here representing 2,500 members, so it's not a small group of people. We talked about obstacles. Was it an obstacle? Is it an obstacle? Is it efficient? Is it effective to have a duplication of services? I just want your point of view, if you could expand upon it. What do your 2,500 members think about this duplication?

Mr. Alex Greco: Any kind of duplication, where there are regulations that are already done federally that are being duplicated provincially, is an issue, because it's an additional cost of doing business, first and foremost. If something is already working at a federal approach, in the case of the federal Chemicals Management Plan—if it's not broken, don't fix it. Initially, when the Toxics Reduction Act was introduced a few years ago, our members and, in large part, a lot of businesses were opposed to it because of the risk in terms of duplication and the fact that the Chemicals Management Plan has already addressed the notion of toxic substances.

Secondly, we're already in conversations with the federal government about the post-2020 Chemicals Management Plan—and that's an important piece to it, because this work is under way. It will be under way after the federal election, regardless of what happens—that has been our conversations with Environment and Climate Change Canada.

With the Chemicals Management Plan, they've had 25,000 cases where they've been able to look at toxic substances—if they've been deadly toward the manufacturing sector, or in terms of looking at the overall management of it. So we already have a system in place.

I don't think it makes sense. If we have a system that is in place, that is doing its job—hearing from our members, it has been effective—then why are we increasing red tape at the end of the day? I think that's an important nuance to take into account.

This also goes back to when the Canadian Environmental Protection Act was introduced many years ago, which helped lay the groundwork for a world-class federal approach to managing toxic substances in manufacturing.

Ms. Christine Hogarth: So your members are confident in the Chemicals Management Plan?

Mr. Alex Greco: Yes.

Ms. Christine Hogarth: Do you believe it's a world-class plan?

Mr. Alex Greco: In talking to a number of our bigger members, it's definitely a positive plan. I think it's something that has been able to manage toxins effectively. Like any plan—is it perfect? No. Could there be adjustments? But from our members—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Alex Greco: —it has effectively managed toxic substances, and it's less of a regulatory burden and reduces red tape in the current system.

I want to stress, too, that we at CME—it's about a balance between environmental performance and investment at the end of the day. We welcome legislation that protects the health and safety of our communities—as well as for environmental protection. We feel the Chemicals Management Plan does that, and we encourage, as long as there's proper legislation that introduces proper protection—

The Chair (Mr. Dave Smith): Thank you. Ms. Fife.

Ms. Catherine Fife: Thank you very much for being here today.

The fun part about committee is seeing how different people see regulations and legislation, and looking at it through that filter, if you will.

The Toxics Reduction Act—you were here in the room prior to the former delegation. We've heard a lot about duplication. As New Democrats, we feel that, as provincial legislators, we should have a plan in place to ensure that toxins are reduced. We also believe strongly in rewarding those manufacturers and those companies that are proactive—like the Responsible Care program. The chemistry industry was here this morning.

You are saying—and it's the same language that the government uses—that this is a duplication of reporting and compliance. And yet, what we have heard is that Bill 66 wrongly assumes that the TRA reporting requirements duplicate the reporting that facilities have to do, due to reporting requirements mandated by CEPA. Under the federal regime, affected facilities only have to report amounts of toxics released, disposed or recycled, whereas with the provincial plan, reporting must also include the amounts of toxics used, created or contained in products, including occupational exposure. You must admit, the workers who are in the manufacturing industry in this province are exposed to toxins. Do you not think it is in the best interests of workers who are in these situations that companies have a plan? That's essentially what the TRA is asking for—and that there is a reporting mechanism and accountability measures at the end of the day.

Mr. Alex Greco: Absolutely, companies always need to have a plan. One of the things we advocate at CME is that we protect the health and safety of our workers first and foremost. Secondly, a lot of the members at the chemistry association—we share a lot of similar members, and I think it's a point to keep in mind that this has been a phased-in approach, going up to 2020-21. Right now, we feel that the federal approach is best in class in terms of effectively doing the job to be able to protect workers and to manage toxic substances at the end of the day. It has been a widespread consensus of our members that we always, first and foremost, want to protect them, but we have to be able to do it in a balanced way. So if the federal approach, in our view, is sufficient and manages toxins appropriately, then that should be the approach. If we have the same approach provincially that's doing the same intent—that is, protecting workers—then we should be able to run with it, from our perspective.

Ms. Catherine Fife: Don't you think that the TRA could have been made more effective? That's the point of tension. Your industry says that it wasn't working. But we say that getting rid of it is not the solution. We're pretty far apart on this. The federal reporting requirement is a voluntary implementation of reduction plans required by the provincial framework. Putting it to the federal government—I have no idea why this PC government thinks that Justin Trudeau is going to do a better job than a provincial plan.

Mr. Alex Greco: I respect your viewpoint, Ms. Fife.

We're committed to working with all governments as it relates to the management of toxics and overall legislation protecting manufacturers. Companies look at this from their perspective in terms of balancing environmental performance, investment, environmental and social responsibility, and I think right now, from our perspective, the Toxics Reduction Act isn't doing that. If legislation is already in place based on what has been done in other jurisdictions and what is already done under CEPA and even the NPRI—a lot of companies which are members already report into that—which helps the management of toxins, then we should be able to run with that. It has been something that we've done in ongoing consultations.

Ms. Catherine Fife: I just want to get it on the record, though: You think the federal plan is good enough, from your—

Mr. Alex Greco: From our perspective. CME's position is, the federal system is sufficient—

Ms. Catherine Fife: We do not. In fact, we have some serious concerns around the federal plan. I'm going to leave it at that because we're very far apart on this.

The second point that you raised is around the Employment Standards Act. This goes back to occupational health and safety, as well. This piece of legislation, under schedule 9, removes the responsibility of an employer to use a little piece of Scotch tape and put up a poster. We hear a lot about red tape. We're just talking about some Scotch tape. We think that workers have the right to know what their rights are in the workplace, especially when they're working in advanced manufacturing or in the chemistry sector. Is it really such a regulatory burden to use a little piece of Scotch tape and put up a poster? Honestly, it's a genuine question.

Mr. Alex Greco: I'll start answering and then Dennis can—

Mr. Dennis Dussin: Sure.

Mr. Alex Greco: We've talked to a number of our manufacturers, and they do inform their employees already virtually, via email and other aspects, so they can be informed in terms of any occupational health and safety recommendations that they need to be aware of in the workplace.

I mentioned in my remarks that we've had members that were fined for basically having two of the exact same posters that virtually had the same intent. That's an additional cost—

Ms. Catherine Fife: We can deal with that. That's something that is achievable. I agree with you: If you have

two employment safety posters up, you shouldn't get fined. That's ridiculous. But putting up one poster around employee rights in the province of Ontario should not be considered a regulatory burden. Surely we can find some—

Mr. Dennis Dussin: It's not about the piece of Scotch tape and one poster.

Ms. Catherine Fife: It might be two pieces of Scotch tape.

1540

Mr. Dennis Dussin: That's not the extent of the regulatory burden. As a small business person, I've got my business to run. I certainly get engaged with CME, and I have a role in CME. So I'm an engaged small business person, but the amount of regulations and changes—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Dennis Dussin: —it's a constant change and drift where we have to constantly keep current on legislative changes and regulatory changes. For most small business people, they cannot keep up with all the little changes. It's month by month by month. There's always somebody coming in and saying, "You're not in compliance with this. You're not in compliance with this"—

Ms. Catherine Fife: Well, I will say, you're not going to have those people come in because there has been a huge pause on inspectors. So don't expect anybody to come by.

Mr. Dennis Dussin: It's not just inspectors; it's everyone.

The Chair (Mr. Dave Smith): Thank you. We've come to the end of this presentation.

CUPE ONTARIO

The Chair (Mr. Dave Smith): I'd like to call CUPE up to the table, please. If you could introduce yourselves. You have six minutes.

Ms. Wynne Hartviksen: Hi. My name is Wynne Hartviksen. I'm the executive assistant to the president of CUPE Ontario, subbing in for our secretary treasurer, Candace Rennick, today. I'm here with my colleague Venai Raniga.

Eva Ravikovich, two years old; Allison Tucker, two years old; Aspen Juliet Moore, nine months old; an unidentified four-month old baby—I want the committee to remember those very young Ontarians and have those memories guide your actions.

Over a seven-month period in 2013-14, these four children died in unlicensed child care facilities. These places were open for business, but according to the Ontario Ombudsman they shouldn't have been. The Ombudsman was clear: These weren't isolated incidents, and systemic government ineptitude had been putting children at risk for years.

I hope that your actions on Bill 66 don't add to this list, but I'm not optimistic since schedule 3 will allow an increase in the number of children one person can supervise in unlicensed care. It also reduces the age in which the caregiver's own children no longer count towards the ratio. Changing child care ratios for the worse will, quite simply, endanger our children and should not be part of this omnibus legislation.

Bill 66 appears to us as a patchwork of quid pro quo legislative favours to the very same insiders who have prospered under successive governments at the expense of everyday Ontarians. The very premise of the bill is an issue. We are told it is needed to eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs. That's a problem—that view that regulation is a burden to be eliminated. The view that to ensure jobs we must sacrifice the health and safety of our children, our workplaces, our communities and the environment—that's a fundamental problem.

I want to be clear and state unequivocally that CUPE Ontario believes that Bill 66 should be withdrawn in its entirety. Its problems range from the petty all the way to the dangerous.

For those without a union, there are the changes to the Employment Standards Act overtime rules in schedule 9. These changes remove the requirement for Ministry of Labour approval of excessive hours of work beyond 48 hours a week. That's a rule that has been in place for almost three quarters of a century. It changes the need for ministry approval of overtime averaging agreements. Make no mistake about it; these changes will hit marginalized workers the hardest. It's these workers—often racialized women—who have few options when they are encouraged to agree to excessive hours of work. Without ministry oversight, it is the most precarious workers who will suffer.

The other change in the schedule regarding removing the requirement from employers to post the ESA poster in a noticeable area of the workplace can only be described as petty. How much of a burden is it to find a piece of tape or a tack to put something up on a bulletin board? Is informing non-unionized workers of their basic rights really a pressing regulatory burden on employers? Why would anyone not want workers to understand their basic rights?

The changes to the Labour Relations Act target those lucky enough to be unionized, specifically construction workers, by tearing up their basic freedom of association guaranteed by the Canadian Charter of Rights and Freedoms. Schedule 9 deems public entities such as municipalities, school boards, hospitals and universities as non-construction employers. This means that workers under construction collective agreements in these entities would no longer be covered. It's hard not to see this as payback to some of the construction industry lobbyists, those like Merit Ontario, the second-largest contributor to Ontario Proud, a political action group that, strangely enough, advocated for this very government's election.

CUPE Ontario supports workers all across this province and will stand in solidarity with construction workers and their charter-protected rights.

Lastly, the removal of sub-metering in schedule 4 will erase hydro price protection for some 325,000 Ontarians. Too many low-income Ontarians have to already decide

whether to pay for food or hydro in any given month. Sub-metering provided some protection, but as the Ontario Energy Board has stated, if it is removed, it will end efforts to control prices charged by sub-meters. Ultimately, this schedule furthers the hydro privatization disaster of the last Liberal government, with this government's deregulation escalating the costs for ratepayers even further.

There are other concerns we have with this bill, which we've laid out in our full submission. But if there's one thing I want to stress, it's this point: CUPE Ontario doesn't want to be right about our predictions of what will happen if this bill is passed as is. We don't want to say "told you so" a year from now, because, quite frankly, people's lives are at stake, and that includes the most defenceless among us: babies, toddlers.

Do the right thing now, before it's too late, and withdraw this bill.

The Chair (Mr. Dave Smith): Could I get you to repeat your last name for us, please?

Ms. Wynne Hartviksen: Certainly. It is Hartviksen. Wynne is the first one; that one should be easy.

The Chair (Mr. Dave Smith): Mr. Tabuns.

Mr. Peter Tabuns: Thanks very much for the presentation. I appreciate you being here.

The risk that is being put in place for children in child care—you cited the names of the four children who died and whose cases actually led to the tightening of the regulations. Can you speak as to why on earth anyone would want to dishonour the memory of those children and loosen up regulation again?

Ms. Wynne Hartviksen: I honestly can't. I have to say, this one actually hits hard and hits personal. My daughter is now 14. When she was going into junior kindergarten, unfortunately, the school she was attending was not close to her very high-quality public city of Toronto daycare, and we had to make some child care choices, because it was before the implementation of full-day kindergarten, and so she would only be in school for half a day. As much as I tried, I could not find a spot for her in the licensed child care in the school. I couldn't find it in the licensed child care down the street and in many others in our neighbourhood. The child care demand was just too high.

Up until two weeks before she was going to start school, I was going to leave my very good-paying, high-quality job that I had worked for many years, because that was going to be my only option if I didn't want to put her into unlicensed home child care. I could not as a mother put my child into unlicensed, unregulated home child care. I just couldn't do it. As well-meaning and as great as the folks might have been who were offering that care, there were just no guarantees, and I couldn't possibly do it, for exactly reasons like this and cases that have happened in the past.

I have no understanding, I say as a parent, of why anyone would want to—especially given what happened in 2013-14—change these rules back. It boggles my mind, as a mother.

The Chair (Mr. Dave Smith): Mr. Arthur.

Mr. Ian Arthur: We certainly have a child care crisis in Ontario, and it would be a very expensive thing to fix properly. If we're following the train of thought of why a government might want to do this, do you see this as a cost-effective way for this government to shovel a problem further down the road?

Ms. Wynne Hartviksen: One of the stated reasons for this is to make sure that we protect and build good jobs. One of the best jobs you can have, in terms of the economy, is actually a job in child care—in particular, in public and not-for-profit child care. They have economic spinoffs that are much higher than jobs created in manufacturing. This increasing of the ratios will decrease, potentially, the number of child care workers all across the province who are needed, because you don't need as many child care workers when you can have one person look after the number of children who used to be looked after by two. So I think there's a jobs argument that folks haven't been looking at here. This is going to reduce the number of child care workers, and that's bad for our economy. We have countless studies that we would happily send the committee that discuss the economic input/output via the creation of child care jobs—and instead, we're going to lose them.

