

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

No. 19B

**Journal  
des débats  
(Hansard)**

N° 19B

2<sup>nd</sup> Session  
42<sup>nd</sup> Parliament  
Wednesday  
17 November 2021

2<sup>e</sup> session  
42<sup>e</sup> législature  
Mercredi  
17 novembre 2021

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Speaker: Honourable Ted Arnott  
Clerk: Todd Decker

Président : L'honorable Ted Arnott  
Greffier : Todd Decker

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



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

ISSN 1180-2987

## CONTENTS / TABLE DES MATIÈRES

Wednesday 17 November 2021 / Mercredi 17 novembre 2021

### PRIVATE MEMBERS' PUBLIC BUSINESS / AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉES ET DÉPUTÉS

#### **Preventing Worker Misclassification Act, 2021, Bill 28, Ms. Sattler / Loi de 2021 visant à empêcher la classification erronée des travailleurs, projet de loi 28, Mme Sattler**

Ms. Peggy Sattler.....	987
Mr. John Fraser.....	988
Ms. Suze Morrison.....	989
Mr. Tom Rakocevic.....	990
Ms. Marit Stiles .....	990
Mr. Deepak Anand .....	991
Mr. Joel Harden .....	992
Ms. Peggy Sattler.....	993
Second reading vote deferred .....	993



LEGISLATIVE ASSEMBLY  
OF ONTARIO

Wednesday 17 November 2021

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mercredi 17 novembre 2021

*Report continued from volume A.*

1800

PRIVATE MEMBERS'  
PUBLIC BUSINESS

PREVENTING WORKER  
MISCLASSIFICATION ACT, 2021  
LOI DE 2021 VISANT À EMPÊCHER  
LA CLASSIFICATION ERRONÉE  
DES TRAVAILLEURS

Ms. Sattler moved second reading of the following bill:  
Bill 28, An Act to amend the Employment Standards Act, 2000 with respect to the employer-employee relationship / Projet de loi 28, Loi modifiant la Loi de 2000 sur les normes d'emploi en ce qui concerne la relation employeur-employé.

**The Deputy Speaker (Mr. Bill Walker):** Pursuant to standing order 101, the member has 12 minutes for the presentation. I return to the member from London West.

**Ms. Peggy Sattler:** Thank you very much, Speaker. I am pleased to rise this afternoon to lead off debate on Bill 28, the Preventing Worker Misclassification Act. I'm proud to join my colleagues in the Ontario NDP to fight for gig and contract workers in this province.

Speaker, if we have learned anything over the past 20 months, it's how much we depend on essential workers and it's the importance of workplace protections to keep these workers safe. The pandemic has also exposed how little we value these workers. We don't pay them the wages they deserve. We force them to go to work sick because they can't afford to stay home. We make them work in unsafe conditions without proper PPE. What's clear is that we should be strengthening workplace protections, not watering them down.

This is especially true for the essential workers we relied on the most during the pandemic and who face the greatest risks, many of whom work in low-wage jobs as food couriers, delivery drivers, cleaners, home health aides, truck drivers, construction workers and more.

In developing this bill, I talked to food couriers who ended up working for \$3 an hour last summer when Uber changed its pricing scheme. I heard from a cleaner who had been working for 10 years at the same company for below minimum wage and was told that she didn't qualify for minimum wage because she wasn't an employee. Speaker, thousands of Ontario workers are regularly

denied basic workplace rights because they are misclassified as independent contractors when they are actually employees.

My bill amends the Employment Standards Act, the ESA, to help recognize gig and contract workers as the employees they are. Without that recognition they cannot access any of the employment protections of the Employment Standards Act. As independent contractors, they are not covered by any of the provisions of the ESA, like minimum wage, paid overtime, vacation pay, statutory holiday pay, parental leave, termination notice, severance pay and the paid sick days that every worker deserves. They are not covered by other workplace protections, like WSIB coverage, the right to refuse unsafe work, and access to unionization.

And although it is illegal under the Employment Standards Act for employers to misclassify their employees as independent contractors, employers do it anyway because it saves them money. It's cheaper for them to call their workers "independent contractors" because it means they don't have to pay overtime. They don't have to pay minimum wage. They don't have to pay vacation. They don't have to pay severance.

But when misclassification cases have gone before the courts, legal rulings have made clear that it doesn't matter if their employer calls them an independent contractor; what matters is what these workers do. Ontario employers who have misclassified their employees can face huge financial penalties in back payments owed. Even if the misclassification is accidental, employers are still liable financially, which means that preventing misclassification is important to businesses as well as to workers. Unfortunately, the provisions of the ESA regarding who is an employee and who is an independent contractor are vague and imprecise and difficult to understand. As a result, various common law legal tests have been developed over time to determine employee status, with an extensive list of factors that must be taken into consideration.

