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**Standing Committee on
Social Policy**

Working for Workers Act, 2022

2nd Session
42nd Parliament

Wednesday 9 March 2022

**Comité permanent de
la politique sociale**

Loi de 2022 visant à oeuvrer
pour les travailleurs

2^e session
42^e législature

Mercredi 9 mars 2022

Chair: Natalia Kusendova
Clerk: Vanessa Kattar

Présidente : Natalia Kusendova
Greffière : Vanessa Kattar

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Wednesday 9 March 2022

Mercredi 9 mars 2022

The committee met at 0800 in committee room 2.

COMMITTEE BUSINESS

The Chair (Ms. Natalia Kusendova): Good morning, everyone. The Standing Committee on Social Policy will now come to order. Welcome back to in-person meetings.

I would ask the members to please keep their masks on at all times except for when speaking. This is in line with the masking policies of the House.

As always, please wait to be recognized by myself before speaking. All questions and comments will need to go through the Chair.

On the agenda is committee business. Are there any motions? Mr. Fraser.

Mr. John Fraser: I move that the Standing Committee on Social Policy call on the following individuals to appear before the committee to discuss schedule 5 of Bill 88, An Act to enact, amend and repeal various statutes:

—Assistant Deputy Minister(s) of Health, responsible for regulated health professions;

—Deputy Minister of Health, responsible for regulated health colleges;

—Minister of Health;

—Minister of Labour;

—staff of the Minister of Health's office involved in cabinet discussions surrounding schedule 5 of Bill 88;

—staff of the Premier's office involved in cabinet discussions surrounding schedule 5 of Bill 88.

I have some copies for the Clerk here.

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

Ms. Peggy Sattler: I'm happy to support this motion. I think that there was considerable public interest in schedule 5 of Bill 88, and I think it would be very helpful to this committee to understand some of the background to that schedule.

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

Mr. John Fraser: I brought this forward for exactly that reason. I think all of us would agree that removing a regulated health college and the regulations that are connected to it is a serious matter and in some ways is a dangerous precedent given how quickly this was done and without significant public consultation.

It's important for this committee to understand, and actually all legislators and the people we represent, how

did we get to the point where we were saying that traditional Chinese medicine practitioners no longer had to be regulated. How did we get to that decision?

Regulatory health colleges are there for public good. They're there for public safety. Taking one away diminishes or reduces that. It's a serious matter, and I just think to wave a wand and say, "Make it go away. There's nothing here; there's nothing to see," is not the way we should be doing things as legislators.

I think it's important that the people who are listed in that motion appear before the committee. There has been no openness and transparency so far by the government as to how we reached this point. Now, I do understand that the government has indicated that they are not going to go ahead with schedule 5. It's not entirely clear how they're going to do that.

I think the greatest concern for not only the practitioners and the patients of traditional Chinese medicine but also the broader public is that we would eliminate a regulated health college and all its regulations without any public consultation.

The Chair (Ms. Natalia Kusendova): Any further debate? Are members ready to vote? Those in favour of Mr. Fraser's motion, please raise your hand. Those opposed, please raise your hand. I declare the motion lost.

Are there any other motions? Mr. Harris.

Mr. Mike Harris: I just wanted to say a couple of things quickly here before I move this motion. I want to make it very clear that no matter what happens today, this bill will be coming back for committee work after second reading, after it passes through the Legislature.

We're going to be removing section 5 from the bill today; that's the intent of what is happening here. While I do appreciate Mr. Fraser's motion, we're kind of on a bit of a—I won't say a time crunch, but we need to make sure that we get this done so that we can have it reported back to the House, can have debate continue on it, of course can have it back for open committee meetings and can have the depositions, and hopefully maybe even have some people here in person, which would be great.

So with that, Madam Chair, I move that the committee meet for clause-by-clause on Bill 88, An Act to enact, amend and repeal various statutes, today from 12:30 p.m. until 6 p.m., and 6:30 p.m. until midnight for clause-by-clause consideration to remove section 5 from the bill.

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

Those in favour of Mr. Harris's motion, please raise your hand. Thank you. Those opposed, please raise your hand. Thank you. I declare the motion carried.

Are there any further motions at this time? Dear committee members, pursuant to standing order 80(c), the deadline for filing amendments to Bill 88 is 11 a.m. today, March 9, 2022. The committee will now recess until 12:30 this afternoon.

Interjection.

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

Mr. John Fraser: So in accordance with that motion, if we're doing clause-by-clause and the intent of this motion is to remove schedule 5, are there going to be amendments to other sections in that bill? Are we going to come back to committee again to go through clause-by-clause through the whole bill?

The Chair (Ms. Natalia Kusendova): Okay. The deadline to file amendments is today at 11 a.m. Having said that, the normal committee process will take place after second reading, so public hearings and clause-by-clause consideration—this will all take place, once again, after public hearings.

Mr. John Fraser: I just wanted to confirm that. Thanks.

The Chair (Ms. Natalia Kusendova): But you can file amendments today until 11 a.m.

Mr. John Fraser: Great. Thank you.

The Chair (Ms. Natalia Kusendova): You're welcome.

So a point of clarification: The 11 a.m. deadline is an administrative deadline, but even throughout clause-by-clause, amendments can be further filed.

Interjection.

The Chair (Ms. Natalia Kusendova): That's right. Any further comments? No? Thank you. This committee now stands in recess until 12:30 this afternoon. Thank you.

The committee recessed from 0807 to 1231.

WORKING FOR WORKERS ACT, 2022

LOI DE 2022 VISANT À OEUVRER POUR LES TRAVAILLEURS

Consideration of the following bill:

Bill 88, An Act to enact, amend and repeal various statutes / Projet de loi 88, Loi édictant, modifiant et abrogeant diverses lois.

The Chair (Ms. Natalia Kusendova): Welcome, everyone. We are here for clause-by-clause consideration of Bill 88, An Act to enact, amend and repeal various statutes. We are also joined by Mark Spakowski from the office of legislative counsel. I would also like to remind the committee that all amendments must be written before the committee can consider them. This way, we can avoid problems and discrepancies in the wording and intent of amendments. Are there any questions at this time? Seeing none, we will continue.

The Clerk has distributed the amendment package to all members and staff electronically. The amendments are

numbered in the order in which the sections and schedules appear in the bill. Are there any questions? MPP Sattler.

Ms. Peggy Sattler: Will we have an opportunity to provide general comments overall on the bill?

The Chair (Ms. Natalia Kusendova): Yes, as per usual clause-by-clause consideration, we will begin with general comments and then we can make comments as to each schedule and section of the bill that we will be considering today.

Ms. Peggy Sattler: Okay. And that item is going to come up soon in the agenda?