The Chair (Mr. Dave Smith): Ms. Fife.

1550

Ms. Catherine Fife: We heard from the Ontario Coalition for Better Child Care earlier about countering this mantra that we're giving parents choice by creating an underground, informal, unregulated—but legal—child care system. Brooke Richardson had said, "Well, you need to have quality options to have choice." Speak to that point—because this is the rationale that we're getting from the PC government members: that this is about choice. It actually isn't creating any more spaces; it's just changing the nature and the quality of that child care. As an advocate, can you talk about what that means for women across the province?

Ms. Wynne Hartviksen: That's another economic benefit of high-quality, public, not-for-profit child care: the impact on women in particular. If you look at the Quebec model for child care, you'll see that women are in the workforce far more in Quebec than they are in any other province. So there is actually also another economic impact.

When it comes to choice, the choice between bad and worse is not the choice I think people really want. We've seen time and again, in study after study and poll after poll, that people want high-quality, affordable, not-for-profit, public child care.

There should be a public system of child care in this province. It is worth the investment now. There are so many other economic outputs that we get from it later. We need a high-quality, public, not-for-profit child care system in this province. That's the choice that parents want. When they don't have it, then they do have to make these horribly hard choices. Do you decide, as I almost did—I got a spot two weeks before she started JK. I still had to hire a walker to walk her back and forth to school. But I almost made the choice to leave my job. I think there are a lot of parents who make choices like that, or who go

down to part-time, or who do other things because there aren't actually the choices of affordable, accessible, public and not-for-profit child care—all across this province, not just in our major urban centres, but I will say also in rural centres, where there are even less options when it comes to high-quality, public, licensed, regulated child care.

Ms. Catherine Fife: We do agree with you. When the Minister of Education was describing and rolling out this "transformative change," if you will, to have three two-year-olds within that five- or six-child model, she talked about expanding business opportunities for child care operators. We're a long way from this idea that early learning and care is a business. It's a public service which has great economic benefits when you invest in it.

We're going to vote against the entire schedule. AMO was actually here earlier, and they also recommended that the government take this back to the drawing table.

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Catherine Fife: That's encouraging, because what this government is doing is, it's creating allies—sometimes uncomfortable allies—to advocate for what is best for people in their communities. That's the upside. We'll see where this government lands when we do amendments in clause-by-clause.

Thank you so much for bringing that perspective to this committee.

Ms. Wynne Hartviksen: It has happened before, but when CUPE Ontario and AMO agree, people should take notice.

Ms. Catherine Fife: That's true.

The Chair (Mr. Dave Smith): Thank you very much.

Mr. Kramp.

Mr. Daryl Kramp: Hi, there. I do take issue with some of your comments. Part of it is because of the geography. I live in a rural area. You're right in that in some areas where we have the capacity and capability for institutionalized child care in whatever particular specs—wonderful. But to suggest that parents do not know right from wrong, to suggest that parents should have no judgment whatsoever, to suggest that parents have no capacity or capability to assess what might be good, proper or right for their children I think is very, very unfortunate.

Dealing with another reality, I have many, many, many—probably a third of my students in our area run four hours a day on a bus, minimum. At that particular point, their parents are running on a very, very similar capacity, always on totally different schedules, not even comparable. How on mother's earth are you going to put licensed daycare spots into a riding with a geography the size of Prince Edward Island that has a scarcity of people? It's just not doable.

What I'm maintaining is, I have no difficulty at all. I'm a parent, I'm a grandparent, I have three daughters, I'm a professional—the whole thing. We were blessed and fortunate. We had family members and community members who came to the fold. Was that a perfect solution? No. But did it work out? Tremendously. I know hundreds and hundreds of families who have gone that route because that is the only choice they have. There is no other choice. To suggest that they are inadequate or don't care enough about their kids to try to look after them effectively? I take offence to that, quite frankly. But I just leave that thought with you.

Anyway, there's one other point that I would mention. Most of my life has been in small business, not politics. Your secretary-treasurer, Candace Rennick, said, "With ... respect to those businesses that may be forced to close their doors because of this situation, I offer ... that perhaps they shouldn't be running a business." My God, if life were only so simple. We do need a multiple number of solutions, not a one-sized, cookie-cutter solution that fits all. I would certainly hope that your organization could come to terms with that and recognize that we need to be competitive on this issue. We can be complementary. That's all I have to say.

Ms. Wynne Hartviksen: I'll start with your child care solution. I would say that CUPE Ontario represents child care workers. We also represent school board workers, municipal workers, university workers and health care workers. I think that all of us would agree, for instance, that children should never spend four hours on a bus. It's why we've advocated for a long time to keep schools open in communities, in particular in rural and northern communities, where it might be a small school that doesn't look like one in downtown Toronto but is providing the education that kids need without having to put them on buses. I would argue that one of the things we should be looking at doing is figuring out ways to not only keep schools—which are often the last community building in a small rural community—open; we should be turning them into community hubs that have a public, not-for-profit child care centre in them that can work with the busing company to make sure that kids under the age of four—

Mr. Daryl Kramp: Do you have any idea of the geography I'm talking about? Do you know the size of some of these ridings? We're not talking a 20-minute drive or an hour's drive—

Ms. Wynne Hartviksen: Yes, and that's why children—

Mr. Daryl Kramp: —we're talking about schools where even the old schools, where everybody had their local schools—some of them were an hour, an hour and a half away. People have to drive 75 kilometres to be able to even see another civilization.

This one-size-fits-all just doesn't work. A lot of these parents—they've done a wonderful job. They have friends and they have relatives and they have grandmothers and aunts and uncles—

Ms. Wynne Hartviksen: I am not denying that there are some fine—

Mr. Daryl Kramp: To suggest that they have no capacity or capability—it's an insult. They care very, very deeply.

Ms. Wynne Hartviksen: There are fine licensed, family, in-home child care centres as well. I'm talking specifically about unlicensed and unregulated care. I think that when you're talking about the care of our children, they deserve to be cared for under a regulated system.

As to the comment that you said—I'm not Candace. You made a comment about Candace. I'm assuming that was on regulation.

Mr. Daryl Kramp: That's a red tape one.

Ms. Wynne Hartviksen: That's a red tape one. That one I'll let Venai answer, because he hasn't had fun yet.

Mr. Daryl Kramp: I will, because, obviously, the world is red tape. I can recall starting out in business. Basically, I used to spend an hour and a half a week dealing with the red tape in our businesses. I finished after 20 or 25 years in business. I had six, seven or eight people. The only thing that they had to do—their job was dealing with the red tape, not providing solutions for people, helping people or dealing with problems, but a massive, massive, bloated bureaucracy that has just exploded. Did they serve any real role, or just another government report that quite frankly never, ever saw the light of day and didn't mean a hill of beans?

We have to find the balance in there somewhere, folks. That's what I'm saying: find the balance between responsible reporting, public safety and genuine care. But to suggest that we have a one-size-fits-all across the board—excuse me, folks. That might be your approach, but it just doesn't work in reality.

Mr. Venai Raniga: Right. The idea that someone is advocating for a one-size-fits-all idea is not what's happening on this side of the table. On net balance, regulation is a positive to society. The idea that we're trying to chase the lowest common denominator downward and we're trying to reduce as much red tape as possible, the idea that you synonymize regulation with red tape, is inherently problematic. We take issue with that, because we care about the health and safety of our communities. We take issue with—

The Chair (Mr. Dave Smith): Thirty seconds.

1600

Mr. Daryl Kramp: How do you come to terms with how most provinces—

Mr. Venai Raniga: Sorry, I was in the middle of talking.

Mr. Daryl Kramp: Most provinces average 120,000 to 130,000 regulations—

Mr. Venai Raniga: No, no, no, you misunderstood. I was in the middle of talking.

Mr. Daryl Kramp: Ontario has almost triple the number of regulations—

Mr. Venai Raniga: You keep on going, yet I was talking.

The Chair (Mr. Dave Smith): You had paused; that's why he—

Mr. Daryl Kramp: That's the question.

The Chair (Mr. Dave Smith): We have 15 seconds.

Ms. Kusendova.

Ms. Natalia Kusendova: Really quickly, I wanted to shift gears to the Toxics Reduction Act. Are you aware that Ontario is the only province that relies on this type of legislation?

The Chair (Mr. Dave Smith): I'm sorry, we're out of time now.

ADVOCACY CENTRE FOR TENANTS ONTARIO

The Chair (Mr. Dave Smith): Next up, we have the Advocacy Centre for Tenants Ontario. Please come to the table and introduce yourselves. You have six minutes.

Mr. Kenneth Hale: Good afternoon, Mr. Chairman and members of the committee. My name is Kenneth Hale. I'm the legal director of the Advocacy Centre for Tenants Ontario.

We're a community legal clinic funded by Legal Aid Ontario to provide legal services to low-income tenants across Ontario on housing issues. We're also a founding member of the Low-Income Energy Network, which has worked with the provincial government and the Ontario Energy Board since 2004. Through that work, programs and policies have been introduced that help low-income consumers reduce their energy consumption and keep their energy costs down.

I'm here today to share our concerns regarding the impact of the proposed amendments to the Ontario Energy Board Act contained in schedule 4 of Bill 66. These changes would remove the provisions that currently give the Ontario Energy Board rate regulation authority over unit sub-meter providers, also known as USMPs.

We believe that Ontario Energy Board regulation can play an important role in keeping the cost of electricity down for the people of Ontario, so we recommend that this schedule not be enacted. We ask that the OEB continue with its consultation on the regulation of USMP rates, fees and charges. In the longer term, we recommend that the oversight of USMPs form part of the mandate of the revitalized OEB envisioned in the report of the modernization review panel that was publicly released last week.

Ontario tenants welcomed the news that the OEB's regulatory powers over USMPs were going to be broadened. The OEB's oversight on these rates, fees and charges would be an important advance in consumer protection. These tenants want to know what goes into the prices that the USMPs are billing them for. They look forward to the OEB shining a light on the contracts between the USMPs and their landlords.

We ask that the concerns of these electricity consumers be taken into account when you consider whether or not schedule 4 deserves this committee's support, because it's not really clear that the government has thought about the interests of the people who will be paying the bills. The media release announcing the introduction of Bill 66 only addressed the interests of investors. It said that schedule 4's repeal of the OEB's authority "would reduce the regulatory burden on USMPs and save them an estimated $1.3 million per year" and "would also reduce a barrier to investment by giving investors greater confidence in the competitiveness of this market."

The tenants who are paying these bills are the people who are facing the ongoing housing crisis. Tenants whose electricity is being billed through USMPs will be paying more for electricity if there is no OEB oversight, and I really can't emphasize that enough. That's why the USMP

people are here lobbying so vigorously in favour of schedule 4.

In an effort on their website to sell suite-metering to landlords, Wyse Meter, one of the leading USMPs, quotes Mark Kenney, the COO of CAPREIT, a major Ontario landlord. This landlord says, "Our submetering program" is "a positive driver in our stock price. When we convert a suite to 'plus electricity,' it's equivalent to a 5% rent increase." Who do you think is going to be paying for that stock price driver? We have to ensure that tenants get a fair deal in this process. We need someone who will be looking out for their interests.

We know that there are disparities in knowledge and bargaining power between the tenants on one hand, and the USMPs and the landlords who are sub-metering on the other. This leaves those tenants vulnerable to sharp business practices. We need the ongoing supervision of the OEB to ensure that the USMPs' rates, fees and charges are fair and that they're actually paying attention to the government's policy of wanting to keep the cost of electricity down. That's why we want you to remove schedule 4 from the bill.

These unit sub-meter providers have been given the benefit of the doubt and kind of a free ride, I think, by the government and the public because sub-meters are supposed to contribute to energy conservation. But there's really very little to support this belief as it pertains to the multi-residential rental sector. The installation of sub-meters does not, by itself, save energy. These appliances, lights and heating equipment don't consume more or less electricity based on who is paying the bills. But the theory is, if you transfer the cost to tenants, they will use electricity more frugally. But tenants aren't well equipped to consume more frugally because they do not have the authority or the money to undertake energy-efficient retrofits.

This puts the financial incentive in the wrong place and represents a lost opportunity for conservation. When the landlord pays for electricity through bulk metering, the landlord has a financial incentive for conserving and can invest in significant energy conservation measures—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Kenneth Hale: —the things that make a difference. Shifting that to the tenant shields the landlords so there is no incentive for them to maintain an energy-efficient building. We've heard many claims about energy savings, but there is no expert, independent study that has been undertaken with a detailed analysis of how suite meter savings are being achieved. If the OEB is stripped of the power that it has to set rates, these studies will never be done and these questions will not be answered.

The Chair (Mr. Dave Smith): Mr. Kanapathi?

Mr. Logan Kanapathi: Thank you for that presentation.

Could you tell me why you are unsupportive of a change that will reduce the cost on the business, and thereby reduce the pressure on them to raise prices for tenants? I think that this is a win-win situation. Why do you not support it?

Mr. Kenneth Hale: Because we think that the supervision of the rates and fees is what's going to keep the rates and fees down. If the energy board is looking at what the suite meter providers are doing, they can make sure that they're not giving tenants an undue burden, whereas if we just let them set the rates themselves, how do we know that they're not taking advantage of a vulnerable group of consumers?

Mr. Logan Kanapathi: Thank you.

The Chair (Mr. Dave Smith): Ms. Hogarth.

Ms. Christine Hogarth: Thank you very much for your presentation; I appreciate that.

We know that this is a competitive industry. If the previous government's plan went forward—they introduced some burdensome regulations in a competitive industry. At the end of the day, those costs are borne by those who are the most in need. What do you think about that? What we're trying to do is, we're trying to give people extra money in their pocket versus take more money out of their pocket.