There are two main problems with this approach, however, Speaker. First, you basically have to be a lawyer in order to understand the factors, and the decisions have been made by the courts on a case-by-case basis, therefore there is no clarity and there's no predictability. The second problem is that the ESA makes it the worker's responsibility to prove that they are an employee and not an independent contractor. The vast majority of workers do not have the capacity or the resources to take their employer to court—although they are signing on to class actions, which I will get to later in my remarks.

Speaker, it wasn't always the worker's responsibility to prove this in court. I want to remind MPPs that for a very brief time, the onus was on the employer to prove that their worker was not an employee. Reversing this requirement was among the very first attacks on labour that were launched by the Ford government right after they were elected in 2018, along with cancelling the minimum wage increase, eliminating the meagre two paid sick days that workers fought so hard to achieve, ending equal pay for equal work and other provisions that undermined worker rights.

My bill is designed to prevent worker misclassification by making employee status the default and requiring employers to prove that the person they are hiring is not an employee. My bill also simplifies and clarifies the test for an employee versus an independent contractor.

Bill 28 would make Ontario the first province in Canada to legislate the gold-standard ABC test to determine whether someone who is paid to do work is actually an employee. The test was first introduced in California in 2019, and is already used in a majority of US states to determine eligibility for some or all workplace protections. Instead of making workers responsible for proving that they are not independent contractors, the test puts the onus on employers to prove that a worker is not an employee.

Employers must show that the work performed is (a) being done without the direction and the control of the employer, (b) outside the usual course of the employer's business, and (c) being done by someone who has their own independent business or trade doing the same kind of work that they are doing for the employer. Employers must prove all three parts of the test before they can claim that the worker is not an employee. My bill also sets out criteria to allow exemptions for legitimate business-to-business contracting relationships, to support freelancers, consultants, entrepreneurs and others who are self-employed.

These changes, Speaker, address the rampant misclassification that has gone unchallenged for years in certain sectors, as well as the explosion of platform-technology gig work that we have seen over the last five years. Uber and other multi-million-dollar app-based technology companies, especially those in food delivery, have created a business model that relies on not recognizing their workers as employees. This is despite the fact that these workers meet many of the criteria considered by the courts. Their employer schedules their shifts. Their employer owns and exercises exclusive control over the app, which is the main tool that they use for their job. Their employer requires them to use branded delivery bags. They are subject to progressive discipline. There is performance monitoring. In particular, the work that food couriers do is exactly the sole business purpose of these technology apps like Uber, SkipTheDishes, DoorDash etc.

But courts around the world are ruling otherwise. They are finding that gig workers are employees. Between February and September of this year, courts in Britain, Italy, Spain and the Netherlands all ruled that delivery app

workers must be classified as employees. In August of this year, Ontario's Superior Court certified a class action lawsuit against Uber, arguing that Uber couriers do meet the definition of employees under the current Employment Standards Act. A similar class action lawsuit against SkipTheDishes is under way in Manitoba. These lawsuits could rule that thousands of Uber and SkipTheDishes drivers are not independent contractors and they are owed millions of dollars in back pay under the ESA.

#### 1810

Uber sees the writing on the wall and is realizing that the way they're misclassifying drivers as contractors when they're really employees is not likely to continue, so they are spending significant resources and engaging in extensive lobbying efforts to get governments to change employment standards law. In the US, they spent \$200 million to convince Californians to vote in favour of Prop 22 that allowed them to classify couriers and drivers as independent contractors. Although, in August of this year, Prop 22 was ruled unconstitutional by the California Supreme Court.

In Canada, Uber has been actively shopping around a proposal to carve gig workers out of the Employment Standards Act to create a new subclass of workers with lesser rights to avoid having to recognize gig workers as legitimate employees. These companies—Uber and others—have found a willing partner in Doug Ford, whose government hastily convened a rushed process in June with absolutely no worker representation that had “supporting technology-platform workers” as one of its three pillars. To keep their drivers' wages down and their company profits up, Uber wants to legislate a third category of workers so they can legally deny gig workers their rights as employees. Speaker, the Ontario NDP flatly rejects that approach.

Despite the efforts of the Doug Ford government to reinvent themselves as a friend of labour, workers won't be fooled. The Ford government's low-wage policies and his constant attack on worker rights have shown time and again that Doug Ford is not here for workers. Doug Ford is more interested in what his big-tech buddies want than in what gig workers need.

The Preventing Worker Misclassification Act is part of the NDP's plan to support gig and contract workers. It makes sure that every worker in Ontario gets the benefits and protections they deserve while levelling the playing field for employers who are doing the right thing and recognizing their workers as the employees they are.

Thank you very much, Speaker, and I look forward to the debate.

**The Deputy Speaker (Mr. Bill Walker):** Just before we continue debate, I'll just remind all members that when referring to someone else from the Legislature, refer to them either by their riding or by their title. Thank you.