The Chair (Ms. Natalia Kusendova): Yes.

Ms. Peggy Sattler: Okay, great.

The Chair (Ms. Natalia Kusendova): Any other questions? Seeing none, we will now begin the clause-by-clause consideration. As you will notice, Bill 88 is comprised of three sections and five schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone consideration of the first three sections in order to dispose of the schedules first. This allows the committee to consider the contents of the schedules before dealing with the sections on the commencement and short title of the bill. We will return to the three sections after completing consideration of the schedules. Is there agreement to stand down the three sections and deal with the schedules first? Agreed? Agreed.

Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration. I will now open up the floor for any opening comments on the bill as a whole. MPP Sattler.

Ms. Peggy Sattler: I am actually quite saddened to be in this position of making opening comments on a bill that was plucked off the order paper and sent to committee prior to second reading, shortly after it had been introduced, because this government had failed so abysmally in conducting any prior consultation with traditional Chinese medicine practitioners and acupuncturists prior to including a schedule in a bill that directly affected those Ontarians who live—there are an estimated 3,000 regulated traditional Chinese medicine practitioners and acupuncturists in this province. There are thousands of students who are attending one of the 15 schools, paying thousands of dollars to get the credentials in traditional Chinese medicine and acupuncture that would allow them to be regulated by the regulated college.

This government, despite claims by the Premier that consultation had been undertaken, did zero consultation with any member of that regulated body. We know that because the college posted, the day that the bill was tabled in the Legislature, in the afternoon of February 28, that that day is the day the College of Traditional Chinese Medicine Practitioners and Acupuncturists learned that this government was proposing to deregulate that regulated health profession and put at risk the health and well-being of the many Ontarians who rely on those professionals to provide medical support or treatments.

The other concern I have, Chair, is that this sham of a committee process, which was convened just for the

purpose of the government to fix the mess that it created, might be used by this government to justify not taking this bill back to committee after second reading.

Mr. Mike Harris: Oh, come on.

Ms. Peggy Sattler: No, that is a legitimate concern. We have seen this government, time after time, move bills through time allocation motions right from second reading to third reading. I appreciate the reaction that I got from the members on the other side of this table, because I certainly hope that there will be an opportunity for the public to come forward and have their say about schedules 1, 2, 3 and 4—which I understand is what’s going to come out of this sham process. But we will have four schedules to take forward to public input.

There are very legitimate concerns that have been expressed by gig workers about schedule 1, which creates new legislation that somehow suggests that gig workers, digital platform workers, are different from other workers in this province and that those workers don’t have the same rights as other workers in this province. This is a big concern that many gig workers have expressed.

They’ve also talked about the fact that the provisions set out in schedule 1 only propose minimum wage to be paid for the hours that gig workers are in engaged work, which means that, quite possibly, the majority of their time will not be compensated, the time they spend waiting for fares. It is a big concern that this schedule is going to allow the government to somehow claim that it is committed to a minimum wage for gig workers when we know that this schedule will do nothing of the sort.

We also have concerns about schedule 2 and the new exclusion from the Employment Standards Act for certain business and IT consultants. The government has provided no explanation to where that exclusion came from, and it is always a concern when certain categories of workers are denied the basic rights and protections that every worker in this province deserves under the Employment Standards Act.

Despite what we read in the Globe and Mail about a week ago that this government was considering full employment rights for gig workers, full recognition of the status of gig workers as employees in this province, we’re concerned that the bill that we have before us amends the Employment Standards Act and yet did not make any of those amendments that gig workers need to be recognized as workers who deserve all the rights and benefits of the Employment Standards Act.

I’m concerned about schedule 4, Occupational Health and Safety Act. This is an opportunity, when that act is being opened up, to make some of the changes that my colleague the member for Niagara Falls has been advocating so fiercely on dealing with deeming, ending deeming provisions for injured workers. It would have been an opportunity for this government to recognize the violence that our health care professionals experience on a daily basis, 80% of whom, Madam Chair, are women. Yesterday, we recognized International Women’s Day. Surely, the violence, the escalating violence, that health care workers experience on a daily basis in their jobs—that

would have been working for workers, if that had been included in this bill.

1240

This would have been an opportunity for the government to incorporate the private member’s bill that was brought forward by my colleague the member for Nickel Belt, a bill that amends the Occupational Health and Safety Act to protect workers who speak out about workplace violence and workplace harassment. But this government chose to ignore those health care workers who have been on the front lines for all Ontarians throughout this pandemic.

I began my comments with some remarks about schedule 5. We see schedule 5 in this bill, which had no place in this bill from the very beginning. We heard professionals who were regulated as traditional Chinese medicine practitioners and acupuncturists question why they were included—even if this was the government’s goal, to deregulate and eliminate the college—in a bill about gig workers, about skilled tradespeople from out of province, about IT and business consultants. Why was their profession included in this bill?

I guess it’s a good thing that the government listened to the more than 40,000 people, at this point, who have signed the Change.org petition to remove schedule 5 from this bill. But when you consider the short length of time that has taken place since the tabling of this bill on February 28, and where we are today, on March 9, to generate more than 40,000 signatures on a change.org petition in such a short length of time shows the outrage that traditional Chinese medicine practitioners and their patients were feeling. The repeal of that regulatory body would have allowed banned practitioners—practitioners who were disciplined by the college and their licences taken away—to put up a shingle and set up shop, just like a tattoo artist or an ear-piercer—

The Chair (Ms. Natalia Kusendova): MPP Fraser, do you have a point of order?

Mr. John Fraser: No, no.

The Chair (Ms. Natalia Kusendova): No? Sorry, my apologies.

Ms. Peggy Sattler: It would have allowed those practitioners to once again provide so-called health care services in this province without any protection for the people who are accessing the service, without the protection of a regulatory body.

What was proposed in this bill, that they move to a different oversight body, was voluntary. It was a voluntary oversight mechanism that this government was prepared to go ahead with while they deregulated the College of Traditional Chinese Medicine Practitioners and Acupuncturists.

I am actually quite disgusted with the ineptitude of this government that has brought us to this place, the ineptitude of throwing a schedule like schedule 5 into a bill that addresses gig workers and trades professionals and workers under the Occupational Health and Safety Act. I’m disgusted with what has happened that brought this schedule to this bill.

I look forward to further remarks on each of the schedules as we go through this questionable clause-by-clause process. Thank you, Chair.

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

Mr. John Fraser: Many of the comments that I would make are going to echo MPP Sattler's comments.

I do want to say that I can see the recommendation of all of us is to remove schedule 5. Not to belabour the point—

Interjection.