Mr. Kenneth Hale: It's not really as competitive as you might think. There are some big players; there are some small players. There is a lot of consolidation going on in the business. It may not be too long before we have a very small number of providers.

The other thing is, once these suite meters are installed in a building, they're installed on a long-term basis. Somebody is going to come along in two years, rip all those meters out and put their own meters in because they're getting a better deal from the competitor.

These long-term agreements are being put into place between landlords and the USMPs. Tenants are the ones who have to pay the costs, but they never get to see what the deal is between the landlord and the meter people. All they see is the bill and the charges and the fees. Without some kind of regulation of that, we think that they're going to be taken advantage of. We think they have been taken advantage of already, which is the reason why the former government came forward with this regulatory power.

Ms. Christine Hogarth: Are you supportive of red tape reduction?

Mr. Kenneth Hale: Red tape which interferes with the ability of people to produce things, yes. This is not that kind of red tape. This is regulation to protect people who are in a vulnerable position on a vital service that they need to feed themselves and keep their homes warm. This isn't some frill that tenants can buy or not buy; this is a vital service. It has to be regulated in the public interest.

1610

Ms. Christine Hogarth: I think we're going to save our time for Mr. Schreiner.

The Chair (Mr. Dave Smith): Thank you. Mr. Arthur or Mr. Tabuns?

Mr. Peter Tabuns: Thanks, Mr. Hale, for your presentation today. Yes, I found it quite amazing to suggest that the elimination of any regulatory authority would make this whole sector more competitive because, as you said, if you're a tenant in a building and you've got a tenant sub-meter provider that you don't like, you can't say, "No; I

don't like that provider. I'm going to go to another provider and get a better deal." No; you're stuck. You're going to have to eat that bill one way or the other.

I also found it incredible to suggest that the elimination of regulation of hydro rates was simply red tape. I haven't heard the government say once that they want to get rid of the regulator and let the free market decide whatever it wants in terms of setting hydro rates. I look forward to that proposal, because I think it would be an amusing and interesting campaign around which to organize. They're not suggesting getting rid of regulation for homeowners or businesses; no, they're just saying that tenants shouldn't be protected. I find that extraordinary, given everything that has been said about high hydro rates by the Premier and his party. They're saying, "No, when it comes to hydro rates for tenants, the sky's the limit. These meter providers can charge whatever they want to whomever they want once the landlord signs the deal."

I don't know if you find this extraordinary.

Mr. Kenneth Hale: It doesn't seem to be on message, and I was very surprised to see this in the government's omnibus bill when there was such a strong statement during the election about keeping hydro rates down.

Mr. Peter Tabuns: It has been interesting to me. I spent the weekend talking to tenants in my riding and holding meetings in their lobbies, and people were telling me that they were getting hydro bills where they would pay $10 a month for power and $25 or $30 for delivery and administration. The power was really a small part of the bill. In a 100-unit building, you're talking close to $40,000 a year for administration and delivery. That's a lot of cash. That's not power; power would be far cheaper, because what people have in their units is a refrigerator, a stove, a television. Unless they have separate electric baseboard heating, they don't use a lot of juice. They simply don't.

I have heard rumours that, in some cases, these meter providers make deals with the landlords, saying, "I want to provide meters there because I think it's a really lucrative business, and I'll give you a little consideration." Have you heard anything about that?

Mr. Kenneth Hale: We've heard rumours, but we certainly have no way of knowing exactly what kind of deals go on in those backrooms between the service providers and the landlords. That's why we thought it was important to have the Ontario Energy Board regulate this, because it might bring some of these practices out into the open. We might get to see these contracts that the landlords and the providers reach with each other—because it's pretty easy for a landlord to make an agreement that takes a cost off their books when somebody else is essentially going to be forced to pay it. I don't know what goes on. I'm sure they will tell you it's all above board, but that's what we say—there aren't any real studies. There aren't even any studies that really objectively show that anybody is saving any electricity over the longer term with all this.

It costs money to put those meters in. Somebody has got to pay for all that wiring, all those meters and all the guys that sit there and send the bills out. Somebody is paying for that. But what does that actually contribute to the economy, what does that contribute to greenhouse gas reduction and what does that contribute to keeping the cost of electricity down? I think, nothing.

Mr. Peter Tabuns: I would think that, at an Ontario Energy Board hearing, a provider of the meters would actually have to provide, in some detail, information about what their expenses were and where they went to. Is that a fair assumption on my part?

Mr. Kenneth Hale: I think that's the way the regulation of electricity costs work in this province. It's based on what the expenses of the proponent are, what a fair return is and what's fair to the consumer. We balance it all and come up with a number.

Mr. Peter Tabuns: And the applicants, when they're making their request for more money, have to provide witnesses. They have to be on the stand and they can be cross-examined. Is that correct?

Mr. Kenneth Hale: I believe that's the way those hearings work.

Mr. Peter Tabuns: In fact, if the government wasn't shutting down this protection for tenants, tenants would actually be able to probe whether or not their landlords were getting a gift or a kickback for provision of meters by a particular company. But they can't do that if this law goes ahead. Is that correct?

Mr. Kenneth Hale: Yes, I believe there is no forum for those things to come out.

Mr. Peter Tabuns: No, I don't think there is, either.

I'm happy to cede my time to one of my colleagues.

The Chair (Mr. Dave Smith): Mr. Schreiner, you have almost six minutes.

Mr. Mike Schreiner: Wow. Thank you for your presentation today. I really appreciate it.

I'm curious if you think it's fair that this would go through—that homeowners and businesses would be able to go to the OEB and be part of that regulatory framework, but tenants in a sub-metering situation would not be able to access the same OEB regulatory protections.

Mr. Kenneth Hale: We're continually, as tenant advocates, trying to get accepted the fact that tenants are as much citizens, residents, members of this community as homeowners are, and that they should be treated the same way for municipal taxation, and the same way for their ability to vote and their ability to participate in public issues. I think this is just another example of an effort to try to continue a kind of second-class-citizen status for tenants, which is not really appropriate.

Mr. Mike Schreiner: One of the arguments for sub-metering is that it would encourage individual conservation, more-efficient energy use. Can you elaborate on what you think would be the fairest and potentially most effective way to encourage conservation in multi-residential buildings?

Mr. Kenneth Hale: We've been involved with the Ontario Energy Board advocating for programs, developing programs, particularly tailored to low-income people, because low-income people have different financial structures than people who have more money. They need

different forms of incentives, so giving them the right to claim a rebate for a $2,000 fixture isn't going to work. You need programs that are targeted to the fact that these tenants don't have money to invest.

Really, we've seen some of these figures that show there's only a small minority of people in apartment buildings, whether they be condos or rental buildings, who use an outsized amount of electricity. We could probably find out from those people what they're doing, and make some efforts to try to help them individually. But the idea of price signals being able to force people, in the very limited area of conservation that an individual electricity consumer has, is not going to work.

The major expenses—the tenant can't go out and buy a new stove for their apartment. The tenant can't go out and buy a new fridge. They don't have control over the heating system, so if it's cold in there, they need to sometimes put on space heaters, which are huge wasters of electricity. So, by making the landlord responsible for those costs, it encourages the landlord to take the big steps. Where we think the real savings can be found is in the building-wide things: energy-efficient appliances, improved building envelope, things like that that affect everybody, that impact the whole building. There's no way that any kind of sub-metering is going to accomplish that for tenants. There are small marginal changes if people use the power bar.

I really do think a lot of the answer is education. Tenants, as much as anybody else, want to save the planet. It's not that tenants don't care about these issues that everybody else cares about. To think that education programs that worked for everybody else aren't going to work for tenants and we need some kind of compulsion is, I think, kind of demeaning and not really recognizing we're dealing with grown-up people here who care about the future and the future of their families.

1620

Mr. Mike Schreiner: I think one potential argument somebody could throw out there in support of this is that if building owners made those kinds of conservation changes, they would just pass the costs on to tenants anyway and take money out of their pocket.

Do you think the cost burden on tenants is going to be higher because of this regulatory change—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Mike Schreiner: —or under the existing model?

Mr. Kenneth Hale: It's impossible for me to believe that these people are all down here lobbying to get a law passed so they can get less revenue. I think it's pretty clear that tenants are going to pay more for electricity if this oversight is removed, those tenants who are sub-metered. We don't think you should do that. The cost of housing is through the roof. The cost of electricity is a scandal across the board, that this government was elected to do something about.

The Chair (Mr. Dave Smith): Thank you very much.

Mr. Kenneth Hale: Thank you.

The Chair (Mr. Dave Smith): Before I call up the next group, we have received a large number of submissions that continue to come in. Could I get unanimous consent that there would be a single printed copy given to each caucus, and then anything after 5 o'clock would be sent to you by email?

Ms. Catherine Fife: Chair?

The Chair (Mr. Dave Smith): Yes?

Ms. Catherine Fife: I thought that we agreed just to get electronic copies this morning. We got a stack of them. I think electronic copies to all members is the most acceptable method, and I thought that's what we agreed to this morning.

Mr. Mike Schreiner: Yes, the Green caucus doesn't need the printed versions.

The Chair (Mr. Dave Smith): Yes, we had agreed on that. However, my understanding is that the standing orders are that we have to provide a printed copy to caucus. So, one per caucus, not one per member, and then electronic after 5 o'clock for the submissions between 5 and 6.

Interjection: Yes.

Ms. Donna Skelly: Mr. Chair, if it's possible, and if we don't mind, I know we do have to provide copies to people in attendance, but I think perhaps we could cap that at perhaps 10.

The Chair (Mr. Dave Smith): It's a single copy that we're providing.

Ms. Donna Skelly: I'm not talking about to caucus. I'm talking about to anyone—

The Chair (Mr. Dave Smith): Yes, it's a single copy of each submission that we're providing for people to review.

Ms. Donna Skelly: Is it only one?

The Chair (Mr. Dave Smith): Yes. That stack that you have is—it's one per.

Interjections.

Ms. Donna Skelly: I'm talking about the table. So if in the future, instead of asking all of the delegates to provide—I don't know how many they've been bringing. Perhaps we could cap it at—Mr. Clerk, what would you suggest would be a good number that would eliminate some of the additional paper? Are a lot of people looking for these?

The Clerk pro tem (Mr. Christopher Tyrell): There have been some people who have been taking them from the table. That said, I can definitely look into that and get back to you.

Ms. Donna Skelly: Five? I don't know. Maybe we'll say 10 at this point, at the most, because we're getting a tremendous amount of paperwork here.

The Chair (Mr. Dave Smith): So do I have unanimous consent, then, for one per caucus, one for the table and the rest electronically for everyone?

Interjection: Yes.

The Chair (Mr. Dave Smith): Thank you.

ONTARIO TRUCKING ASSOCIATION

The Chair (Mr. Dave Smith): I'd like to call the Ontario Trucking Association up, then, please. Please come to the table and state your name. You have six minutes.

Mr. Stephen Laskowski: I broke your rules already. There are more than 10.

Thank you, everyone. Thank you, Mr. Chair. I'm joined today, on my left, by the Ontario Trucking Association's chair, David Carruth. I'm President Stephen Laskowski, of the Ontario Trucking Association.

A little bit of background about who we are: As an organization, we were founded in 1926, and we've been representing the for-hire trucking industry in Ontario since that time. The bulk of our membership consists of small and medium-sized businesses that service all across Canada and the United States.

Trucking and the economy: Basically, folks, if you got it, a truck brought it. We move 75% of the north-south trade, and we move 90% of all consumer goods. When there's a measure that is impacting our industry, it impacts all.

With regard to Bill 66, we're here today to support the measures related to the Highway Traffic Act and the Employment Standards Act.

With regard to the Highway Traffic Act, the measure is simply a no-brainer. It moves from paper to an electronic world in our IRP system, which is our registration system. This will just simply make it easier for owners like David to administer their drivers and run their fleets.

With regard to the Employment Standards Act, there are three items here, the first being section 2 of the act, which no longer requires employers to post a poster in the workplace. Basically, what this is going to do, folks, is simply allow people to focus their energies on running a good and safe trucking company and not worry about posters.

The part VIII amendment is to remove a director's approval for employers to make agreements that allow their employees to exceed 48 hours in the workweek. Again, a measure that is commonplace in the workplace will reduce red tape and open Ontario up for business.

The last part, part VIII of the act, which is averaging of overtime over a period of two weeks, which has been commonplace in the workplace for a number of years, again just recognizes what happens in the workplace, allowing full disclosure to the employees and the employers and bringing certainty to the marketplace.

The last part of our submission, of which you have a copy, is a number of measures which may not be dealt with in this bill but for future bills regarding red tape reduction.

The first issue is electronic logging devices. The outcome that the Ontario Trucking Association would like to see here is that, again, we're going to eliminate paper logbooks. There is a host of issues here, but specifically with regard to red tape, drivers who work for my membership would no longer have to spend countless hours having to go through paper logbooks, but would have electronic means. This is good for public safety, but the reality is, it also allows more driving time for truck drivers. Instead of worrying about paperwork—we estimate around $2,000 a year extra in income by simply moving to this measure, let alone the cost savings to enforcement. Electronic logbooks will allow enforcement in Ontario to spend more time enforcing the law as opposed to figuring it out in paper logbooks.

The Drive Clean program: Again, we welcome the opportunity to review the program. We think the old opacity test is no longer a measure of anything related to our industry with regard to the environment. However, there are opportunities to streamline environmental enforcement in our industry with the Ministry of Transportation bringing focus upon issues that we believe are important and that will also bring more clarity to the environment and positive outcomes to the environment.

The long combination vehicle program: If you see Walmart or any of the large distribution chains, their freight typically moves by these types of vehicles. What we want to see is less administrative burden placed on these trucks. They're heavily regulated, but there are still some administrative requirements that are no longer justified for this program. This would allow these trucking companies to operate still safely but more openly and allow the economy to grow.