I recognize the member for Ottawa South.

**Mr. John Fraser:** I want to thank the member from London West for bringing this bill forward. I'll be supporting the bill, because I support the principle that's in the bill. It's something that we need to address.

I will say this with all due respect: On my first read, I kind of felt like I was doing Abbott and Costello's "Who's on First?" between the first and the second business. It's a hard read. So I think it does need to get to committee, because I think we need to look at that and make sure we didn't miss anything—not that we shouldn't be doing this but that we don't have a loophole in there that may be taken advantage of.

Here's the bottom line: We have workers here in Ontario now who aren't subject to the same employment standards that other workers are, and those are actually migrant workers. We just heard about that in committee. It's pretty incredible: people who come here to help us sustain our economy, and they don't have the same rights. Well, that's what's happening with gig workers, except they're not travelling long distances to be away from their families to work here and go back home; they live here.

So when the government moved to take the misclassification section out of Bill 148, what they did in Bill 47 back in the summer of 2018, that's just going in the wrong direction. We have to address this. Families cannot thrive unless they have a decent wage, they have decent benefits—

*Interruption.*

**Mr. John Fraser:** Excuse me. It's probably one of my kids. Sorry about that. I was just on a roll, too. Someone's in trouble. Someone's in big trouble.

Families can't thrive unless they have a decent wage, unless they have work that allows them to actually be with their families when they need to be with their families.

We can't ignore this, because at the end of the day we're going to pay for it. If people don't have those protections that they need, we're going to pay for it in one way or another here. So why not just actually make some rules that are clear for everybody, some basic standards, so we don't leave groups like gig workers and migrant workers out of the equation?

There is no good reason for that, and if there is any good example to tell you why we can't do that, look at long-term care. Look at long-term care and PSWs, their wages. It wasn't enough to sustain people, it didn't help their families thrive, but they did work that was critical to our families. And who were they? Largely women, largely racialized. To be frank, it was something that didn't get a lot of attention. I know we raised wages of PSWs by \$4 an hour in 2014 or 2015 or 2013—I can't remember the time—and that still wasn't enough.

So we have to make sure that people who are serving us—and a lot of gig workers are, through things like driver apps—can sustain themselves and their families, that they have the same rights that we do, or that we would expect. What would we expect for our children? Do we want to create a province where our children will not have the same rights as other people because an app excludes them from those rights? Things are changing. We need to change too.

That's why taking the reverse onus on the misclassification of employees out of Bill 148 was a big mistake. There were lots of other ones: the minimum wage and equal pay

for equal rights. But in terms of addressing this problem—because if we don't address it now, we're going to have other problems that we need to address five and 10 years down the road from now and a lot of people are going to suffer.

As I said earlier, Speaker, I support this bill. I fully support the principle. It's something we have to address. We can't turn our heads away from it. I think it's important that we get to committee, that we have a full discussion. I think there's more that we need to do on this and that future governments are going to have to do on this, because this is what's coming at us. I think we want to make sure that we have fairness for all Ontario workers. I thank you for your time, Speaker.

**The Deputy Speaker (Mr. Bill Walker):** I recognize the member for Toronto Centre.

**Ms. Suze Morrison:** I want to start by thanking my very good friend the member from London West for bringing forward this important bill today. I also want to recognize the gig and contract workers who have taken time out of their dinner shifts tonight who I know are watching the debate at home. Thank you for all your advocacy for precarious workers in Ontario.

Speaker, I don't think anyone in this province or in this chamber could deny that gig and contract workers played an incredibly important role throughout the pandemic, many delivering food through our front doors, allowing us to stay in and stay safe with our families during the worst parts of our lockdowns. These essential workers are just fighting for equal and fair treatment, something they don't currently have under Ontario law.

I recently heard from Jennifer, the president of Gig Workers United, who shared that her co-workers feel like heroes—and they are. They feel pride for what they have been doing during this pandemic, pride in knowing that they helped keep their community safer. I heard how Jennifer regularly delivers to a family with four children who have come to love waiting outside to greet her when she comes around. The parents told Jennifer how difficult it was for them to rally their four children to make a trip out of the home safely. Workers like Jennifer keep parents and children in our communities safe, and have throughout this pandemic.

But workers like Jennifer are told by multinational companies like Uber, who lobby their buddies in this Conservative government, that they don't deserve the same rights as other workers.

Jennifer reached out to my office and said, "Misclassification is violence. It's dehumanizing. You are constantly reminded that you don't have rights. If my health and safety rights are violated, I cannot hold my employer accountable. It feels like being an essential worker is coded language for being an expendable worker. We never even had paid sick days under" the Premier's "plan."

**1820**

Speaker, gig workers have waited far too long. It is no secret that a deeply rooted agenda of the gig economy is to roll back and erode workers' rights. That's why I'm so

thrilled to be supporting my friend the MPP for London West's bill here tonight.