Mr. John Fraser: —but I will anyway, yes, because that's my job. I did ask this morning that we take a look at how schedule 5 actually got into this bill. It is a legitimate question that this committee can ask. I do have a question, though: Are there representatives of the ministry available for any comments or any questions about this?

The Chair (Ms. Natalia Kusendova): No, not at this time. We have legislative counsel with us.

Mr. John Fraser: Okay. Well, I'm glad we're going to be taking it out of the bill. But I really would like to know, and many people would like to know, how it got there in the first place, because it was not in the public interest at all.

The government was trying to take an opportunity there to do something for some reason that's not entirely clear. But what they didn't take the opportunity to do in this bill are things like earnings standards, benefits funds—making sure people can have a benefit across all platforms. Health and safety coverage: I know MPP Sattler mentioned that as well. There were opportunities in there to actually do some things that would help workers and workers' rights in terms of being able to organize. All those things are missing from the bill.

In particular, in schedule 2, the exclusion of a group of workers is baffling. I don't know what the government's purpose is in doing that. I'm looking forward to when we discuss schedule 2, to understand exactly why the government put that into schedule 2.

With that, I will conclude my remarks. See? I wasn't that long.

The Chair (Ms. Natalia Kusendova): Further comments? MPP Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair. I'm going to keep my comments short, as you have asked. I just find it offensive that Ms. Sattler would call this committee of the Parliament a sham. I think that's offensive, and it's certainly something that we, on this side, do not agree with.

The Chair (Ms. Natalia Kusendova): Further comments? MPP Karpoche.

Ms. Bhutila Karpoche: I just want to add my concerns, which I share along with my colleague MPP Sattler. The Ministry of Labour was going to dissolve the College of Traditional Chinese Medicine Practitioners and Acupuncturists to make it an unregulated profession. There was no prior consultation done to make such a drastic change and there was no consideration. I can't believe that, on the government side, nobody paused to think for a

moment that public health is at risk when you don't regulate a health profession. Of course, for people, that means that if you're seeking acupuncture or any other treatments, they could be treated by anyone—anyone without any training.

There was also no consideration given to the practitioners whose livelihoods would be at stake, because insurance companies would no longer cover unregulated health services.

This decision is terrible not only for practitioners, but for the general public. As my colleague said: almost 40,000 signatures on a petition within a matter of days.

Chair, I want to be on the record to say that this isn't the first time something like this is happening. It's a pattern with the Ford Conservative government, this “do first, think later, never consult” approach.

I echo my colleague MPP Fraser's question and concern that the people of this province deserve to know who was the government listening to when they included this schedule in the bill, and why did they have this harmful schedule in this bill in the first place.

The Chair (Ms. Natalia Kusendova): Any further comments on the bill as a whole? Yes, MPP Gates.

Mr. Wayne Gates: I'm going to talk throughout the afternoon, so I'm not going to go through all my notes. But I find that we could actually put this legislation—it should be written on DoorDash's letterhead, schedule 1, quite frankly.

I'll ask all my Conservative colleagues on the way you're looking at gig workers. They're going to earn about \$7.50 an hour, on average. I'm going to ask anybody here—and I know you guys make about \$150,000 a year—would you like your wages cut to \$75,000, cut in half? This is just terrible. And that's schedule 1. I will talk about that further.

On schedule 2, there's so much more you could have done in the bill. This is your second labour bill that you've done. With either bill, you could have done some things under the ESA. You could have had in this bill, as we kind of wind up the four years of being here—nothing here on paid sick days. Maybe you could explain that to me when you guys decide to talk to the bill.

1250

All of a sudden you're talking about minimum wage, but we know one of the first things you did is—you didn't support the increase to \$15 an hour, and you cost workers in the province almost \$6,000 over the course of three and a half years. So I'll talk further on that as well.

On schedule 3: This is really an interesting one to me, and I'll give you the reasons when we get to schedule 3, around skilled trades. Skilled trades are very important in the province of Ontario. The skilled trades certainly have some concerns around schedule 3, and when we get to that I'll make sure that I give those reasons to you, and hopefully, you'll listen.

On the opioid crisis: I've been talking about that in this House since the day I got here, quite frankly. It has gotten worse right across the province—not just in the construction trades, but right across from community to community to community. We've seen more and more people

die. When it comes to the opioid crisis, there are a lot of concerns in the construction trades—and some of the reasons being is, they get onto opioids because they're scared to go to WSIB and be denied.

This is the second bill—I've talked to the MPP across from me many, many times on this: the deeming bill. I'm going to ask you again: Why are you allowing injured workers in this province—once they get injured, 50% of them live in poverty. Think about that. The only reason I go to work—and I did it; I went to work every day. I worked in a factory for 30 years. I worked steady midnights. I didn't go there because I loved General Motors. I went there because it was a place to work, but most importantly, it was a place to earn a living, get paid a fair wage, with fair benefits and a pension plan. Every day, I risked my life working with the machines that I did. Lucky for me, I didn't get hurt, but there are a lot of workers who did. They end up going on WSIB, being deemed, and then have to live in poverty and lose their family. I'll talk a little more on that, and schedule 5—I'm sure the other two will talk about it.

I'm looking forward to going through the reasons why I'm a little upset with what you brought forward. I'm really upset with the fact that I got up at 8 o'clock this morning to be told that we had till 11 o'clock to get amendments in and get people to put amendments in. If labour is so important, why the hell are you rushing? Why are you pushing this through? You had 12 hours this week that you talked about standing orders—12 hours—and I get three hours to get a hold of my stakeholders and say, "This is what's going on with this bill"? I think that's disgraceful and, quite frankly, I think it's a slap in the face to the people in this labour bill you're trying to represent. I think it's the wrong approach. Obviously, we're going to get a chance here to discuss this, but I didn't get a chance to talk to stakeholders. I got a hold of one stakeholder after the meeting this morning. That's not fair. It's not reasonable, and it's certainly not fair to the labour movement. Then again, let's be honest: You've never really cared about the labour movement. Long before I became an MPP—I know how the Conservatives have treated the labour movement for all the 40 years I've been around.

So I'm very, very disappointed with how you did the bill this morning, and I think we all are. I would think that my colleagues the Liberals and my colleagues here are saying, "Are you kidding me?" I was lucky enough that I put a few notes together, but certainly not the quality of notes and the research I would have liked to have done.

When we discuss what we did this week for 12 hours—I think there are a lot more important things to discuss, quite frankly, with what's going on. We could have talked about gas prices, rent prices, housing prices, food prices. That would have been a good debate to have to see what we could do, collectively, to help residents in Ontario. We didn't do that this week.

I'll continue my comments as we go through the schedules.

I appreciate you giving me the opportunity to talk.

The Chair (Ms. Natalia Kusendova): Any further comments? MPP Harris.