Driver shortage: Again, our industry has never been allowed to participate in such things as the nominee program because, for whatever reason, we don't classify as skilled. We're not the only sector. The construction sector, the agriculture sector—there are a number of sectors like that. I'm not here to argue the definition of "skilled." We've been trying for 20 years and not succeeding. It's time to move on. But we do welcome an opportunity to expand in that program. We have a severe driver shortage—over 20,000 people—and we want to work with the government of Ontario to make sure that those trucks are moving, because when those trucks are moving, that means the economy is moving.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Stephen Laskowski: The other issue here—I'll go right to it—is quick highway clearance. We'd like to work with the government of Ontario to discover new administrative methods to clear the highways faster, safer, more economically and make sure that congestion isn't a problem for consumers in Ontario.

Thank you very much for the time. I look forward to any questions.

The Chair (Mr. Dave Smith): Thank you. Mr. Arthur.

Mr. Ian Arthur: Thank you very much for your submission. I just have a couple of questions here. In relation to the Employment Standards Act, are there caps on how many hours or kilometres a trucker can go before they need to take a break?

Mr. Stephen Laskowski: Yes. A long-haul trucker is regulated to 60 hours.

Mr. Ian Arthur: Is regulated for 60 hours per week. Okay.

Just another thing here: You talked about the averaging of hours and it providing—I think, "provides certainty for employees." How can you make that claim? Really, what you're asking them to do is waive the right to have certainty on how many hours they can work. I'm just a little—

Mr. Stephen Laskowski: I think what this allows is certainty in policy. It has been that way for dozens of

years. What this measure does is bring back that certainty and allow employers and employees to reach those agreements.

1630

Mr. Ian Arthur: But they could reach those agreements with—previously, I came from a small business. There were hour-averaging agreements that were available to me to use if I wanted to. I'm just a little confused about why that certainty and that system isn't good enough, and this is a better version of that.

Mr. Stephen Laskowski: I don't think there's confusion; I think there's just a difference of opinion as to which one adds more certainty. We believe this approach adds more certainty to the workplace.

Mr. Ian Arthur: But in what way? I'm asking you to elaborate on what that certainty actually is.

Mr. Stephen Laskowski: I think it just brings clarity to the situation for everyone.

Mr. Ian Arthur: Clarity that was lacking before?

You used this opportunity to move beyond the actual scope of this bill and talk about the future a little bit. One of the things that I see missing off of that is a discussion about the role of automation in trucking and the changes that are going to come to your industry. We are months away from full self-driving capability in multiple cars in the US, and it's only a matter of time before that's going to arrive in Canada. I applaud you for looking to the future in your industry in the examples you have of what you want to work on here, but to me that seems like a glaring omission from that table.

Mr. Stephen Laskowski: Thank you very much for your opinion, because everyone is entitled to their opinion. As I said, we strongly disagree with that opinion. Automation in our industry is decades away with regard to a class 8 vehicle. What we have coming forward is driver-assist technology. Driver-assist technology will definitely benefit our industry, as David could probably allude to; he has some of those vehicles. As we have a driver shortage, we now have mandatory entry-level training in this province, which is fantastic. We then have finishing schools, like a company like David's would have. What these driver-assist technologies will do is help supplement, for newer drivers, technology inside those vehicles. The long and the short of it is, trucks will be safer, but there will always be a truck driver inside of that.

Do you want to elaborate on that, David?

Mr. David Carruth: Yes, so, if you want to talk about automation what you can do now that should be months or a year and a half away is the electronic logging device. That is going to help. But just the simple automation of paper logs makes the whole system easier, allows a level playing field, takes away drivers cheating on logs—the comic books. The OEMs—Freightliner are already building these driver-assists right into the vehicles. Anything coming out now has that in there. We've just put, I think, six on the road in the last six months, similar to driving your car around—lane avoidance, collision avoidance, front-end cameras and rear-end cameras.

All of that technology is already there to assist the driver, but we are at least a decade-plus away from having an autonomous vehicle in Ontario or in North America, for example, because it has to speak to an infrastructure that just isn't there and won't be there. The automation in the vehicle will be ready before the infrastructure is there.

Mr. Ian Arthur: Okay. And what infrastructure is missing?

Mr. David Carruth: Being able to speak back and forth to red lights and green lights. Being able to speak with other cars around them so they just don't have to rely on radar.

Mr. Stephen Laskowski: I think you also need to understand that there's more to being a truck driver than driving the truck. The truck driver has become an extension of the supply chain, knowing how to handle the freight, food products, and safety issues. Tomorrow I'll be in Ottawa talking about livestock trucking. There's a whole other specialty and expertise related to that.

Will automation impact our industry? Yes, but not from a truck driver perspective. It's actually, quite frankly, a concern of ours. Again, I'm not trying to be critical of anyone in here. When we continue to read things in the mainstream media saying that trucks—or machines, basically—are going to displace drivers, it's a big battle for us to correct that, because that is not correct, especially for the foreseeable future.

The Chair (Mr. Dave Smith): Ms. Fife.

Ms. Catherine Fife: Thanks for your presentation today. Thanks for raising the point around driver shortage, because that's obviously—

The Chair (Mr. Dave Smith): You have 30 seconds.

Ms. Catherine Fife: You've raised some issues that are not raised in Bill 66, and I appreciate the fact that you've come before committees before and you've lobbied for many years on a number of issues. The driver shortage piece—how long have you been asking to be part of the Ontario Immigrant Nominee Program?

Mr. Stephen Laskowski: I've been working for the association for 20 years and it's been for 20 years, so probably longer than that.

Ms. Catherine Fife: So when you—

The Chair (Mr. Dave Smith): Thank you.

Ms. Catherine Fife: That's it?

The Chair (Mr. Dave Smith): That's it.

Ms. Catherine Fife: Oh, damn.

The Chair (Mr. Dave Smith): Ms. Skelly.

Ms. Donna Skelly: Thank you for your presentation. I do have a question. What company do you—

Mr. David Carruth: Ontario New England Express, ONE for Freight.

Ms. Donna Skelly: Okay. Let's talk about the Ontario Immigrant Nominee Program. I'm going to be looking into that in my role as PA on this file, and I'm just curious what your top two recommendations would be—

Mr. David Carruth: According to industry, I think they're with the OINP program. I think carriers have to meet a threshold to be able to participate in a program such as that. We all want to avoid putting drivers who are not qualified in tractor-trailers and putting them on public roads.

For instance, you would need a program that would be able to demonstrate what is the company cultural responsibility within it: How do they treat their employees? How do they treat their team? What are their WSIB ratings? How do you prove that they're actually paying their WSIB and not putting drivers on personal services contracts? What is your CVOR score? These are all thresholds that should be built in. Before a company is even allowed to bring in a nominee, they have to prove they meet those thresholds and they have to prove that they live those thresholds on a day-to-day basis.

Mr. Stephen Laskowski: What we would like to see too is that—right now, the agricultural and the construction industries are in the program, and we'd like to be treated basically like the construction and the agricultural communities.

Ms. Donna Skelly: We'll follow up on this line.

I just have two quick questions—and one is a response, because this has been raised by opponents to the changes that we're making. The removal of the poster is helpful in what sense, and why?

Mr. David Carruth: A lot of our folks rarely come into our building, or they could be gone for weeks at a time. They could be gone for five nights straight, a week straight. When they come in, they're in at off hours. They don't necessarily take the time to read the poster. An electronic version of that just, to me, makes so much more sense. We communicate with all of our external team members all the time electronically now through their logs. All of our trucks are ELD. All of our dispatch is electronic, all of our communication is electronic. For me, it just takes away one less step that you need.

Ms. Donna Skelly: All right. I know they're pulling the questions from me, but anyway, I'm going to continue: "approval for employers to make agreements that allow employees to exceed 48 hours of work in a workweek." Again, why is that necessary?

Mr. David Carruth: Some of our team members and employees actually want some more overtime. For instance, they could be in a family where the other spouse doesn't work and they need to make some extra money overtime, and if I'm not giving them overtime over that 48 hours, then they're seeking employment somewhere else.

Ms. Donna Skelly: You've always been allowed to do it, but you had to get approval from the director—the director had to get approval first from the government. Is that correct?

Mr. David Carruth: Yes.

Ms. Donna Skelly: So this is another elimination—

Mr. David Carruth: It's just an elimination of going through a step.

Ms. Donna Skelly: How onerous was that?

Mr. David Carruth: Oh, it's very onerous to the point where if you're going to be two or three hours over that, you're just not going to bother with the overtime.

Ms. Donna Skelly: This is not just your industry?

Mr. David Carruth: No. Potentially, for some people, you're taking $80, $90 or $100 out of their pockets. That is needless.

Ms. Donna Skelly: Okay. Sorry. I know Daryl wanted to speak.

Mr. Daryl Kramp: Yes.

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Thanks, gentlemen, for coming here today, and thanks for your past contributions. It's a great idea that came forward. Your suggestions are generally well researched, well grounded and effective. Quite frankly, I see nothing in here that warrants any major challenge to where you're going and what you need to do.

While I have you here, just for a second though, in my riding I have a pretty large extension of Highway 401—14 closures alone last year. While certainly not the mandate of this committee at this particular point, recognizing that every time we have a solution, it's horribly expensive, but dealing with the issue with major transportation on the highway please give it some thought going forward, whether it's a third lane or different elements that might be successful and, at some particular point, back before this committee, help us be part of that solution as well.

1640

Mr. Stephen Laskowski: Sure. What we'll do is we'll take that back to our carriers, who will give us feedback on infrastructure improvements, and we'll definitely give back their thoughts on that.

Mr. Daryl Kramp: Thank you.

The Chair (Mr. Dave Smith): Mr. Kanapathi.

Mr. Logan Kanapathi: Thank you for the presentation.

This is a very important industry, as you guys employ over 200,000 people in Ontario. It's a huge service industry.

In your presentation, you comment on the serious driver shortage in Ontario.

Mr. Stephen Laskowski: Yes.

Mr. Logan Kanapathi: How are you going to address that issue? It's a huge issue. How are you going to bring more drivers into the industry?

Mr. Stephen Laskowski: How is the Ontario Trucking Association attracting drivers?

Mr. Logan Kanapathi: Yes.

Mr. Stephen Laskowski: I think that David can talk to the challenge of that. I guess it's twofold. Just in general, trucking in Ontario is a lot of long haul. Our biggest trading partners, after Michigan, are California and Texas. We have the oldest population—over 55—and the younger generation wants to be home more. Despite our best efforts, Toronto-Los Angeles and Toronto-Dallas are those kilometres.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Stephen Laskowski: So the issue becomes how you can attract people.

I'll turn it over to David.

Mr. David Carruth: The OTA doesn't actually recruit drivers; the companies themselves do. We're all competing with each other, but we all trade best practices back and forth. Some of the best stuff that we use to recruit is guaranteed home time, guaranteed down time, family

time, and then we try and keep our longer hauls shorter. We would create a partnership agreement with—

The Chair (Mr. Dave Smith): Thank you. We've come to the end of the time.

PROVINCIAL BUILDING AND CONSTRUCTION TRADES COUNCIL OF ONTARIO

The Chair (Mr. Dave Smith): Next up, we have the Provincial Building and Construction Trades Council of Ontario. If I could get you to come to the table and introduce yourselves. You have six minutes to present.

Mr. Patrick Dillon: Good afternoon. Thank you, everyone, for the opportunity to appear. My name is Pat Dillon. I'm business manager of the building trades council of Ontario. With me are Jim Hogarth, our president, and Al Minsky, legal counsel. I'm going to try and fly through this.

We represent 150,000 construction workers in Ontario. We have 95 building trades joint worker-employer-funded training facilities, including 39 training delivery agencies, with a combined training infrastructure value of $260 million. Operational investments in these facilities amount to $40 million per year, providing state-of-the-art training for the workforce of tomorrow. The benefactors, in part, of these training investments by the unionized construction industry are the very public entities that the government supposedly is interested in saving money for. We have by far the highest rates of apprenticeship completion across the province, which is another saving for the public purse.

Our affiliates have programs specifically designed to diversify the construction workforce, to better reflect the face of the communities where projects are built, which includes bringing women, Aboriginals, people of colour, youth, returning veterans and reservists into our trade unions.

These and other investments in training go hand in hand with the building trades' uncompromising commitment to workplace health and safety, which is, in fact, a minimum of 23% safer than our open-shop contractors, who the government of the day appears to be listening to.

Our council is uniquely positioned to comment on Bill 66.

Schedule 9 proposes to eliminate the collective bargaining rights of our workers. We believe that schedule 9 should be taken out of Bill 66. It violates workers' rights to organize and engage in collective bargaining. We have shared a legal opinion with you in the written documents, written by Paul Cavalluzzo, who is a charter expert in Canada on these kinds of issues. In the question period, Mr. Minsky will answer some questions along that line if you have any.

The government's rationale for schedule 9 appears to be based on the belief that open tendering would drive down the costs of construction, thereby saving taxpayers money. We believe that this assertion is absolutely false. I want to emphasize here that every elected MPP ought to have hard evidence in front of them before you make a decision as fundamental and unprecedented as this one is to remove the collective bargaining rights of workers. I've been around this industry for many years and I have seen no evidence to support that assertion.

When public construction projects are delayed or above budget, the cost of unionized construction labour has nothing to do with cost overruns. In tab B of our written submission, Stephen Bauld—who's not actually a socialist; he's a bit of a right-wing writer, in my estimation, but a former purchasing manager for the city of Hamilton and a procurement expert—writes, "The main reason for overpriced projects can be directly attributed to the procurement process, not labour" issues.

We understand the government's desire to make Ontario open for business, and we actually support that in the sense that we support that sentiment. However, implementing schedule 9 would result in a low-bid construction procurement model, more precarious workplaces funded by public entities, fewer investments in training and apprenticeships, weaker health and safety outcomes, and strained labour relations.