We need to ensure that gig workers are properly classified under the Employment Standards Act, giving them access to basic rights and protections, like minimum wage, like vacation pay, paid sick days and benefits. An employee is an employee, and all employees deserve rights and protections.

I'm so proud to stand with my NDP colleagues tonight as we fight for workers. This bill will make Ontario the first province to legislate a gold standard ABC test for worker classification which puts the onus for once on the employers to prove that a worker is not an employee.

Speaker, all workers deserve to be treated fairly under the law, and with this bill we can take an important first step to do just that.

**The Deputy Speaker (Mr. Bill Walker):** I recognize the member from Humber River–Black Creek.

**Mr. Tom Rakocevic:** I thank the member for London West, who is always a stalwart fighter for workers' rights.

Thousands of workers right here in Ontario, people who work hard every day to make ends meet and put food on the table for their families, are being denied basic workplace rights. Because of this classification, workers who have been working a job for a long time have no vacation pay, no minimum wage, no paid sick days, no benefits whatsoever. This includes: the workers who help take care of our loved ones in long-term care; the workers who clean our offices and our homes; the workers who deliver the goods to keep our economy going; the workers who prepare the food we eat; the workers who deliver meals from our favourite restaurants right to our doorstep. The list goes on.

We must protect our workers. These workers are being exploited by large corporations, in many cases, that make astronomical profits yet refuse to pay for even the most basic benefits for their workers. While the cost of living is going up every day, wealthy corporations like Amazon, who are making record profits during the pandemic, pad their profit margins by denying employees basic rights and decent pay.

The average cost of rent in Toronto for a one-bedroom apartment is \$2,006 a month; for a three-bedroom apartment it's \$2,600 a month. The average Canadian family spends \$1,100 a month on groceries. It costs more than \$75 a month for a decent Internet connection. In my community, an average auto insurance premium is nearly \$3,000 a year. The average cost for child care in Toronto is more than \$1,700 a month. Need I go on?

While many Ontario workers are struggling to pay the bills, wealthy corporations like Amazon, who made \$21.3 billion in profits in 2020, nearly double what they made in 2019, continue to shortchange their workers. In fact, right now, Amazon is facing a \$200-million class action lawsuit from delivery drivers for unpaid wages and benefits. Even though Amazon retains full control over their drivers, they classify them as independent contractors and can promptly fire them for anything. And while these corporations continue to make record profits, they won't even give their

workers paid sick days. This has caused many to make the impossible choice between going to work sick or staying home and not being able to put food on the table for their families.

We must be there for our workers and ensure they get the salary, the rights and the protection they deserve.

**The Deputy Speaker (Mr. Bill Walker):** I recognize the member for Davenport.

**Ms. Marit Stiles:** I want to start by thanking the member for London West for introducing this very important legislation.

Every single day in Ontario, a group of workers gets up, hops on their bike or in their car and heads out to perform essential jobs that keep our economy moving—jobs like getting people to where they need to be or delivering meals or groceries; jobs in food production or cleaning public buildings. They work long hours and have put themselves at risk throughout the lockdowns and the various waves of COVID so that the rest of us can stay safely at home.

But despite the importance of their work and the skill that they bring, these workers get no vacation pay, no minimum wage, no paid sick days and no benefits. Why? Because they are misclassified as independent contractors. Despite being employed by large and growing multinational corporations, they are working longer for less, without protection, because those companies have managed to convince government after government that their workers are worth less. This exploitation has gone on for far too long, and I'm so pleased that this bill from the member for London West will finally end it.

Davenport, my riding, is home to hundreds of gig and contract workers, including many who have been at the forefront of this movement for fairness; folks like Gig Workers United, formerly Foodsters United, who have been active in petition drives, hosting music and awareness events, and signing up members. Together with allies in the labour movement like the Canadian Union of Postal Workers, United Food and Commercial Workers and the OFL, they've inspired people around the world and have built worker power to help bring about this change.

Let me tell you, Mr. Speaker, New Democrats are listening, and we are acting. Today we have an opportunity to make Ontario the first province to legislate the gold standard ABC test for worker classification. It puts the onus on employers to prove that a worker is not an employee if they plan to treat them like they're not. We can correct this injustice, we can protect a vulnerable group of workers, and we can send a clear message that we will not accept efforts to divide workers with new classifications that give them fewer rights.

I urge all members to join us today. Let's get this bill passed.

**The Deputy Speaker (Mr. Bill Walker):** I recognize the parliamentary assistant to the Minister of Labour, Training and Skills Development.

**Mr. Deepak Anand:** Before I start, I want to thank the member for introducing a private member's bill for workers, a bill to amend the Employment Standards Act to include a test for when a worker is misclassified as an



employee. Speaker, I'd like to assure the member opposite and workers across Ontario that we take the enforcement of employment standards very seriously. Workers deserve to be treated fairly, and we will continue to do all we should to protect our workers and their rights.