Mr. Mike Harris: I always appreciate the generally thoughtful comments from the opposition when it comes to a lot of these matters.

I will say to the folks sitting across the table from me that this bill is going to be coming back here after second reading, so put the work in now, talk to your stakeholders now, find out what they'd like to see come forward as amendments, and then bring them forward then.

If you want to talk about gas prices, if you want to talk about what's happening around the world with conflict—obviously, what's happening in Ukraine—let's move forward expeditiously, let's get schedule 5 out of this bill, like we seemingly all want to see, and then we'll have a lot more time to talk about those issues. Thank you very much, Madam Chair.

The Chair (Ms. Natalia Kusendova): Thank you very much. Any further comments to the bill as a whole? No? So we will get right into the bill.

We're going to start with schedule 1. There are no amendments to sections 1 to 68 of schedule 1. I, therefore, propose that we bundle these sections together. Is there agreement? Agreed? Agree.

Is there any debate on sections 1 through 68 of schedule 1? Go ahead, MPP Sattler.

Ms. Peggy Sattler: Well, Chair, I just want to reiterate some of the concerns that I raised earlier about a schedule that singles out digital platform workers whom we know are gig workers, the people who work for DoorDash or Uber Eats or SkipTheDishes. This schedule identifying those workers specifically and outlining the rights that those workers will have really conveys the message that this government does not regard those workers as full workers who deserve full rights. It conveys the message that, instead, digital platform workers are somehow different from other workers in the province, and that is huge concern.

You know, Speaker, the timing of this bill—sorry, Chair—is very interesting because just days prior to the tabling of this bill, a Ministry of Labour investigator had conducted an investigation that was launched by an Uber Eats delivery worker who claimed that that worker's rights under the Employment Standards Act were being violated by Uber Eats, and the Ministry of Labour's own investigator filed a report acknowledging that that Uber Eats delivery driver is a worker under the Employment Standards Act. Instead of accepting that ruling and coming forward with legislation that enshrines the status of gig workers as employees—not independent contractors, but as the employees they are under the Employment Standards Act. Instead of doing that, this government has brought forward this schedule in this bill that, as I said, suggests that those gig workers are not full employees and do not deserve the same rights and protections that every single worker in this province should have access to under the Employment Standards Act. That is a huge concern, Speaker—sorry, Chair.

Mr. Wayne Gates: She wants to be Speaker, so there you go. Maybe next time.

Laughter.

Ms. Peggy Sattler: The other issue that has been widely reported in the media—unfortunately, this committee process that we are engaged in right now did not provide an opportunity for deputants to come and speak to us about how this bill could have been strengthened before it proceeds to second reading. But if we had provided that opportunity for public input on this bill, I suspect we would have heard many of the concerns that all of us have read about in the media from gig workers who point out that a minimum wage that only covers engaged time is not a minimum wage—is not a minimum wage.

As somebody suggested, it's like paying a retail worker only the time they are at the cash register cashing out a sale. When they are there in a retail store waiting for customers, what this is suggesting is that that's not engaged time and that doesn't deserve to be paid. So this opens the door, Chair, as you can imagine, to the gigification of a whole swath of workers across this province by the suggestion that minimum wage should only apply to engaged time and not the time that workers are on the job.

1300

The other problem with this schedule—and I will be addressing it further in the amendments that I'm proposing to schedule 2—is that this schedule does nothing about the real issue that gig workers have raised repeatedly, have highlighted, have emphasized as the real problem they face, and that is misclassification. They are misclassified as independent contractors so that the tech firms that employ them can somehow suggest that they are not employees, and therefore those employers do not have to fulfill the obligations that are set out in the Employment Standards Act: obligations to provide termination pay, obligations to provide statutory holiday pay, obligations to provide vacation pay. They're not covered by the WSIB, and that has been an ongoing issue for gig workers. This schedule does nothing to address those concerns.

It also does nothing to recognize the reality that many of these gig workers supply their own tool. They supply their bicycle. They pay mileage. They have expenses that they are required to pay in order to do the work they do. Not only does this schedule not recognize those other costs that gig workers have to pay, it actually ensures that they will be paid a much lower minimum wage than every other worker in this province is eligible for under the Employment Standards Act.

I received an email from an Uber driver in London who told me—and I echo what my colleague the member for Niagara had said earlier. He said:

“This bill is a disaster, and it looks to me like it was written by Uber itself for the Doug Ford government. Uber sent a message a few weeks ago with exactly the same ideas, and it was not received well by the drivers.

“With gas prices skyrocketing, more than 50% of Uber trips are being rejected by the drivers because simply there is no money to them.”

The timing of the announcement for the new legislation tells me one thing: It is about Doug Ford stretching a helpline for Uber, not the drivers. Uber knows they have to change their business practices—and we know they

read the ruling from the Ministry of Labour inspector. Uber sees the writing on the wall. There have been court decisions in other jurisdictions. There are class actions under way to confirm that Uber drivers are workers and should be recognized under the Employment Standards Act. So Uber is using the government to put forward legislation that is going to single out gig workers as not worthy of the same rights and protections that other workers in Ontario have access to, as I said.

Thank you for the opportunity to provide some comments.

The Chair (Ms. Natalia Kusendova): Thank you very much. Further comments? I see MPP Fraser.

Mr. John Fraser: I concur with my colleague Ms. Sattler. We're creating another class of workers; that's what we're doing. We've had the Employment Standards Act through successive governments for years, and it's been updated; more things have been added. But there are some basic things there that we all agreed on. People, as employees, are entitled to certain things, like stat holidays, like holiday pay, like termination and notice. To create another classification is to create another group of workers for whom those things that we've all agreed on for a very long time don't apply.

The question is, in this section 1, whose interests are really being served here? Is it the employees'? I'd say no. Right now, they're not classified at all. Right now, they're on their own. But now, we're classifying them as something somewhat less than what we agreed on for, I don't know, 30 years, 40 years in the Employment Standards Act—Mr. Gates would probably know—on certain things: holiday pay, stat holidays, termination.

The Chair (Ms. Natalia Kusendova): Further comments? MPP Karpoche.

Ms. Bhutla Karpoche: Right now in Ontario, there are thousands upon thousands of workers who are denied their basic workplace rights simply because they're misclassified. They're being misclassified as freelance workers, as gig workers, as contract workers when they are not. What does that mean in terms of the daily experience of these workers? They have no paid sick days, they have no vacation pay, no benefits whatsoever and no minimum wage.

Now, I know in this schedule the government claims that it's establishing a minimum wage for digital-based workers, but this bill specifies that the minimum wage only applies to periods when the workers are “assigned.” What that means is no pay for when the workers are waiting for a fare, no pay while workers are waiting for the restaurant to give them an order and so on. That's not \$15 an hour. That's not making minimum wage.