We therefore suggest a much simpler alternative to Bill 66, schedule 9. Under tab A, we have proposed amendments to the Ontario Labour Relations Act to insert project agreement language to the act to apply to public entities. This would allow municipalities and other public entities to negotiate efficiencies and cost savings with the local building trades workforce.

Project agreements are not a new concept. They have actually been in the Labour Relations Act for over 20 years and were put in there in 1998 by Premier Mike Harris and Jim Flaherty, who was the Minister of Labour at the time. Project agreements allow any contractor to bid work as long as they meet the requirements of the negotiation between the owner-client—in this case, the public entity—and the local building trades workforce. Doing so would allow these entities to achieve cost savings and efficiencies while retaining the productivity, safety and training standards that keep our industry competitive.

Our suggested amendment would also respect the right to collective bargaining and preserve stable labour relations in Ontario's construction industry.

In conclusion, we firmly believe the project agreement mechanism is a win-win alternative to schedule 9 and should be seriously considered by the government. We urge the government to take schedule 9 out of Bill 66 and, if it is so inclined, to insert project agreement language into the act in order to achieve these objectives. When I say that, the building trades, and our employers, by the way—

The Chair (Mr. Dave Smith): Twenty seconds.

Mr. Patrick Dillon: —would be open to sitting down and negotiating what those conditions would be that you would put into a project labour agreement.

With that, we turn it over to you for questions.

The Chair (Mr. Dave Smith): Thank you. Mr. Parsa.

Mr. Michael Parsa: Thank you, gentlemen, for coming in.

Mr. Dillon, just a quick thing: In your presentation, you mentioned that more being involved in the bidding process

doesn't necessarily bring down the price of the overall project, which I disagree with you on, but that's your opinion. So—

Mr. Patrick Dillon: So you disagree with me, but how?

Mr. Michael Parsa: Well, competition always wins.

Mr. Patrick Dillon: No. How?

Mr. Michael Parsa: What do you mean, how? I come from a small business background, and through competition, we competed for projects. When we competed for projects, we tried to beat one another to gain the contract. It's simple. I mean, it's always been that way. Now, you disagree with that, and I respect that, but in a lot of affected municipalities, we're dealing with only the one union that works with the municipalities and that typically is the carpenters' union.

Mr. Patrick Dillon: That's an inaccurate statement.

Mr. Michael Parsa: Don't you think—okay.

Mr. Patrick Dillon: There are 11 bargaining agents in the city of Toronto that you're dealing with.

Mr. Michael Parsa: Allow me to finish my question—

The Chair (Mr. Dave Smith): Sorry, Mr. Parsa has the floor.

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Mr. Michael Parsa: I'd love to hear your response, but without asking my question I don't think you would—don't you think that other trade unions should also be able to participate in the process?

Mr. Patrick Dillon: Absolutely, and they do. At the city of Toronto, there are 11 trade unions that have direct collective agreements, and have had for 50 years, with the city of Toronto. And there's at least that many with the University of Toronto, and I think all the trades have agreements at the CNE.

You seem to be focused on Hamilton, Cambridge and Sault Ste. Marie, but the impact of schedule 9 is a lot more than those three entities, even though they are absolutely important themselves. The fundamental issue here is that you're taking workers' rights—their collective bargaining rights—away from them, and we cannot stand by to watch that.

The Chair (Mr. Dave Smith): Ms. Skelly.

Ms. Donna Skelly: It's nice to see you, Mr. Dillon.

Mr. Patrick Dillon: I've been here and talked to you before.

Ms. Donna Skelly: A few times. You said you would like a politician sitting around this table to at least have an example or some sort of first-hand experience with what we're doing. You know we're both from Hamilton so we both have a bit of a fighter's spirit. Maybe it's the Irish part of it; I'm not so sure. But I do, and when I sat around the horseshoe at Hamilton city council I saw a number of projects that came in quite high because there were signatories to the carpenters' union and there were a lot of unions and companies that were restricted on bidding on these projects.

There is one as we speak in Greensville, in my riding, and the municipality and the school board are waiting anxiously for this bill to pass because they know they'll be able to come in under budget and proceed with the project. So there are concrete examples of how this makes it so expensive, and all we're simply saying is, let all the unions be part of it, opening it up to everyone.

Mr. Patrick Dillon: All the unions are part of it.

Ms. Donna Skelly: No, they're not.

Mr. Patrick Dillon: The legitimate unions are part of it.

Ms. Donna Skelly: No, they're not.

Mr. Patrick Dillon: Unions that are a convenience for the employer may not be, but the legitimate construction unions in this province are part of it.

Ms. Donna Skelly: Well, I know LiUNA is excluded from bidding on some of those projects, because they—all they're simply saying is that everybody should have a fair shake. Why can't they all?

Mr. Patrick Dillon: Can you name me a project in Hamilton as an example of what you're—

Ms. Donna Skelly: I just mentioned the Greensville—and I can tell you one within my riding. I mentioned it earlier; it was a splash pad.

Mr. Patrick Dillon: Well, why don't you talk about the Grightmire arena in Dundas that's actually going on right now?

Ms. Donna Skelly: It's a disaster.

Mr. Patrick Dillon: It is a disaster that was taken by the low-buck tender of the open tendering process for the city—

Ms. Donna Skelly: I'm just telling you one that I'm really familiar with.

Mr. Patrick Dillon: —and it's gone over budget by double.

Ms. Donna Skelly: Some 40% over budget on this school because they can't seem to—and they're waiting. The school board and the city are applauding this. The city of Hamilton applauded. They are thrilled that this is coming through, because they know—they suggested it was between 30% and 35% savings in moving forward on infrastructure projects.

Mr. Patrick Dillon: Donna, just so that we're not—

The Chair (Mr. Dave Smith): Sorry, you need to address her by her title.

Mr. Patrick Dillon: I'm sorry; Ms. Skelly.

Ms. Donna Skelly: That's all right.

Mr. Patrick Dillon: I have asked for evidence, right—

Ms. Donna Skelly: I will share it with you.

Mr. Patrick Dillon: —and there isn't evidence. I can guarantee you this, that there is no savings because of the carpenters' bargaining rights.

Ms. Donna Skelly: Mr. Dillon, I'm sharing one with you as we speak. It's the Greensville school—

Mr. Patrick Dillon: The former city purchasing agent for the city of Hamilton will tell you—and he's written five articles on this—that the cost savings is not in labour on that project.

Ms. Donna Skelly: Well, you might want to share that with the mayor and all of the members sitting around the table who are applauding the fact that they recognize that they will be seeing—this is one municipality and they will

be citing hundreds of millions of dollars, moving forward, in taxpayer savings. All we're saying is, open it up to all the unions and don't make it restrictive.

Mr. Patrick Dillon: Then you've got to find a way of doing that without ripping up collective bargaining rights. Workers have—

Ms. Donna Skelly: We're saying everybody should be allowed to have it.

Mr. Patrick Dillon: —a fundamental right in this province and in this country—

Ms. Donna Skelly: Absolutely.

Mr. Patrick Dillon: —to collectively bargain, and to have politicians taking that away from them without evidence in front of them to make that decision I think is somewhat scandalous.

Ms. Donna Skelly: And I—

The Chair (Mr. Dave Smith): Ms. Kusendova?

Ms. Donna Skelly: Sorry?

The Chair (Mr. Dave Smith): Ms. Kusendova has—

Ms. Natalia Kusendova: Thank you, Chair.

Ms. Donna Skelly: I just want to say one last—

The Chair (Mr. Dave Smith): Thirty seconds left.

Ms. Donna Skelly: I just want to say one last comment. We have evidence of that, and I'm saying, as a government, we are simply opening up the opportunities to all union members, to all companies, to bid on it. In my opinion, and we'll probably disagree and still have a glass of wine afterwards, but I do have evidence to support that it is a cost-saving measure.

The Chair (Mr. Dave Smith): Ms. Kusendova.

Ms. Natalia Kusendova: I just wanted to make the point that, under schedule 9, we're actually giving municipalities three months to opt out. So why are you against empowering municipalities and allowing them to decide what works best in their city?

Mr. Patrick Dillon: It's a fundamental issue with us. You're giving the municipalities the opportunity to opt out of collective bargaining that they weren't overly excited about having in the first place. Workers have the right under the Charter of Rights and Freedoms to join the union of their choice and to have representation.

Ms. Natalia Kusendova: They can choose to stay in the current scheme.

The Chair (Mr. Dave Smith): Thank you. We've come to the end of the time. Ms. Fife.

Ms. Catherine Fife: Thanks for coming in today.

I'm particularly interested in page 18, around the legal opinion. That's where I want to go, because you've mentioned already that if we go down this road it will be precedent-setting. I think that's why the fight is so real for you and for other unions across the province.

You've mentioned that it's going to go to low bids, become more precarious, compromise health and safety; and you also referenced the skilled trades shortage, which is very real in the province of Ontario. You do mention that, "In light of the above, we are of the view that a challenge to Bill 66, once enacted, is viable in the circumstances." And then you base your opinion on three potential means: "(i) It nullifies freely bargained collective agreements without any consultation;"—I think that's pretty sound—"(ii) it eliminates the bargaining rights of trade unions, which were acquired in accordance with the law and chosen by the employees to represent their interests; and (iii) it violates international treaties, covenants and conventions to which Canada is a signatory."

This is a pretty strong argument that the lawyers are going to do really well in the province of Ontario. I don't know if you've noticed, but the lawyers are already doing very well under this government.

Can you please extrapolate on this? Because, if this isn't changed, and if Bill 66 goes ahead as it's currently crafted, we will end up in court. So I wanted to give you a chance to tell all of us around this table why that would be.

Mr. Patrick Dillon: I would make a quick comment and then I'll let Mr. Minsky comment from the legal side of it.

Upfront, the building trades and the unionized contractors are not wanting to have a fight with the government. We are interested, and we put a proposal on the table here—there could be other proposals, but this is one that the Conservative government of the past actually put in place for the private sector profit makers in 1978. We supported it, by the way, and we're ready to do that again. So, it's not like we're looking just to have a fight with the government. We actually want something that works, but something that doesn't take the fundamental rights away from the collective bargaining of the workers and hand it to the public entities to make choices of whether they're going to be union or not. That's the fundamental problem with this bill.

Did you have a comment on the legal?

Mr. Alan Minsky: The submission refers to and attaches a letter from the Cavalluzzo law firm, Cavalluzzo LLP, January 16, 2019, at tab C.

Ms. Catherine Fife: Yes.

Mr. Alan Minsky: Paul Cavalluzzo is a recognized constitutional expert—there's no doubt about it—in all the courts in the country, including the Supreme Court of Canada. What he has done is he has analyzed Bill 66. If you look at page 2, paragraph 1, the overview, he summarizes under three points why the legislation is faulty, why it's unconstitutional, why it will fail if tested in the courts. I'm about halfway down page 2 of the opinion, at tab C: "It nullifies freely bargained collective agreements, without consultation."

These are collective agreements that the union has got through certification or voluntary recognition, proved its right to represent people, are supported by people, collective agreements cut in. In the ICI sector—for example, the city of Toronto—those are provincial agreements. They're not actually entered into with the city per se, as an example. What you do is you certify the entity the collective agreement automatically covers because of the designation legislation. Maybe some people don't like designation legislation, but that's an option the government took in 1978 and thought that bargaining in the ICI sector would work much better, and some would say it has.

1700

Ms. Catherine Fife: Yes.

Mr. Alan Minsky: Then Mr. Cavalluzzo—if I could just finish my thought—talks about eliminating bargaining rights acquired in accordance with the law. "It violates international treaties, covenants and conventions to which Canada is a signatory." He goes through them.

It's a very careful analysis, and in this afternoon's session I want to do justice to it by suggesting that you're going to want to read that very carefully and thoroughly because it makes a strong case for a constitutional challenge to this schedule and this bill.

Ms. Catherine Fife: I think that's the take-away here. Also, at the end, it says: "Finally ... the government will likely seek to justify Bill 66 on the basis that it was an economic necessity." That is the driver, and that's the language that we've heard from the government side. But "this may be seen as an insufficient justification for violating the freedom of association rights of Ontario works and unions, given that less intrusive measures could have been adopted."

You're talking about less intrusive measures. You're negotiating with this government. I don't know if you're doing it in the backrooms; I don't know if you're doing it in public—

Mr. Patrick Dillon: We're trying.

Ms. Catherine Fife: Maybe you'll have to make a donation somewhat to get into that backroom, but I have to tell you that this is—

Ms. Christine Hogarth: That's uncalled for.

Ms. Catherine Fife: Well, cash-for-access is real in the province of Ontario. You changed the law, so I'm referencing it here in this committee.

Mr. Dillon, here we are. The government—if they move ahead with this schedule as it is crafted, the province of Ontario will end up in court. Based on this very well-researched legal opinion, we will lose. What will that do for business in the province of Ontario? Will that compromise confidence in the province of Ontario if you were looking to investigate?

Mr. Patrick Dillon: We believe that it will undermine the economy. In a number of projects where legitimate contractors would normally bid, if the project is opened up to fly-by-night-type contractors—and there's no way of controlling that—legitimate contractors won't bid. It's as simple as that. They're not going to invest the money to bid.

The Chair (Mr. Dave Smith): Thank you.

Next, we have the Sub-metering Council of Ontario—

Mr. Patrick Dillon: Did we just get thrown out?

The Chair (Mr. Dave Smith): You did, yes.

Ms. Christine Hogarth: Timed out, not thrown out.

The Chair (Mr. Dave Smith): Yes, you were timed out. I've been corrected. You were timed out.

Mr. Patrick Dillon: Okay.

SUB-METERING COUNCIL OF ONTARIO

The Chair (Mr. Dave Smith): Sub-metering Council of Ontario, could you come to the table? Please introduce yourselves. You will have six minutes for your presentation.

Ms. Tracy Li: Thank you for the opportunity to comment on Bill 66, the Restoring Ontario's Competitiveness Act, 2018.