The Employment Standards Act already prohibits employers from misclassifying their employees as independent contractors. The definitions in the act are well-established and align Ontario along with other provinces. While what the bill is proposing is already being taken care of, given the existing requirements of the act, I would like to thank the member for highlighting this important issue.

Mr. Speaker, this government stands shoulder to shoulder with workers. We are committed to their fair treatment and a just system that already includes policies to ensure that they are not misclassified. In addition, the ministry enforces the Employment Standards Act not only by investigating claims but also by carrying out proactive inspection to deter non-compliance.

Anyone with questions about employment status and rights can visit the ministry website. It is [www.ontario.ca/esaguide](http://www.ontario.ca/esaguide). Or you can even call our Employment Standards Information Centre at 1-866-531-5551. Mr. Speaker, we are a diverse province, and we feel proud of it. That is why the services are available in multiple languages.

The world of work has been changing for decades, but the pandemic in the last 20 months has dramatically accelerated the rate of change here in Ontario and across the world. The pandemic has led to a drastic transformation of our work environment. Many commuters who shifted to remote work during the height of the pandemic are continuing to work from home or adopting a hybrid model.

The pandemic has also accelerated trends such as automation in workplaces. Employers have adopted new technologies to allow for social distancing in sectors including manufacturing, distribution, retail and transportation. We have also seen an increase in gig workers, especially digital platform workers, who drive us to our destinations and deliver food to our doors.

Mr. Speaker, some of these changes are temporary and may soon be gone as we return to normal, or maybe a new normal. But many of these will continue to transform how we work, long after the pandemic ends. In the midst of all these shifts, one thing is clear: The future of work is already here, and we will always stand with workers and provide them with support.

**1830**

Our government is taking steps to ensure Ontario workers continue to be protected and progress in their careers. Mr. Speaker, as Minister Monte McNaughton says—I call him a champion for the workers—we are committed for improving worker protections, creating better opportunities for workers and thus creating a bigger paycheque, and we will continue to do that. We are standing up for workers by treating them with respect and fairness while helping them adapt to a new work environment. We are ensuring our laws continue to protect their

basic rights and their well-being and safety, both now and in the years to come.

We're also making sure Ontario remains the dream destination for workers outside our borders. That is why we have put forward changes designed to protect, support and attract workers, while giving businesses a competitive environment that sparks innovation and growth. Simply put, Mr. Speaker, we're ensuring Ontario remains the best place to live, work, raise a family and thrive.

We recently introduced the Working for Workers Act. First, the pandemic has blurred the lines between work and home. Millions of workers shifted to remote work overnight, and without a commute it became easier to work longer hours or check emails when off the clock. That is why we have introduced changes requiring employers to establish policies to let workers unplug from their devices. For example, this could include encouraging employees to turn on out-of-office notifications when they're not working. This sends a clear message to workers that their personal time, their family time is valued and is important. As the Minister of Labour said, we are more than just our jobs. We are parents, we are members of faith communities, we are hobbyists, we are volunteers and we are self-individuals.

Mr. Speaker, we also heard about the non-compete clauses that are being used inappropriately to stifle competition. While these agreements are almost never legally enforceable, employers still often use them to intimidate their workers, especially the vulnerable ones. This can have the unfortunate effect of discouraging workers from pursuing opportunities that would help them grow professionally. That is why we have introduced changes to ban these agreements in Ontario. This would help more workers advance their careers and connect the thousands of start-ups in Ontario to the talent they need to grow and expand in the competitive market.

We also continue to stand up for our delivery drivers. These front-line heroes often drive for eight hours, delivering in locations that don't even have rest stops, cafés or restaurants. We heard from them during the pandemic that sometimes they have to walk two kilometres just to use a washroom. That is why we proposed to require business owners to allow workers delivering or picking up items to use a washroom at their businesses. These drivers kept essential goods moving throughout the province, at a time when we needed it most. They should have access to basic amenities, including washrooms, when making these deliveries. They deserve to be treated with respect.

In addition to this, we are also proposing changes that, if passed, would make it easier for the people who come to Ontario with credentials from another country so that they can work in their chosen field. We want to welcome our newcomers and let them know that they are welcome here in Ontario, which is the right place to live and thrive. Their skills and knowledge are valued here, and our government has their backs. We have over 291,000 jobs going unfilled. We want to make sure that they come here, get recognized and thrive, so we're going to help them find good jobs in their fields much faster. That will help not

only them; it will help Ontario grow and prosper. It will result in an increase in GDP of \$12 billion to \$20 billion in the next five years. And what does that mean? More money for Ontarians and more revenue for the government, so that the government can take that revenue and flow it back into the services that are needed today.