We have known and we have seen companies lobby governments to try and keep workers down, to keep them misclassified so that they can deny them basic rights and deny them decent pay. These very powerful lobbyists are trying to create a new category in order to avoid having to treat their workers like employees, and this Conservative government is essentially allowing that to happen under this schedule, because in this bill, the government is

refusing to classify workers as employees, and without this classification, gig workers will not have access to basic rights and protections under the labour code and the Employment Standards Act.

I want this committee, particularly the members of the Conservative government, to remember that there is legal precedent. The labour relations board has ruled that this is an unfair labour practice, that gig workers are entitled to rights and benefits as an employee and that they must not be misclassified as contractors.

An employee is an employee. Gig workers are employees. They deserve basic rights and protections. This bill does nothing to address their needs. Like every other worker in this province, gig workers must be protected under the Employment Standards Act.

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

Mr. Wayne Gates: I appreciate that. I've just got to wipe these off, because the mask kind of steams up my—and my eyebrows, although they're thick, are not protecting me from the steam for some reason. I don't understand that.

First of all, let's start by saying, who are we talking about here? We're talking about 20% of the current workforce today. This is not talking about 1% or 2%. One out of five people is a gig worker in the province of Ontario. I was kind of surprised at that number. To ask them to go to work and only be paid when they have assigned duties, that's not minimum wage. Nobody on that side can say it is. I guess you could say it, but it wouldn't be accurate. I don't know if you can say it would be a lie, but it would, at the end of the day.

Despite the claims of this government, I believe that the provisions related to gig workers do not go far enough. I'm going to ask my colleagues over there—and, quite frankly, the Liberals—do you have any unionized employees that work for you guys? Anybody know? You can answer. You can shout it over. I'll help you: I know you don't.

Now, we had Peggy's bill, which she did a great job on. She talked about protecting gig and contract workers. It would use the ABC test and put the onus on the employer to prove that a worker is not an employee. Now, we've seen this in labour relations. The minister has made all kinds of comments that they are workers. My colleague just said something that I believe, that I am proud of. I'm a worker. A worker is a worker. That worker, whether it's me, whether it's a gig worker, has the same responsibility as I do. They've got a responsibility to take care of their family. The reason why they're doing this job is they want to make a fair day's pay.

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Under this legislation, I'm asking my colleagues—instead of playing on your phones, you might listen to me for five minutes, because I think it's important—do you think it's fair that they work for \$7.50? Do you think that's what a worker should do?

We're not a Third World country. We all vacation in some of these Third World countries, and the water is nice; everything is there. We know they're not getting paid properly. They rely on our tips when we go there.

We are the richest province in this country. Why are gig workers being treated the way they are? I don't get it. I don't understand where you guys are going.

This legislation will keep gig workers as independent contractors and not afford them all the rights of an employee. I'll use an example: A worker will need to do a tech assignment to be paid the minimum wage. This leaves workers out when they're not directly performing an assignment. So if they're not doing an assignment, they're not getting paid. With no disrespect, I'll use this as an example, and I've used this once or twice on Twitter: Should we only be paid when we're in question period? That's an assignment. We have to be there. But the rest of that time, we don't get paid? It doesn't even make sense. I am sorry.

Interjection.

Mr. Wayne Gates: It doesn't, and neither does this bill.

The government should have supported Peggy's bill and ensured that workers are fully protected by the ESA.

This isn't surprising from this government. They pretend to support workers—like I said, this is your second bill—but they create legislation that simply sugar-coats the facts.

Corporations have created—which my Liberal colleague just said—a different tier of worker. Why do we have that in this country—a two-tier worker, one making \$7.50 even though the minimum wage is \$15 an hour? So I might have to work 12, 14 or 15 hours to get eight hours at \$15 an hour. Put your hand up if you think that's right.

We allowed both the Liberal and the Conservatives governments to create an environment in this province that first attacked unions and made it harder for workers to join one. As if that wasn't enough, they attacked the ESA and diminished the rights of workers outside unionized environments. And when corporations decided they hadn't exploited workers enough, they made a business model where workers aren't even workers anymore; they're just folks trying to make a bit more money after this.

The government reduced the minimum wage. I already said this legislation should be on DoorDash's letterhead.

I'm going to ask you—I'd like you guys to answer. You can disagree with me. I don't have a problem with you disagreeing with me. I'm not always right, by the way; I'm the first to admit it. But I can tell you that your government is not always right either, especially when it comes to workers and attacking workers. You don't think that gig workers deserve holiday pay? They go to work every day, and they work whatever number of days. Do you think they deserve holidays? I would think they do. What about vacation pay? Do you think workers deserve vacation pay so they can take their sons or their daughters on a vacation to Niagara Falls, Ottawa, up north? Ontario is a beautiful province. Do you think they deserve vacation pay?

What if that worker—and I'm going to ask everybody here because, honestly, I don't know how gig workers don't get hit more. I don't know about you, but a lot of times—and I'm a careful driver. My wife thinks I'm terrible driver. I tell her I'm a good driver. At the end of the day, how many times have you almost missed a gig

worker on a bike? Anybody? I have, I'll tell you, and it scares the hell out of me. But if somebody—

Interjection.

Mr. Wayne Gates: Well, I don't think that's fair.

The Chair (Ms. Natalia Kusendova): I'm so sorry; this is not a Q&A session, and all comments should be made through the Chair. Thank you.

Mr. Wayne Gates: I shouldn't engage in comments that make no sense. I agree. I apologize.

What I wanted to say is, we need to treat every worker in the province of Ontario with respect and dignity, and this bill does not, schedule 1 does not.

The last thing I'm going to say, because this is one that has been close to my heart, and I've been talking about it almost since I got the critic's job for WSIB: Do you believe that these workers aren't covered by WSIB? So if they get injured on the job, what do they do? They collect no pay. They have no money. They go to social assistance, one of the richest provinces, quite frankly, in the country? Our country is doing quite well, quite frankly.

I'll leave it at that and wait for schedule 2 to give me an opportunity to talk about some of the things I think we need under schedule 2 as well.

The Chair (Ms. Natalia Kusendova): Any further comments to schedule 1, sections 1 through to 68? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. I declare schedule 1, sections 1 through 68, carried.

Interjections.

The Chair (Ms. Natalia Kusendova): Order, please. Thank you. Is there any debate on schedule 1 as a whole? Seeing none, are members ready to vote? Shall schedule 1 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 1 carried.

We are now moving on to schedule 2, section 1. I believe we have a motion.

Interjection.