My name is Tracy Li. I'm general counsel of Enercare Connections. We're a member of the Sub-Metering Council of Ontario, or the SCO. I am joined today by Mario Chiarelli from Provident energy management, and Peter Mills and Malvina Sternak of Wyse Meter Solutions.

The SCO is the voice of Ontario's leading sub-metering providers, which are at the forefront of creating a culture of conservation in Ontario's commercial and multi-residential sectors.

For over 20 years, Ontario's sub-metering industry has demonstrated the value of sub-metering for both electricity consumers and Ontario's electricity system. We provide this service to Ontarians at fees that are competitively negotiated and lower 94% of the time than the rates for local distribution companies.

The SCO supports schedule 4 of Bill 66, and we encourage members of the committee to support the bill. The bill will continue to promote a competitive utility metering market in Ontario, lower costs for consumers, encourage ongoing investment in new technology, and deliver conservation benefits across Ontario.

I'd like to start by giving a quick overview of sub-metering and share the results of two independent studies that demonstrate the value of sub-metering.

First, what is sub-metering?

The Chair (Mr. Dave Smith): Sorry. I'm going to interrupt you for a second.

It's okay to have the camera here, but you can't take pictures of any of the paperwork that's on the table. Please make sure that you don't have that in camera view. Thank you very much.

Sorry. Go ahead.

Ms. Tracy Li: That's all right.

First, what is sub-metering? Independent sub-metering companies began in Ontario in the 1990s as the result of a growing multi-residential market. Before then, condos and apartments were bulk-metered by local distribution ompanies. This was reflected in higher condo fees or rent. The problem that this created was that there was a lack of accountability for energy use. There was no way to tell how much electricity was used, and high energy users were being subsidized by lower energy users.

By contrast, sub-metering measures and bills each unit for the exact amount of electricity that the unit uses. This promotes energy conservation, since residents are incentivized to reduce energy consumption as a way of lowering their energy bills—and it has resulted in substantially lower bills. In recognition of the benefits of sub-metering, in 2011 the government mandated sub-metering for all new multi-residential buildings.

Second, I'd like to speak to the conservation impact of sub-metering. The extent of sub-metering's success is outlined in a 2016 report that was conducted by Navigant Consulting, which I have circulated. The study found that "a unit (apartment or condominium) converted from bulk to sub-metering yields annual electricity savings of ap-

proximately 40%, savings that Navigant's testing indicates persist largely unchanged over time. Navigant is not aware of any conservation program being offered in Ontario or elsewhere that can achieve such high and persistent savings."

The Navigant report also concluded that over a 20-year period, the potential cost savings for new generation and transmission and distribution upgrades could be $1.2 billion for the province. The reduction in greenhouse gases could be 7,000 kilotonnes, which is approximately the same amount of annual greenhouse gas emissions from 1.5 million passenger vehicles.

In short, Ontario's sub-metering providers deliver substantial energy conservation to our customers and to our province.

Next I'd like to speak to USMP fees compared to LDC rates set by the OEB. Beyond conservation benefits, sub-metering also results in lower electricity bills. A recent study conducted by Power Advisory, which I've circulated, compares the fees charged by USMPs, Ontario's largest independent sub-metering providers, to the fees established by the OEB for local distribution companies.

The study looked at 170,000 sub-metering customers served by our three companies and it showed that those customers save an average of $9.66 per month on their electricity bill, or $117 per year. If you extrapolate that to include all sub-metering customers in the province, total savings in our industry result in approximately $32 million per year. That's value that we deliver to our customers each and every year.

Today, sub-metering companies provide service to over 275,000 families in multi-res buildings in Ontario. The industry is flourishing, and Ontario is benefiting from lower bills and increased conservation.

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Tracy Li: This has all been accomplished by balancing appropriate regulation while maintaining a competitive market that works and delivers lower costs.

The industry has been regulated by the OEB since 2011, under the Unit Sub-Metering Code, and like the code that regulates LDCs, the Unit Sub-Metering Code regulates conduct of licensed sub-metering companies, covering security deposits and customer service standards, among others. This regulation would remain in place—

The Chair (Mr. Dave Smith): Thank you. We've come to the end of that presentation.

First up we have Mr. Tabuns.

Mr. Peter Tabuns: Thank you for the presentation today. Can you tell us what the average delivery and administration cost is per unit? So if I had a one-bedroom unit in an apartment building in downtown Toronto, what would I be paying for the meter and the administration?

Mr. Peter Mills: I can answer that. I mean, the Power Advisory study that was provided earlier shows that there's a savings of about $10 per month over a local distribution company so, typically, the administration fee would be $10 less in Toronto than what Toronto Hydro would charge.

Mr. Peter Tabuns: So what is it that people are charged?

Mr. Peter Mills: On average, roughly about $20.

Mr. Mario Chiarelli: Our average for our portfolio is $15 on the administration charge. We have some clients going back quite a ways. You mentioned delivery, but delivery includes transmission, distribution and all those things, which are just a pass-through. Our only portion of the bill is the administration fee.

1710

Mr. Peter Tabuns: So your portion is $15 and then, on top of that, there's delivery and other charges that come from the utilities themselves.

Mr. Mario Chiarelli: All of which are regulated, yes.

Mr. Peter Tabuns: Do the landlords pay any of that cost or is that entirely on the backs of the tenants?

Mr. Peter Mills: I would say they pay for that because they have to drive their rents at market rents. When electricity is extra, they may have to adjust their market rent slightly lower due to the fact that a resident moving in would be responsible for paying electricity. So they do absorb some of that cost in terms of the market rent that they're able to charge, yes.

Mr. Peter Tabuns: And so when you say you're competing one company with the other to get clients, what do you offer that says to a particular landlord, say CAPREIT or M&R—why would they take you rather than someone else?

Mr. Peter Mills: I think one of the things about competition is it drives lower fees and better services. I can give you an example. Most of the sub-metering companies offer a customer service line that operates in 26 languages. We operate 14 hours a day, which is a much, much higher level of service than you would get from a local utility. That's an important aspect when we're delivering services to residents in apartments across Ontario.

Mr. Peter Tabuns: Why is that an advantage to a landlord? I gather they're not paying you; the tenants are paying you.

Mr. Peter Mills: Correct.

Mr. Peter Tabuns: What is it that you offer competitively? I don't think a lot of landlords worry about services in multiple languages, at least not the landlords that I've been dealing with in my riding.

Mr. Peter Mills: Lower fees. We're less expensive than a local utility.

Mr. Peter Tabuns: But the landlord is not paying the fees; the tenants are. Is that not correct?

Mr. Peter Mills: That's correct.

Mr. Peter Tabuns: So what is it that you offer that is competitively better one from the other? If I'm a landlord, why should I pick one firm over another? What is it that you offer?

Mr. Mario Chiarelli: The firms compete on technology, the ability to do the job on time. Our firm specializes in condominium construction for the most part, but we also have some rentals. There are also relationships that have been built over the years between the different companies that we've dealt with. We now have a relationship with a company. With our business, we always have to

compete against the local LDC and we're always competing against each other for services that don't—from a landlord's perspective, a landlord doesn't want any bad services in a building. From a condo corporation's perspective, it's the same thing.

In the condominium sector, for example, in a new condo, they review the contract in the first year under the condo act. So if we're the kind of company that is not going to pass that review, then we're not competitive in our market.

Mr. Peter Tabuns: And the contracts that you sign with the landlords for the installation in their units—how long are those contracts for? They're one-year renewable? Are they 10 years? How long have you got a contract for once you get in?

Ms. Tracy Li: I can speak to our contracts. They tend to be longer term. It does vary from project to project and it depends on—but mostly they are longer term.

Mr. Peter Tabuns: When you say "longer term," are we talking 10 years, 20 years?

Ms. Tracy Li: Ten years.

Mr. Peter Tabuns: At the end of 10 years, if a landlord is not happy, do you have to rip out everything you've got?

Mr. Mario Chiarelli: Or it can be transferred to whoever else they choose as a provider. A lot of the technology is interchangeable. But usually it becomes very mature. We're able, in most cases but not always, to use other existing equipment or modify the equipment. The metering has to be updated every 10 years or so anyway by Measurement Canada standards, so that's usually not a big issue. The reason it's 10 years is it kind of manages along the Measurement Canada timeline for the meter equipment.

Mr. Peter Tabuns: My colleague wants to ask a question as well, but I just want to touch on another one. There's a change in this law that reduces your regulation and, in my mind, it protects tenants. Why are you opposed to having to submit to the energy board your expenses and prove that you deserve an increase? Because no tenant can switch a provider. Tenants are stuck with you. The landlord has made a decision but the tenants are paying all the bills. Why don't you want to be regulated and give that protection to tenants?

Mr. Mario Chiarelli: I'll speak to that. As we said before, the portion that we're talking about that they're looking to regulate is our administration fee, which is about 10% to 15% of the bill—it depends on what the user uses. It's a fixed amount. The rest is a flow-through. It gets charged as is.

The process of going through that regulation, as we've been doing in the last year or so, has cost about $1.3 million, as I think is in our submission—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Mario Chiarelli: —and then that $1.3 million gets passed on to the customers.

We're a competitive market, so there's really no need to regulate our rate. Our rate is lower than the local LDC. Usually regulation is for people who are monopolies and operating in that marketplace, not in competitive industries, so there's no real advantage, only cost associated with that regulation and only a small portion of the bill.

Ms. Catherine Fife: Chair?

The Chair (Mr. Dave Smith): Five seconds, Ms. Fife.

Ms. Catherine Fife: How long have you been lobbying the government for this change on schedule 4, which would remove the OEB rate regulation? How long?

The Chair (Mr. Dave Smith): I'm sorry. There isn't time to answer the question.

Ms. Hogarth?

Ms. Christine Hogarth: Thank you very much for being here. I don't know if you were here earlier when we had a conversation with the Advocacy Centre for Tenants Ontario. A lot of things were discussed here. We even talked about cash-for-access, even though I understand that Andrea Horwath is just wondering how ticket sales are going for her $800 reception that's coming up.

Just on the advocacy side for tenants and regulation, right now there are several measures in place that protect low-income customers, and unit sub-metering companies must still be licensed by the OEB and must comply with consumer servicing rules as set out by the OEB. I'm wondering if you can share a little bit with us about what kind of regulations exist for sub-metering providers aside from rate regulation, and what protects tenants. I'd like to see what protects tenants. We seem to have had a lot of negative stuff being said today.

Ms. Tracy Li: Well, there are rules around when bills can be due. There are rules around when we can send notices to tenants about their late payments. There are rules around what kind of security deposits we can charge. There are rules around how we have to open up bill payment arrangements and offer that introduction to the low-income assistance programs that are put in place by the government.

Mr. Mario Chiarelli: Yes, if I can add: All the consumer protection regulations are essentially the same between the utilities that would be offered to a residential customer on the street. The one major advantage—and we heard the presentation earlier—is that in rental apartments, you can't access low-income programs unless you're sub-metered. In a city like Toronto, you're not sub-metered unless you're sub-metered by a USMP; the utility is not interested in metering in the retrofit market.

So the customers who are at risk, who are low-income customers: A lot of our customer base get the full OESP. Their hydro bills are paid. They have access to LEAP and access to community services. You need to have an account to access that; without the USMPs, they wouldn't be able to access that. It would just be in their rent. Most of our low-income customers—anyone who applies for low-income and qualifies—are having their hydro paid for.

Ms. Christine Hogarth: So protections are in place for those low-income tenants?

Mr. Mario Chiarelli: Absolutely. Without a USMP, they would not get that in a rental apartment.

Ms. Christine Hogarth: Wonderful. Can you just talk a little bit about the level of competitiveness in your

industry? We talked about this earlier. There are concerns that there won't be the competitiveness and prices may go up. But can you talk a little bit about why you think that prices would be unlikely to go up?

Mr. Peter Mills: We compete every single day. In the rental sector, landlords understand that the tenants' wallet for all of their monthly charges, whether it be rent or parking or utilities, is only so big, and they are continually asking sub-metering companies to drive their fees down so that the tenant wallet can shrink and they can be more competitive as an apartment building owner.

We constantly are negotiating with our landlords. I'm constantly competing with our colleagues here on a day-to-day basis. The net result of that is that our fees are typically about 30% less than what local distribution companies would charge, and they are regulated. In this particular case, competition over the last 10 years has been extremely effective at driving down resident fees at the same time as increasing service levels.

Ms. Christine Hogarth: I just want to be really crystal clear that if I'm a tenant, I should not be concerned.

Mr. Mario Chiarelli: If you're a tenant, your bill would be lower than if you are a residential customer on the street for the same amount of consumption.

Mr. Peter Mills: Just to add: We don't convert sitting tenants. We only convert tenants who are moving into an apartment building under a new lease. Sitting tenants' lease arrangements don't change. So if their hydro is included in their lease, it continues that way.

Ms. Christine Hogarth: Thank you.

1720

The Chair (Mr. Dave Smith): Mr. Parsa.

Mr. Michael Parsa: A very quick question, Mr. Chair, and then I'm going to leave the remainder of our time for Mr. Schreiner.

It's refreshing to hear that you think competition will actually be better for everyone and bring down the rates for consumers in the end, because we heard otherwise earlier, which was shocking to me.

Could you speak as to how contracts between members and sub-meter providers and landlords are constructed?

Mr. Peter Mills: How are the contracts—

Mr. Michael Parsa: How are the contracts constructed between the landlord, the tenant and the—

Mr. Peter Mills: Yes. The general contract is that the unit sub-metering providers retrofit the buildings with new meters for all of the units. In some cases, that's done at no cost to the landlord, and in exchange for that, the cost of that installation is spread out over the term of the contract.

Mr. Michael Parsa: Which you said was 10 years.

Mr. Peter Mills: Typically a 10-year period, yes.