We're also keeping vulnerable workers safe by cracking down on recruiters and temporary help agencies who do not follow the rules. While most temporary help agencies and recruiters are upstanding operators, this pandemic has shown us there are some who are breaking the law. This is unacceptable and needs to be stopped. Underground operators should not be making millions of dollars off the backs of the workers while not paying them minimum wages, holiday pay and overtime pay. It is time we return these stolen paycheques back to the workers who earned them and level the playing field for temporary help agencies and recruiters who follow the rules.

Speaker, the plan our government is proposing is the most comprehensive plan in the whole of Canada. If passed, it would require temporary help agencies and recruiters to get a licence, pay an application fee, provide security and be listed on a public online database. Those who fail to get a licence, or choose to use an unlicensed temporary help agency or recruiter, could face significant penalties. These steps will protect our young people, women and newcomers, who are often the most exploited by these bad actors.

Ontario's economy is getting back on its feet as the province reopens. In addition to the above measures, we need to ensure workers continue to be supported, especially in hard-hit sectors like hospitality. That is why we are proposing to increase the minimum wage, which is currently at \$14.35 per hour, to \$15 an hour.

For the people in the hospitality sector, it is going to be an approximately 19% increase to \$15 an hour, removing the lower special minimum wage for liquor service and everyone starting in January 2022. We know how hard these hospitality workers work and how hard their sector was hit by the pandemic. The lower minimum wage was justified by the opportunity for tips, but tips are not always dependable and in some cases are pooled with other workers. The situation was unfair, so we're making sure servers, too, get paid at least minimum wage.

Speaker, I appreciate the opportunity to highlight a few of our government's recent actions to rebalance the scales and put workers back in the driver's seat. We are confident our proposed changes will help make Ontario known worldwide as the best place to live, work, raise a family and thrive. I urge all members in this House to stand beside workers. The best way to do this is by supporting our government's Working for Workers Act. Thank you.

**The Deputy Speaker (Mr. Bill Walker):** I recognize the member for Ottawa Centre.

**Mr. Joel Harden:** You know, I've often enjoyed comment from my friend from Mississauga–Malton, but I have to admit, my friend, that was my least favourite of your speeches. Do you know why, Speaker? It's becoming increasingly clear to me this isn't a group of people in

government; this is a group of people in sales. And do you know who isn't sold? The people at home, who support my friend from London West's bill, who have been trying to organize unions in the gig economy, who have been confronted by the latest armada of modern employers.

There are no longer thugs called the Pinkertons who beat you up and try to prevent you from organizing a union in your workplace. They send lawyers and consultants after you, and they write letters and they harass you and say, "You don't have a right to form a union because you're actually not an employee."

When my friend gets up in this space and says, "Oh actually, the existing labour statues have your back," folks watching at home can see right through that. You can see right through that. You know, as many people here have already said, that what my friend is introducing would put Ontario on the map to give gig workers a decent shot at a decent life. Do you know what that is, Speaker? It doesn't just stop at what the member is proposing. It then segues into the opportunity to get your ticket to a decent life, and that ticket is a union card. That's what that ticket is.

So I just want to serve notice of what my friend is doing here today, which is path-breaking. Reading between the lines of what I just heard, I really hope the government members can find it in their heart to support this, to make Ontario very clear that we believe in rights for gig workers, people who are working for these dot-com billionaires who don't pay taxes, who sit in their palatial estates, who act like the modern feudal lords of war. They might as well be running Canada and Ontario, but nobody ever votes for them.

When Jeff Bezos blasts off into space, it's a giant middle finger to every single gig worker who makes his enterprise work. So what we need in this province is a government that won't just talk about workers; we need to give them the practical tools to defend themselves in the workplace, whether it's job classification or what the leader of the official opposition announced to the Ontario Federation of Labour not long ago: that an NDP government will bring in card-check certification in this province, and first-contract arbitration.

Do you know what that means, modern-day employment lawyers who happen to be watching this? You are on notice. You're on notice that an NDP government is going to preside over the most worker-friendly time in this province's history. People out there who have been working to lights-out in this pandemic to bring us our food, to look after our elders, to do all that stuff: We are going to work for you.

And we're not just going to talk about you. We're not just going to say, "Hey, we love you," or give you an opportunity to go to the bathroom or talk about a right-to-disconnect policy that may or may not be required in your workplace. We are not a government of gimmicks and baubles and sales; that's these guys. We are a government that comes from the working class movement, that has people who have built up communities by helping folks sign union cards. We're going to get the classification you deserve in your workplace, and that is going to be a stepping stone for you to organize unions.

So to my friends in organized labour, heads up: Get your organizing departments together now, because when this bill passes, either now or later in an NDP government, you will have your opportunity to work with communities across this province to sign up hundreds of thousands of new workers in the labour movement, to tell Jeff Bezos his time is up.