The Chair (Ms. Natalia Kusendova): Committee members, amendments 1 and 2 are dependent on amendment 3. I will need unanimous consent to stand down consideration of section 1 of schedule 2. Once we have considered amendment number 3, we can go back to section 1. Do we have unanimous consent? Thank you.

Therefore, we are moving to amendment 3, brought forward by the NDP. Who will present the motion? Thank you, MPP Sattler.

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

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

““Test for employer-employee relationship

“1.1(1) A person (the “first person”) who is remunerated by another person (the “second person”), whether directly or indirectly, for performing work is deemed to be an employee of the second person for the purposes of this act unless the second person establishes that all of the following conditions are satisfied for the duration of the work performed:

“1. The first person is free from the direct or indirect control and direction of the second person in connection with the performance of the work, both under the terms of the contract for the performance of the work and in fact.

“2. The first person performs work that is outside the usual course of the second person's business.

“3. The first person is customarily engaged in an independently established trade, occupation or business of the same nature as that involved in the work performed.

“Business-to-business contracting relationship

“(2) Subsection (1) does not apply to the determination of whether a business (the “first business”) that contracts to provide services to another business (the “second business”) is an employee of the second business if the second business establishes that all of the following conditions are satisfied:

“1. There is a written contract between the first business and the second business.

“2. The first business is free from the control and direction of the second business in connection with the performance of the services, both under the terms of the contract for the performance of the services and in fact.

“3. The first business is providing services directly to the second business rather than to customers or clients of the second business.

“4. The first business maintains a head office or primary location of business that is separate from the business or work location of the second business.

“5. The first business is customarily engaged in an independently established business of the same nature as that involved in the services performed.

“6. The first business contracts with businesses other than the second business to provide the same or similar services and maintains a clientele without restrictions from the second business.

“7. The first business advertises and holds itself out as being available to provide the same or similar services to the public as those it is providing to the second business.

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“8. The first business provides its own tools, vehicles (other than a personal vehicle) and equipment to perform the services.

“9. The first business can negotiate its own rates.

“10. The first business can set its own hours and location of work, consistent with the nature of the work.

“11. The first business performs work for the second business under the first business's own name.

“12. The first business has the right to perform similar services for others on whatever basis and whenever it chooses.

“13. The second business does not represent to its customers that the first business is an employee of the second business.

“14. If the first business hires employees,

“i. all employees are hired without the approval of the second business,

“ii. the first business pays the employees without reimbursement from the second business, and

“iii. the first business makes statutory remittances and reports the employees’ income to the Canada Revenue Agency.

“15. If the services being provided require a licence or a permit, the first business obtains and pays for the licence or permit in the first business’s own name.

“Clarification

“(3) For greater certainty, for the purpose of assessing the employment relationship of an individual worker who performs work for a second business described in subsection (2), subsection (1) applies and subsection (2) does not apply.”

The Chair (Ms. Natalia Kusendova): Is there any debate on NDP amendment number 3? MPP Sattler.

Ms. Peggy Sattler: I was very interested to read on March 3 in the *Globe and Mail* that Labour Minister McNaughton was weighing full employee status for gig workers and, apparently, nothing is off the table from the ministry’s perspective.

Full employee status for gig workers is important. On this side of the table, we all talked about what that would mean for a gig worker. It would mean an actual minimum wage. It would mean vacation pay. It would mean holiday pay. It would mean termination pay and all of the other rights and protections of the Employment Standards Act. It would give that gig worker access to the inadequate and temporary paid sick days that this government has established throughout the pandemic, but more importantly, when paid sick days are included in the Employment Standards Act, as they will be when the NDP is elected government, it would give those workers access to those rights to paid sick days so that they can stay home if they are sick.

The amendment that I have proposed amends the Employment Standards Act to do that work that the Ministry of Labour is apparently interested in: providing full employee status for gig workers. The amendment that I moved sets out a very simple test to determine whether a worker is an employee or not, and that test is commonly referred to as the ABC test. It’s a three-part test—very simple—and it’s included in the statute.

What we have seen happen in Ontario and what we saw in that Ministry of Labour decision that came out very recently that did recognize an Uber Eats delivery driver as an employee is that when these cases go to an investigator or an adjudicator or through the court system, the courts have to rely on common law to determine whether an independent contractor is actually an employee, because there is no test currently in the Employment Standards Act to say whether a worker is an employee or not. This amendment would clarify and simplify the definition of a “worker” by putting in this very simple test for the employee-employer relationship. It would make the default that a worker is an employee unless their employer meets all three parts of this test. That way, it will not only recognize the full employee status of gig workers, but also recognize the full employee status of thousands of contract workers—contract cleaners, contract truck drivers, contract accountants—people who perform all kinds of

services who are being denied their rights and protections under the Employment Standards Act because the person that they are working for says, “Well, you’re not actually an employee. You’re just an independent contractor.”

The second part of the motion that I have just moved outlines legitimate exemptions from that test. We know that there are legitimate business-to-business contracting relationships where a business might contract, say, an accounting consultancy to provide consulting services, and that is a legitimate exemption. The problem comes when the same accountant is performing work for only one company for years on end and is being told, “No, you’re not an employee. You’re an independent contractor and that means I don’t have to pay vacation pay or holiday pay or minimum wage, or anything else that is required by the Employment Standards Act.”

Gig Workers United, which is one of the prime organization spokespeople for gig workers, have said over and over again that “misclassification is the root of the injustices we face every day.” For members on the other side of this table, the gig workers’ bill of rights was developed and endorsed by Gig Workers United, CUPW, Uber Drivers United, UFCW and the Ontario Federation of Labour, which is the voice of a million working people in this province. They have endorsed a gig workers’ bill of rights that talks about the importance of recognizing that a worker is a worker and that all workers deserve full employment rights with no carve-outs from minimum wage, sick leave, vacation pay and other minimum employment standards. They did also call for the onus to be put on employers to prove that workers are not employees, instead of—as we have currently in place—workers proving that they are not independent contractors. They’ve called for a clear test for employment status. That is what gig workers are calling for, that is what gig workers need and that is what my motion will provide.

The Chair (Ms. Natalia Kusendova): Thank you very much. Any further debate on this motion? MPP Fraser.

Mr. John Fraser: I’ll be supporting this motion because it is important that we don’t have two standards, two separate classifications of workers in this province. We have to think about our own families, our sons and daughters, and whether we think it’s acceptable that a certain group of people gets a higher standard and another group of people gets a lower standard simply because it involves a large corporation that has a lot of power.

I’m going to give you an example of something that’s in the reverse. When Uber came to Canada and Lyft came to Canada, we had thousands of people in all of our communities who drove taxis. We held them to a high standard. We made them have certain training. We put certain obligations on them, a lot of regulations.