Mr. Michael Parsa: Thank you. That's it, Mr. Chair.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: Thanks for being here today. Earlier today, tenant advocacy groups talked about the fact that they're concerned that their prices are going to go up because of these changes. You're here suggesting that your prices are lower. I'm curious how you account for the wildly different perspective on the impact of this change.

Mr. Mario Chiarelli: There's a misunderstanding that this has to do with the entire bill. For the 20 years that this has been going on—it has been done before that—the electricity portion, the delivery, the distribution and the transmission regulatory costs that are charged at the bulk meter, where the utility infrastructure meets the building's infrastructure, are all regulated and all passed through. Our fees are literally for the meters that we provide, reading the meters, billing and collecting and customer service.

There's a big misunderstanding that somehow we can alter that other part of the bill, which is 80% of the bill. We don't have any impact on that portion of the bill whatsoever. Our portion of the bill is the customer service fees—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Mario Chiarelli: —which we've talked about earlier: $10 to $15.

Mr. Mike Schreiner: Real quick: Everyone else in the sector is regulated by the OEB. You're asking for a partly non-regulated OEB. Why is that, and why would you be a special case compared to other actors?

Mr. Mario Chiarelli: The role of the OEB is to regulate the monopoly in the public space, because if you're a residential customer—someone talked earlier here about a 10-year contract, but if you're a residential customer in Toronto—

The Chair (Mr. Dave Smith): Thank you. We've come to the end of the time.

WORKERS' ACTION CENTRE

The Chair (Mr. Dave Smith): Next up, we have the Workers' Action Centre. If you could introduce yourselves and then start your presentation. You have six minutes.

Ms. Pam Frache: Great. I'm happy to be here to present on Bill 66. Just by way of background information, the Workers' Action Centre and Parkdale Community Legal Services work every day—

The Chair (Mr. Dave Smith): I'm sorry; could you introduce yourself?

Ms. Pam Frache: Oh, yes, sorry. My name is Pam Frache. I'm an organizer with the Workers' Action Centre.

The Chair (Mr. Dave Smith): Thank you.

Ms. Pam Frache: I'm happy to be here to speak to you about Bill 66 and our concerns.

The Workers' Action Centre, by way of background, works every day with non-unionized workers in low-wage and precarious employment. We see first-hand how the increase in part-time, temporary and contract work due to contracting out, extended supply chains and outdated labour laws create precarious conditions for Ontario workers. The long-standing gaps in labour market regulation have left far too many workers in low-wage and precarious work with little protection of their wages and working conditions.

Bill 47, the Making Ontario Open for Business Act, was passed last fall, and that bill removed many of the measures that were meant to update and modernize the Employment Standards Act and to better protect workers.

Unfortunately, now the government is going even further with Bill 66, the Restoring Ontario's Competitiveness Act, and seeks to further reduce protections for workers from excessive hours of work and unpaid overtime.

Let me elaborate. For 75 years, almost, we've had a provision of a 48-hour workweek, but actually there's a growing inclination for employers to ask workers to work beyond those hours. Up until this bill, the requirement was to get approval from the Ministry of Labour, as you know. One thing I think that's worth saying out loud is that overtime protections that are enshrined in law, including overtime pay for hours in excess of 44, were intended to protect workers from exploitation in the workplace and to encourage employers themselves to hire more people instead of relying on practices that harm workers and their families and that could pose serious health and safety issues for workers.

Under present rules, only in exceptional cases are employers permitted to ask workers to work beyond that limit. I won't go through, as the submission does, all of the criteria that currently exist, but I think it's worth noting that the Ministry of Labour lays out the criteria for those employers most likely to be approved for these measures.

It says that an employer is more likely to be approved if "the employer can demonstrate awareness of and compliance with the hours of work rules under the ESA including eating period(s), daily rest and weekly/biweekly hours free from work."

Just to show you, there is indeed a handout provided by the Ministry of Labour. It's available, in addition to English, in 13 other languages. I think it's incredibly important that there is a proactive willingness on employers to actually understand the rules of overtime.

An employer is more likely to be accepted if an "application is made for a specific short-term period or" for very specific "periods only"; if the "employer can identify a clear business requirement for excess weekly hours ... and has explored other ways of getting the work done without having employees work excess weekly hours"; and, perhaps most importantly, the "employer has measures in place to protect employees' health and safety while working excess hours," because we all know that being fatigued on the job is, in and of itself, a health and safety issue for workers.

Eliminating the requirement to seek approval from the Ministry of Labour threatens to normalize excessive weekly hours of work, putting workers' health, safety and work-life balance at risk. In fact, this harms workers, it harms families and it harms communities. It rewards those employers with a poor track record of respecting the rights of their workforce. Like so many other measures that this government has undertaken, Bill 66 winds up rewarding employers with little regard for the employees or the law and undermines those very employers with an excellent track record of compliance with legislation.

On the matter of overtime averaging, many of the same concerns exist there as well. Bill 66 proposes to eliminate the requirement to seek ministry approval for requests to average weekly hours over as many as four weeks. Overtime averaging has the effect of reducing and even eliminating the premium pay that workers receive for working in excess of 44 hours. At the same time, it will be harder for workers to say no to requests for excessive hours and for overtime averaging. This will mean that workers will be even less likely to receive the overtime pay that used to be associated with working overtime.

Under the current rules, the Ministry of Labour had set out clear guidelines for employers seeking approval for overtime averaging. These rules really speak to the spirit of the employment standards legislation more generally. It wants to make sure that the employees in question are full-time and have a set, recurring schedule so that we're not asking them to work excessive hours of overtime one week and then not get enough hours the next week. They want to know that overtime averaging is requested for a generally low threshold. They want to see all sorts of provisions in place that show that the employer is actually looking to protect the interests of workers and that there is some flexibility for workers as well.

The Chair (Mr. Dave Smith): Thirty seconds.

Ms. Pam Frache: Thank you very much. I'll just end by saying that there is a tremendous imbalance for workers in the workplace. We have no just-cause protection in the Employment Standards Act, which means that workers often are fired or experience reprisals on the job simply for saying no or for trying to access their existing rights under the law. This legislation proposes to make it even easier for employers to disregard the needs of their employees and make it harder for workers to say no to their employers, and that affects workers in precarious work disproportionately.

The Chair (Mr. Dave Smith): Ms. Skelly?

Ms. Donna Skelly: Thank you for your presentation. I wanted to speak a little bit about the overtime hours, because I'm hearing a different perspective. I recall years ago, in my earlier days of my previous career, I really, really wanted those extra overtime hours. I relied on it when I was single and when I got married and had children. Those extra hours were incredibly important.

When we have spoken to small business owners and large business owners—I'm not sure if you were here for the earlier presentation by the trucking industry, but many of these owners, many of these business operators, shared with us that it was just an incredibly onerous process in trying to approve hours for employees beyond the 48-hour mark, and that was with the approval of the employee. I recall, as I said, in my much younger days, I really wanted to have that opportunity to be able to make some extra hours. It went up to 60 hours, but it was my choice. These employers are saying that the process and the paperwork involved in just being able to allow workers to get those extra hours is really onerous. That's one of these burdensome regulations that we were addressing. I just wanted to get your comments on that.

1730

Ms. Pam Frache: The first thing to say is that we're talking about workers' health and safety here. I think that that ought not to be considered an onerous burden on employers.

Second of all, workers should have the choice. However, the problem is that most workers don't have meaningful choice in the workplace because there is no just-cause protection. A worker, even if they wanted to say no to excessive hours, is not in a position to be able to do so because there is no real protection. And because there is no longer going to be any oversight or any limits, any real enforcement of the legislation, it's very difficult to monitor what's happening in the workplace to see if workers are being asked to work 48 hours or 60 hours or however many hours. It's very difficult to find out whether or not employers are actually complying with the hours-of-work regulations under the Employment Standards Act. There are all sorts of provisions that it's not at all clear that employers are even complying with.

It's particularly difficult for workers themselves to say no to this kind of request, even if they wanted to, because of how inadequate the employment standards legislation really is.

Ms. Donna Skelly: I appreciate that, but would you also say there is another side to that story, and that is people who do want to work, people who do want the extra hours? It's not always about safety. Not every job beyond 48 hours is a safety issue. It's tiring, but it's not always safety at stake. Should they not have that option? Should they not be able to, without the company having to jump through hoops to give some people some extra money?

Ms. Pam Frache: Workers should have access to stable, decent, predictable hours of work; this is what we're saying. If employers are consistently reliant on excessive hours of overtime, they have a different problem on their hands. They need to be making sure that they are spreading the workload around so that we can actually be creating more decent, secure jobs.

The problem with giving all employers a free rein to just use employees as they will, use them when they're needed and discard them when they're not needed, is that it creates really unstable working conditions for workers themselves. Especially when we consider the overtime averaging provisions, there is going to be huge pressure on employers to cut hours in that second or third week in order to try to avoid paying the premium pay for overtime hours.

This is what we're saying: Workers deserve decently paid hours that offer stability and predictability. This is what we're saying is not happening with the lack of enforcement of existing labour laws, and Bill 66 will send a further message to employers saying they can play carte blanche with the workers.

Ms. Donna Skelly: I think my colleague would like to ask—

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Thank you for coming in today. One of the challenges I have with your position—I'm certainly not against fair employment and fair conditions, and the availability of being able to earn a decent dollar, for decent pay, and not to be abused and certainly not to have an employer take advantage of your good nature.

There's also the onerous cost of trying to administer this. The reason I say that is that we literally have hundreds of thousands of workers in tens of thousands of enterprises that hire people, whether it's in hospitality, whether you're clearing snow, whether you're in retail, and when you're in special occasions where, honestly, it's very, very difficult—it's not 9 to 5. You depend on everything from the weather to the clientele, to the attitudes of people, to special events that might take place here and there and around. We have, as I say, thousands of employees, and every time, under this legislation, they would be enacted to work a special extra time—overtime and/or come in on a day when ordinarily they would not really want to. To suggest that we would have to go and get that "government permit" to do that is absolutely not a doable situation.

We need to find a way to bring that fairness in there.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Daryl Kramp: An employee should not be forced—I agree with you totally—into going into an environment where, quite frankly, they feel pressured that they have to comply. Otherwise, there would be detrimental impacts on their employment. But we also have to recognize that we live in this world where a lot of predictability is not there in the employer-employee relationship—and not because they want that; just because that is the circumstance they find themselves in.

The Chair (Mr. Dave Smith): Thank you. We've come to the end of your time.

Mr. Arthur.

Mr. Ian Arthur: Thank you so much for your presentation.

It strikes me that when we're talking about fairness, these are some pretty basic rights for workers to have in terms of averaging of hours.

I have a small business background. I know about the averaging and when it's used. Frankly, after a decade of experience with the option to use it, the need to use it is, in my opinion, reflective of lazy management and not actually reflective of over-requirements or over-restrictions on the ability to operate a business. Capping hours at 60 a week—I found my employees significantly more productive when they had a reasonable work-life balance. If I worked them 60 hours a week, I would have burned through my employees significantly faster.

I guess it's more of a comment on your presentation, and agreeing with a lot of what you say. The fact that we are looking at companies like Amazon, where people are wearing diapers to work, strikes me as we have gone back 100 years when we're talking about workers and their rights in Ontario and across North America. It is absolutely tragic.

I'll let Catherine go on.

The Chair (Mr. Dave Smith): Ms. Fife.

Ms. Catherine Fife: Thank you, Pam, for coming in, and thanks for raising these important issues. There's one in particular that I want to focus on, and it has to do with this posting of the Employment Standards Act poster. Honestly, we've heard about red tape and cutting red tape, but this is like literally a piece of Scotch tape.

I keep thinking of Amina Diaby, who died at Fiera Foods as a temporary worker. She had no idea what her

rights were. We are seeing an increase in temporary, part-time and contract work, and saying no to your employer is basically saying goodbye to that job.

This imbalance of rights in the workplace—can you speak to this? Because I think you've made a really good point about what that poster signifies, and the rights of workers in the province of Ontario.

Ms. Pam Frache: Yes. As I say, in the centre, we meet workers every day who are trying to access their rights and are finding that they are not getting their rights under the law. It's very difficult for workers to assert them, even if they know what their rights are.

Just even having a poster sends a message to both the employee and, frankly, to employers that there is a set of laws that remind workers that they are not to be treated as completely disposable in the workforce. It's a reminder to the employer that there are laws that ought to be enforced and that workers have some agency in the workplace.

Even that, as you say, is a very modest provision. I was looking at previous submissions from the CFIB saying that, on the one hand, it's redundant to be putting it up on the wall, because employees are supposed to get it 30 days after starting work. But on the other hand, they seem to not be able to find an updated copy of the Employment Standards Act, which makes me think those employees are probably not getting access to their rights even 30 days after.

These are things that need to be enforced. It's very difficult to enforce employee access to those rules. Especially, it's difficult to enforce access to the rules in their first language, which is supposed to take place 30 days after a worker starts employment.

Ms. Catherine Fife: Thank you for that. Also, I just want to quickly get you on the agricultural workers. We've only had one day of hearings on this important piece of legislation. Amendments were due at noon today, even after, and we're still hearing from people afterwards. It's completely—

The Chair (Mr. Dave Smith): It's 6 p.m. today.

Ms. Catherine Fife: Yes, 6 p.m. today, so one day. Amendments are due in today. Thanks very much for the extra couple of hours. This is an important piece of legislation which will impact workers across the province.

You've mentioned at least the agricultural workers. Can you please give those people a voice in this process?

Ms. Pam Frache: Yes. Very quickly, we believe that all workers ought to have the right to form unions, and not just paper associations where there is no obligation on the part of employers to comply. The tragedy is that the provisions to move horticultural workers into the agricultural act instead of the Labour Relations Act means that they are still without the same protections to access unions and unionizations.

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One last thing I'll just say: We also oppose the withdrawal of public sector unions defined as construction sector unions because it will make it harder for workers to access not only unions but also the decent wages and working conditions that go with them.