**The Deputy Speaker (Mr. Bill Walker):** Further debate? Further debate?

I return to the member from London West for a two-minute reply.

**Ms. Peggy Sattler:** I want to thank the members who commented on my bill, but in particular I want to recognize the efforts of Gig Workers United, the Canadian Union of Postal Workers, the United Food and Commercial Workers, and the Ontario Federation of Labour, who collaborated and endorsed a gig workers' bill of rights.

This bill that I have brought forward today is one of the top priorities that gig workers have identified. It is not access to washrooms, and I cannot believe that the member for Mississauga–Malton suggested that providing washroom access for gig workers—it is important, but that that is how you define having workers' backs is shameful. That is not having workers' backs. Identifying these workers as the employees that they are: That is what these workers are asking for. That is what they deserve to see from this government.

It's also shocking to have heard this member, the member for Mississauga–Malton, suggest that the Employment Standards Act is working just fine in terms of classification of workers, when I shared the story of a

cleaner who had been working for 10 years for the same company and was being paid less than minimum wage. She did not have an opportunity to take her employer to court. That's the way that this legislation is currently set up. It does not protect workers.

We need a clarified and simplified test. We need the ABC test. We have an opportunity to be a leader in this country in moving forward with this new test for worker classification. It's already in place in 33 states in the US in some version or another. We should adopt that. We should move forward. We should protect gig and contract workers. They should not have to go to the courts or sign on to a class-action lawsuit to get the rights that they deserve.

**The Deputy Speaker (Mr. Bill Walker):** Ms. Sattler has moved second reading of Bill 28, An Act to amend the Employment Standards Act, 2000 with respect to the employer-employee relationship. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour of the motion will please say "aye."

All those opposed to the motion will please say "nay."

In my opinion, the nays have it.

A recorded division being required, the vote on this item of private members' public business will be deferred until the next proceeding of deferred votes.

*Second reading vote deferred.*

**The Deputy Speaker (Mr. Bill Walker):** All matters relating to private members' public business having been completed, this House stands adjourned until 9 a.m. tomorrow.

*The House adjourned at 1844.*

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Barrett, Toby (PC)	Haldimand—Norfolk	
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Bell, Jessica (NDP)	University—Rosedale	
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Blais, Stephen (LIB)	Orléans	
Bouma, Will (PC)	Brantford—Brant	
Bourgouin, Guy (NDP)	Mushkegowuk—James Bay / Mushkegowuk—Baie James	
Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
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<b>Cho, Hon. / L'hon. Raymond Sung Joon (PC)</b>	Scarborough North / Scarborough-Nord	Minister for Seniors and Accessibility / Ministre des Services aux aînés et de l'Accessibilité
<b>Cho, Hon. / L'hon. Stan (PC)</b>	Willowdale	Associate Minister of Transportation (Transit-Oriented Communities) / Ministre associé des Transports (Aménagement axé sur les transports en commun)
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<b>Fedeli, Hon. / L'hon. Victor (PC)</b>	Nipissing	Chair of Cabinet / Président du Conseil des ministres Minister of Economic Development, Job Creation and Trade / Ministre du Développement économique, de la Création d'emplois et du Commerce
Fee, Amy (PC)	Kitchener South—Hespeler / Kitchener-Sud—Hespeler	
Fife, Catherine (NDP)	Waterloo	

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Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
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Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
<b>Gill, Hon. / L'hon. Parm (PC)</b>	Milton	Minister of Citizenship and Multiculturalism / Ministre des Affaires civiles et du Multiculturalisme
Glover, Chris (NDP)	Spadina—Fort York	
Gravelle, Michael (LIB)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
<b>Gretzky, Lisa (NDP)</b>	Windsor West / Windsor-Ouest	First Deputy Chair of the Committee of the Whole House / Première vice-présidente du comité plénier de l'Assemblée
Hardeman, Ernie (PC)	Oxford	
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hassan, Faisal (NDP)	York South—Weston / York-Sud— Weston	
<b>Hatfield, Percy (NDP)</b>	Windsor—Tecumseh	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du comité plénier de l'Assemblée législative
Hillier, Randy (IND)	Lanark—Frontenac—Kingston	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Official Opposition / Chef de l'opposition officielle
Hunter, Mitzie (LIB)	Scarborough—Guildwood	
<b>Jones, Hon. / L'hon. Sylvia (PC)</b>	Dufferin—Caledon	Solicitor General / Solliciteuse générale
Kanapathi, Logan (PC)	Markham—Thornhill	
Karahalios, Belinda C. (NBP)	Cambridge	
Karpoche, Bhutilla (NDP)	Parkdale—High Park	
Ke, Vincent (PC)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London- Centre-Nord	
Khanjin, Andrea (PC)	Barrie—Innisfil	Deputy Government House Leader / Leader parlementaire adjointe du gouvernement
Kramp, Daryl (PC)	Hastings—Lennox and Addington	
Kusendova, Natalia (PC)	Mississauga Centre / Mississauga- Centre	
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Lindo, Laura Mae (NDP)	Kitchener Centre / Kitchener-Centre	
<b>MacLeod, Hon. / L'hon. Lisa (PC)</b>	Nepean	Minister of Heritage, Sport, Tourism and Culture Industries / ministre des Industries du patrimoine, du sport, du tourisme et de la culture
Mamakwa, Sol (NDP)	Kiiwetinoong	
Mantha, Michael (NDP)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
Martow, Gila (PC)	Thornhill	
McDonell, Jim (PC)	Stormont—Dundas—South Glengarry	
<b>McKenna, Hon. / L'hon. Jane (PC)</b>	Burlington	Associate Minister of Children and Women's Issues / Ministre associée déléguée au dossier de l'Enfance et à la Condition féminine
<b>McNaughton, Hon. / L'hon. Monte (PC)</b>	Lambton—Kent—Middlesex	Minister of Labour, Training and Skills Development / Ministre du Travail, de la Formation et du Développement des compétences
Miller, Norman (PC)	Parry Sound—Muskoka	
Miller, Paul (NDP)	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	
Mitas, Christina Maria (PC)	Scarborough Centre / Scarborough- Centre	
Monteith-Farrell, Judith (NDP)	Thunder Bay—Atikokan	
Morrison, Suze (NDP)	Toronto Centre / Toronto-Centre	