Mr. Jim McDonnell: A lot of regulations.

Mr. John Fraser: A lot of regulations, yes. But then that company came in and we tossed those all out the window. And those taxi drivers? We just cast them adrift. Many of them lost tens, if not hundreds, of thousands of dollars on their investment, all because we were applying—they were a different class. We created two classes.

And all those drivers—and we all know some, and they’ve all talked to us. This is exactly the same thing that’s happening here. There needs to be a better balance. That’s why this motion is being put forward. If we’re going to make them workers, then let them be workers.

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Later on in this section, we’re going to talk about a certain class that are excluded, totally. I’m a broken record, because I’m getting old.

Forty years—and we’ve agreed on standards right now that we don’t think are applicable to a certain group of workers. We’re actually going to legislate that. We’re actually going to say there’s a group that doesn’t deserve what we’ve been giving people for years and years and years. That’s what we’re saying. That’s a problem.

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

Mr. Wayne Gates: Obviously, I support the motion, and I’m glad that the Liberals are supporting the motion.

I think what we really should focus on is the two-tier worker in the province of Ontario. If you remember, the Employment Standards Act was a minimum standard for workers. In most cases, the minimum standard was to protect non-union employees. I don’t know how many of your colleagues ever belonged to a union. In most cases, if you belong to a union shop—and it’s something that I know your party doesn’t really support very often—you would have a bargaining team. You would be able to bargain with that particular employee. You would have a collective agreement. You would have a structure on what you would get—rate of pay, classification, benefits. They’ll talk about holiday pay, vacation pay. I believe every worker in the province of Ontario should have the right to do that. It’s one of the reasons why I feel every worker should have the right to join a union and not have all these barriers.

In this case, what you’re doing here is creating a worker who is even less than a non-union employee. Usually, non-union employees would get the minimum wage; they would get the minimum standards of the ESA. Under this bill, you’re saying that you’re only going to get paid when you’re doing your assignment, which is about 50% of the time. That’s what I’m being told. I don’t have any stats or anything there, but let’s be fair and reasonable on this—I’d say 50% of the time. So 50% of that time, you’re going to get a minimum wage of \$15, with no vacation pay, no standards, no WSIB, but that other 50% of the time you’re going to be at work, you’re going to be making \$7.50.

I ask my colleagues: Who, in the province of Ontario, can live on \$7.50? We’ll use Toronto as an example. I’ve already talked about Niagara this week and what we’re going through down in Niagara with affordability. Who, in Toronto, Scarborough, Brampton—this area—can afford to be paid \$7.50? I know the rent here is around \$2,200, \$2,300. An average house here—I may be out by a few thousand dollars, but I think it’s \$1.2 million for a house here. And you want to pay them \$7.50? They’re a worker. I’m a worker. Peggy is a worker. We may be

elected at a different scale, but we all probably worked somewhere before we became MPPs.

Do you not think workers deserve to be treated with respect and dignity? Do you not think that if you’re going to continue to bring labour bills here and pretend that you support labour, you would include paid sick days?

I’ve told this story a hundred times: Amazon, one of the richest companies in the world—and there are a few Amazons in this area—during COVID-19, wouldn’t provide sick days for their employees. We had outbreaks of thousands. People died up there. We all know that. What I say is that this is a corporation that should be able to pay their workers fair wages, fair benefits, pensions, all those things. That’s what workers should do—we should enjoy in the enormous benefit that we are creating for that particular company, whether that’s DoorDash or Uber, whoever it is. We are creating that enormous wealth. What I say to all those corporations—because I’ve bargained a lot of collective agreements, about 150 of them, and by the way, I had one three-day strike, so there’s a way to bargain with employers. I say to all of them, “Do you think that workers should be paid \$7.50 when you’re making record profits?” And they are making record profits. If there are any companies that took advantage of the pandemic, it was big corporations, particularly Amazon, Costco, Shoppers. They did extremely well during the pandemic, where other workers didn’t.

The minimum wage—why isn’t it tied to inflation? I don’t get all that kind of stuff, but I want to say that a worker is a worker, and I’m asking your government to reconsider this bill completely, quite frankly, and support our motion. I could tell by the length of the motion that my colleague did an enormous amount of work trying to make it fair, make it balanced, something that everybody can support, including my colleagues on the other side. Obviously, I’d prefer they’d just support your bill. That’s probably what we should be doing, rather than doing this. But to my colleague Peggy, I think you touched on everything and you did a great job, and you guys should support this motion.

I just want to say one thing: I don’t think any of you want your sons or daughters working for \$7.50 an hour. I don’t want my grandkids working for \$7.50 an hour—although my grandkids are working now. My oldest granddaughter does have her first job, and do you know what? She’s making minimum wage—\$15 an hour, not \$7.50—for the four and a half or five hours that she’s doing on her shift.

Thank you very much, Chair. I appreciate it.

The Chair (Ms. Natalia Kusendova): My first job in Canada, I was making \$5 an hour; true story.

Now on to MPP Karpoche.

Ms. Bhutla Karpoche: I, of course, support this amendment that’s been put forward by my colleague MPP Sattler. What I want to add to this discussion is, let’s look at the legal background. Between February and September 2021, courts in Britain, in Italy, in Spain and in the Netherlands all ruled that delivery app workers must be classified as employees. In August 2021, Ontario’s Superior Court

certified a class action lawsuit against Uber which argues that Uber couriers meet the definition of employees under the Employment Standards Act. There was a similar class action lawsuit again against SkipTheDishes in Manitoba. Must I remind the members of this committee of the number of lawsuits that this government has failed in?

We know that large multinational companies like Uber have been advocating to create a subclass of workers, with lesser rights. The government members of this committee, in not supporting this amendment, are essentially saying that they side with these large multinational companies, and not with the workers of this province. You have an opportunity now to reject that approach, to show that you are on the side of workers by supporting this amendment.

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

Mr. John Fraser: I just wanted to make one point on the hours of work. I come from the grocery business. It would be like saying to somebody who worked in the store, “When there’s a customer there, I’m going to pay you, but if there’s not a customer there, you’re on your own time. You’re off the clock.” It would be just like saying that to them. That’s what this section is doing.

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

Ms. Peggy Sattler: A recorded vote, please.

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

Ayes

Fraser, Gates, Karpoche, Sattler.

Nays

Babikian, Harris, Martin, McDonell, Pettapiece, Triantafilopoulos.

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

Now we will go back to schedule 2, section 1. We have an NDP amendment proposed, motion number 1. Who would like to read the motion?

Ms. Peggy Sattler: Can I just ask, Chair, is this motion still in order with amendment 3 being—

The Chair (Ms. Natalia Kusendova): I cannot rule on this motion unless you move it first.