I want to also say that every time there's a choice for this government to either side with workers to improve their wages and working conditions or side with corporate lobbyists, it seems the government only sides with corporate lobbyists.

There are real issues at stake here and we want to reward the good employers who have managed to be compliant with these laws for years and years and years, and suddenly we're going to throw them out and say "have at it" for all those employers that haven't been able to be compliant. I think that's scandalous.

Ms. Catherine Fife: We share your concerns around the imbalance of rights. I mean, beginning with Bill 47 and now through Bill 66, it has been a long seven months already. I have to say, it's very concerning for employees in the province of Ontario. That's not to say that there aren't good employers, but let's not give the bad actors a free ride in the province of Ontario. That's of great concern to us.

Just for clarification, we were told that amendments had to be in by noon today—

The Chair (Mr. Dave Smith): 6 p.m. It's in the order.

Ms. Catherine Fife: Clause-by-clause? Noon today.

The Chair (Mr. Dave Smith): 6 p.m. today.

Ms. Catherine Fife: Thank you very much for coming in, Pam.

Ms. Pam Frache: Thank you. Just to echo what you said: The tragedy is that there are employers who are setting an example, and who support decent wages and working conditions. Actually, this government has made it easier for employers to violate the law and reduced the fines for employers who violate the law. This is not a government that is standing up for working people; it's a government that's siding with corporations.

Ms. Catherine Fife: Thank you for saying that and thank you for bringing the voices of the ornamental horticultural workers to this. I think that if we'd had more opportunity to actually reach out to people and to reach out to organizations—they don't know how messy and how big this piece of legislation is.

The Chair (Mr. Dave Smith): Thank you. We've come to the end of that presentation.

CARPENTERS' DISTRICT COUNCIL OF ONTARIO

The Chair (Mr. Dave Smith): I'd like to call up the Carpenter's District Council of Ontario. Please come to the table and introduce yourselves. You have six minutes for your presentation.

For clarification, it was 12 noon on Friday for presentations.

Ms. Catherine Fife: Friday at noon. Okay. That leaves a lot of time.

The Chair (Mr. Dave Smith): We have a hard deadline of 6 p.m. That only gives us 17 minutes.

Mr. Mike Yorke: All right. Thank you very much. Firstly, I'd like to say thank you very much to the committee for the opportunity for the Carpenters' District Council

of Ontario to depute. My name is Mike Yorke. I'm president of the Carpenters' District Council of Ontario, and we're here today speaking on behalf of our 27,000 members around the province.

I'm going to leave it up to my colleague Mark Lewis, legal counsel, to do the deputation—

The Chair (Mr. Dave Smith): Sorry, I'm going to interrupt for a second.

The room next door has closed-captioned TV. We are at capacity right now. If you'd like to go into the room next door, you can watch the proceedings from there. Thank you.

Sorry about that.

Mr. Mike Yorke: Not a problem. Mark is here.

Mr. Mark Lewis: Thank you. I am Mark Lewis. I'm the general counsel for the Carpenters' District Council of Ontario. We are here speaking on section 9 of Bill 66. We are opposed to those provisions as currently drafted and would strongly ask—

The Chair (Mr. Dave Smith): Sorry, I'm going to stop you again.

We are at capacity. We can't have people standing in front of the door. You can watch it from the room next door. You will have to move over to next door. I'm sorry.

I won't take that from your presentation time. Go ahead.

Mr. Mark Lewis: We represent construction employees, primarily carpenters, across the province. We represent construction employees, primarily carpenters, who are employed by every sort of employer that falls within the definition of deemed non-construction industry employers under Bill 66.

We believe we have more collective agreements, more bargaining rights and more members working for such deemed non-construction employers than any other single union and we stand to be significantly negatively impacted—more importantly, for the purposes of these few minutes that we have today, our members stand to be significantly negatively impacted by these changes.

We have men and women who have worked hard for their employers, for the cities that they work for, for the universities that employ them, the school boards, Toronto Community Housing. You see some of them here today. They've been trying to come in. They've come off their job sites so you can see the impact.

If this bill is passed as is, the collective agreements under which they work will be eliminated. The bargaining rights will vanish. They will instantaneously become non-union employees. They will be subject to any whims in terms of their wage rates, in terms of other working conditions that their employers want to make of them. I'm not saying their employers will change those things, but they are perfectly capable of changing those things.

More significantly, or perhaps most significantly, for these members, because of their unique employment relationships and collective bargaining patterns which apply in the construction industry, these workers—workers who have come down here today—don't get their benefits or their pensions from their employers. They get their benefit coverage and their pensions from their unions through their collective agreements. If this bill passes as is, these men and women will no longer be covered for benefits. These men and women will no longer be able to contribute to the pension plans that they've been working under for, in some cases, 25 years.

We understand the government wants to do something about what it considers deemed non-construction employers. It believes—and I'm not sure why, based on the empirical evidence—there is a need to increase the pool of contractors that can bid on this kind of work where there are collective agreements in place. If that is the problem, then go to the industry. The construction industry in Ontario is one of the most pragmatic, dynamic industries anywhere in the world. Speak to us, listen to us and we will come up with solutions which we think can work.

We are not interested in featherbedding. We are interested in our members producing decent work—these buildings in which we sit, this community in which we all work, communities across the province in which we live—for a decent return and decent working conditions concerning their job security. We can work with anybody, but we cannot believe as a union that this government intends to strip benefits and pension rights from workers, but that's what this bill does.

The construction industry is a unique industry, with unique labour relations. That's why it has its own specific sections of the act.

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Mark Lewis: I would urge this committee to go to the industry and work with the industry rather than simply making this change, with all of the unintended consequences and all of the ongoing litigation and problems that are going to come about if it's passed.

The Chair (Mr. Dave Smith): Thank you. Ms. Fife.

Ms. Catherine Fife: Thank you for coming here, and thank you for such a strong presentation. I have to say, there was also a presentation previously by the construction trades council of Ontario which had the same messaging, and really put it to the committee that this would be precedent-setting if this schedule passes, if Bill 66 passes as is right now.

They raised a very good point of view around significant opportunity or chance for legal action and a charter challenge on this. They referenced that because this schedule is embedded in this piece of legislation, they pointed out that the challenge would point out that:

"—it nullifies freely bargained collective agreements without any consultation;

"—it eliminates the bargaining rights of trade unions which were acquired in accordance with the law...; and

"—it violates international treaties, covenants and conventions to which Canada is a signatory."

1750

In essence, it confirms what you've said, that "upon this bill coming into force they"—your members—"will become non-union workers, by government fiat and without having any say in the matter."

Can you comment on a legal challenge to this schedule?

Mr. Mark Lewis: I couldn't comment on the outcome of any legal challenge. What I will say is that the carpenters' union as an institution is committed to defending the rights of our members, and if that's the path we have to go down, there will be legal challenges.

I would also say this, which I think goes beyond what the building trades said: We take the position that this piece of legislation would be unconstitutional and, accordingly, the collective agreements would continue to run. If we are successful in the courts, therefore, there would be significant liabilities in terms of damages of every employer that took advantage of such unconstitutional provisions, which would have to be dealt with and reckoned with some three to four years down the road.

But what I want to emphasize is, that's not the road we want to go down. We don't want to have a fight in the Supreme Court of Canada about the productivity of the Ontario construction industry and dignity for Ontario construction workers, who work really hard. Why don't we try to get the legislation right to begin with, rather than having to have a fight four years from now?

Ms. Catherine Fife: Yes, and I think that was a consistent message as well. The lawyers are doing okay in the province of Ontario since this government got elected, I have to tell you, because we're in court on a number of issues and I think there will be further court challenges. But the goal is actually to ensure that workers' rights are maintained.

I want to get to the point around consultation. Can you give us some sense of what conversations are ongoing right now with the government? The construction trades have proposed some amendments. Are you at that stage with this government? We go clause-by-clause on Wednesday on this bill.

Mr. Mark Lewis: As far as I know, the government has never sought to consult with the carpenters' union on this specific piece of legislation.

Ms. Catherine Fife: So there are no conversations right now happening with the government and you were not consulted at all with regard to these changes?

Mr. Mark Lewis: Well, I wouldn't say there are no conversations. We talk to the government of Ontario about all sorts of things on an ongoing basis.

Ms. Catherine Fife: On this specific schedule?

Mr. Mark Lewis: On this specific, no.

Ms. Catherine Fife: The nullification of collective agreements will happen if this bill passes as-is right now, and then you'll be in a position to either take legal action or not.

Mr. Mark Lewis: Yes, I suppose so.

Ms. Catherine Fife: Do you have some sense as to the motivation of this government as to why they are going down this road, which is a very conflict-ridden path to take with workers in the province of Ontario?

Mr. Mark Lewis: As I understand the purpose of the bill, and I take the government at their word on this, they want to introduce efficiencies and make Ontario more productive. With respect to this particular section of the bill, as I understand it, they believe that would happen or could happen if those municipalities and/or other deemed non-construction employers are removed from some of the provisions of the single province-wide collective agreements, which are legally binding upon them now. As we say in the brief, if that's the problem, deal with that. There are ways of increasing the pool of contractors or subcontractors that can bid—

The Chair (Mr. Dave Smith): Thirty seconds.

Mr. Mark Lewis: —on work without going to the draconian extreme of cancelling collective agreements, tearing up bargaining rights and leaving workers as non-union workers without benefits or pensions.

Ms. Catherine Fife: And you outline that in your conclusion, saying that schedule 9 of Bill 66 is unfair, unnecessary and will only weaken Ontario's thriving construction industry. That's not how you open Ontario up for business, is it?

The Chair (Mr. Dave Smith): Thank you. We've come to the end of the time.

Ms. Skelly.

Ms. Donna Skelly: Thank you, Mr. Iannuzzi. I just wanted to—

Mr. Mark Lewis: I'm Mr. Lewis.

Ms. Donna Skelly: You're Mr. Lewis. I apologize.

Mr. Mark Lewis: Tony Iannuzzi is our executive secretary-treasurer. He's not here today. The names are at the back of the brief.

Ms. Donna Skelly: Sorry about that. I apologize.

I just wanted to, for the record: I have a notation that your representatives did meet with the Minister of Labour in September to discuss this particular issue.

Mr. Mark Lewis: I was there. We didn't discuss this issue in September.

Ms. Donna Skelly: Okay, thank you.

I'm a former city councillor in Hamilton. It's one of the municipalities that struggled with the closed process. I witnessed first-hand a number of projects that were closed, obviously, to anybody that wasn't a signatory to the carpenters' union. That prevented the number of people who could bid on it from actually bidding.

Since this has been discussed and proposed, we've had tremendous support from city council in Hamilton, and also in Kitchener-Waterloo, in fact. I understand that a project that had been put out for tender has been pulled back, and since then, they've doubled the number of bids in anticipation of these changes. Clearly—and I have witnessed it—it is a reduction in terms of the costs for the taxpayers.

I guess my question is—and I do know the history behind how the city became closed in this process—why wouldn't you embrace these changes, knowing that anybody that is a signatory to the carpenters' union is still able to bid on any project that's put forward by either of these municipalities or any other school board or any other organization?

Mr. Mark Lewis: On that point, I'm sorry if I haven't made myself clear. We are not Luddites. I don't have my head in the sand as an ostrich. If there are situations where there are not sufficient competitive bids, then the carpenters' union is every bit in favour of opening up the

bidding process. We have tried with the city of Hamilton and have not been successful, for various reasons.

We have had a much better relationship with the region of Waterloo, where we have put in place the variants in our collective agreements which allow for significant numbers of non-union general contractors to bid on work, while still protecting the integrity of our collective agreements and the work security of our members.

Ms. Donna Skelly: But what about—

Mr. Mark Lewis: Sorry, if you could just let me finish, because you did ask a two-part question.

Ms. Donna Skelly: We are running out of time.

Mr. Mark Lewis: That would be one part of your question. My response is, though, this bill doesn't just do that. It rips up our agreement, and our individual members—

Ms. Donna Skelly: I'm asking you to speak to this because we're running out of time.

Mr. Mark Lewis: You were asking me why we wouldn't be in favour of this bill. I tell you, our individual members—

Ms. Donna Skelly: No, I didn't ask you that. I asked you why you wouldn't be in favour—and I'm saying, to speak to the fact that this still allows the carpenters' union to bid on any of these—organizations to bid on any of these projects. It's just opening up the bidding process to all unions, really. It's not just keeping it for these particular four municipalities, restricting other unions from bidding on it—unless they are a signatory, I should say, to the carpenters' union.

Mr. Mark Lewis: I would just point out that the carpenters' union doesn't bid on any projects.

Ms. Donna Skelly: Sorry, the companies that are signatories to the carpenters' union.

Mr. Mark Lewis: Companies that are signatories to us bid on projects.

Ms. Donna Skelly: Right.

Mr. Mark Lewis: We are in favour of protecting the integrity of our collective agreements, which come within the statutory provisions of the act, which this government, like all other governments since Bill Davis, put in place to protect and promote the specific aspects of employment in the construction industry in which our members work.

As I said before, this bill goes far beyond what you have just said. It tears up the collective agreements for ordinary carpenters, men and women, who are working directly for these employers, and will strip them of their rights to wages, to benefits, to terms and conditions of employment, and to their ongoing pension contributions.

Ms. Donna Skelly: I would argue differently.

You are also aware that any municipality that currently is closed tendering can opt out. They can actually say that they want to keep the status quo.

Mr. Mark Lewis: I wasn't aware of that. If that's an amendment that is being put forward, I'm not sure when that was. It doesn't alter our position as far as we are concerned.

The Chair (Mr. Dave Smith): I'm sorry. We've hit 6 o'clock. That is the end of the time that we've been allotted. At this point, the presentations are completed. Thank you very much.

We will be adjourned, then, until Wednesday, March 20 at 9 a.m. for clause-by-clause consideration. It is here in committee room 2.

The committee adjourned at 1800.

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