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Natyshak, Taras (NDP)	Essex	
<b>Nicholls, Rick (IND)</b>	Chatham-Kent—Leamington	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	
Pang, Billy (PC)	Markham—Unionville	
Park, Lindsey (IND)	Durham	
Parsa, Michael (PC)	Aurora—Oak Ridges—Richmond Hill	Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
Pettapiece, Randy (PC)	Perth—Wellington	
<b>Phillips, Hon. / L'hon. Rod (PC)</b>	Ajax	Minister of Long-Term Care / Ministre des Soins de longue durée
<b>Piccini, Hon. / L'hon. David (PC)</b>	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs
Rakocevic, Tom (NDP)	Humber River—Black Creek	
<b>Rasheed, Hon. / L'hon. Kaleed (PC)</b>	Mississauga East—Cooksville / Mississauga-Est—Cooksville	Associate Minister of Digital Government / Ministre associé délégué de l'Action pour un gouvernement numérique
<b>Rickford, Hon. / L'hon. Greg (PC)</b>	Kenora—Rainy River	Minister of Indigenous Affairs / Ministre des Affaires autochtones Minister of Northern Development, Mines, Natural Resources and Forestry / Ministre du Développement du Nord, des Mines, des Richesses naturelles et des Forêts
Roberts, Jeremy (PC)	Ottawa West—Nepean / Ottawa-Ouest—Nepean	
<b>Romano, Hon. / L'hon. Ross (PC)</b>	Sault Ste. Marie	Minister of Government and Consumer Services / Ministre des Services gouvernementaux et des Services aux consommateurs
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
<b>Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)</b>	Brampton South / Brampton-Sud	President of the Treasury Board / Président du Conseil du Trésor
Sattler, Peggy (NDP)	London West / London-Ouest	Opposition House Leader / Leader parlementaire de l'opposition officielle
Schreiner, Mike (GRN)	Guelph	
Scott, Laurie (PC)	Haliburton—Kawartha Lakes—Brock	
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
Simard, Amanda (LIB)	Glengarry—Prescott—Russell	
Singh, Gurratan (NDP)	Brampton East / Brampton-Est	Deputy Opposition House Leader / Leader parlementaire adjoint de l'opposition officielle
Singh, Sara (NDP)	Brampton Centre / Brampton-Centre	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Skelly, Donna (PC)	Flamborough—Glanbrook	
Smith, Dave (PC)	Peterborough—Kawartha	
<b>Smith, Hon. / L'hon. Todd (PC)</b>	Bay of Quinte / Baie de Quinte	Minister of Energy / Ministre de l'Énergie
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	
<b>Surma, Hon. / L'hon. Kinga (PC)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Infrastructure / Ministre de l'Infrastructure
Tabuns, Peter (NDP)	Toronto—Danforth	
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Taylor, Monique (NDP)	Hamilton Mountain	
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<b>Tibollo, Hon. / L'hon. Michael A. (PC)</b>	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Wai, Daisy (PC)	Richmond Hill	
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Wilson, Jim (IND)	Simcoe—Grey	
Wynne, Kathleen O. (LIB)	Don Valley West / Don Valley-Ouest	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Yarde, Kevin (NDP)	Brampton North / Brampton-Nord	
Yurek, Jeff (PC)	Elgin—Middlesex—London	
Vacant	Don Valley East / Don Valley-Est	

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Robin Martin, Effie J. Triantafilopoulos  
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