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Ms. Peggy Sattler: Okay. I will move it.

I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(2) The definition of ‘employee’ in subsection 1(1) of the Employment Standards Act, 2000 is amended by striking out ‘or’ at the end of clause (c), by adding ‘or’ at the end of clause (d) and by adding the following clause:

“(c) a person who is deemed to be an employee under section 1.1,””

The Chair (Ms. Natalia Kusendova): Committee members, I am ruling this amendment out of order as it is dependent on a previous amendment that was lost.

We will now be moving on to a proposed amendment number 2 by the NDP. MPP Sattler, would you like to move it?

Ms. Peggy Sattler: I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(2) Clause (a) of the definition of ‘employer’ in subsection 1(1) of the act is amended by adding ‘including, for greater certainty, a person who is deemed to be an employee under section 1.1’ after ‘the employment of a person in it’.”

The Chair (Ms. Natalia Kusendova): Once again, I’m ruling this amendment out of order as it is dependent on a previous amendment that was lost.

Now we will be considering schedule 2, section 1. Is there any further debate? MPP Sattler.

Ms. Peggy Sattler: I have very serious concerns about section 1 of schedule 2 and the fact that this schedule is singling out two groups of workers—business consultants and information technology consultants—and determining that these workers will be excluded from the Employment Standards Act.

Chair, we already have an Employment Standards Act that includes far too many exclusions. There are far too many workers who are already deemed not eligible for all of the rights and protections that the Employment Standards Act provides.

The Employment Standards Act is meant to be a floor below which no worker should fall. By removing certain categories of workers, in this case—business consultants and information technology consultants—from the Employment Standards Act, we are just poking even more holes in that floor for workers to fall beneath.

I want to say at the outset that we will not be supporting section 1 or section 2 of schedule 2 because we oppose, in principle, removing any more categories of workers from the Employment Standards Act. We believe strongly that the Employment Standards Act should broaden its coverage, as we talked about earlier. It should be broadened and strengthened to incorporate gig workers and many other workers in this province. So the exclusion of new categories of workers is not something that we could ever support.

The other question we have is, why is this schedule in here? We do not know who was lobbying who in order to get these exclusions. It seems kind of random and arbitrary that business consultants and information technology consultants are suddenly going to be excluded from the ESA. I think Ontarians deserve some transparency from this government as to what happened behind the scenes. What companies, what big donors were advocating for the exclusion of these categories of workers?

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

Mr. John Fraser: I won’t be supporting this section for exactly the same reason: excluding classifications of workers.

I would like, though, to ask the Clerk and legislative counsel if there's class action litigation that's occurring in Ontario now with regard to information technology workers or business consultants and what impact this legislation would have if there is litigation. I think there is; I just don't have it in front of me right now. I don't need the answer right now. It's something that could come back. I just think it's a question we have to ask ourselves—and maybe you have an answer for me right now: What impact would this legislation have on any ongoing litigation that was currently happening right now with regard to somebody taking someone to court—

The Chair (Ms. Natalia Kusendova): I believe counsel is not prepared to answer that question right now.

Is that something we can get answers to later, or is it not within the scope of your role?

Mr. Mark Spakowski: It's not within the scope of our role.

Mr. John Fraser: Okay, then I would like to respectfully ask, and I can do it in writing, that the ministry that prepared this give us information as to what impact this legislation would have with regard to any ongoing court cases in Ontario.

The Chair (Ms. Natalia Kusendova): So we are currently in clause-by-clause consideration. You are always free to request whatever information you deem appropriate from any ministry via the channels that you are already familiar with. If we could return to clause-by-clause at this time, that would be wonderful. Thank you.

Are we ready to vote on schedule 2, section 1?

Ms. Peggy Sattler: Recorded vote, please.

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

Ayes

Babikian, Harris, Martin, McDonell, Pettapiece, Triantafilopoulos.

Nays

Fraser, Gates, Karpoche, Sattler.

The Chair (Ms. Natalia Kusendova): I declare schedule 2, section 1 carried.

Since we don't have any amendments to sections 2 to 7 of schedule 2, I therefore propose we bundle them together. Agreed? I heard a no.

Therefore, we will move on to schedule 2, section 2. Is there any debate on schedule 2, section 2? MPP Sattler.

Ms. Peggy Sattler: I won't speak at length here. I reiterate the very concerns that I had raised earlier with regard to section 1. Section 2 is just additional legal language to enable the exclusion of business consultants or information technology consultants from the protections of the Employment Standards Act. For that reason, we absolutely cannot support this section.

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

Ms. Peggy Sattler: Recorded vote.

The Chair (Ms. Natalia Kusendova): We will have a recorded vote. As a reminder, we are voting on schedule 2, section 2.

Ayes

Babikian, Harris, Martin, McDonell, Pettapiece, Triantafilopoulos.

Nays

Fraser, Gates, Karpoche, Sattler.

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

Since we do not have any amendments to sections 3 to 7 of schedule 2, I therefore propose that we bundle these sections together. Agreed? Agreed. Is there any debate on sections 3 through to 7 of schedule 2? Seeing none, are the members ready to vote? Shall sections 3 through 7 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 3 through 7 of schedule 2 carried.

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We are now moving on to schedule 2 as a whole. Is there any debate on schedule 2 as a whole? Seeing none, are members ready to vote? Those in favour of schedule 2, please raise your hand. Those opposed, please raise your hand. I declare schedule 2 carried.

We are now moving on to schedule 3. There are no amendments to sections 1 through 8. I therefore propose that we bundle these sections together. Agreed? Agreed.

Is there any debate on sections 1 through to 8 of schedule 3? Seeing none—oh, MPP Gates?

Mr. Wayne Gates: I thought my colleague was talking on it, so I apologize for being a little slow at the gun there.

It seems that this legislation is aimed at addressing the shortage in skilled trades workers and speeding up the process for out-of-province certification. There are two concerns here—two that I've had time to look into. We need to be very careful on how we talk about shortages in skilled trades, particularly in the building trades. Is there a shortage in every trade? I don't believe so. I know one that there's a real shortage in is hairdressers. Only because I go to hairdressers every once in a while and I know there's a—

Mrs. Robin Martin: He's not working on your hair.

Mr. Wayne Gates: Not now.

It's very easy for someone to use the idea of a broad shortage to create policy that can devalue a trade—this is a very important issue—lower safety standards and potentially flood industries with unqualified labour, all in the name of cost savings for an employer. I believe when we discuss this, we need to be aware of that reality and be very careful.

The second reason is, there are serious concerns. I don't know who you've talked to. I have no idea who you consulted with, but this is what I'm being told by the trades

I consulted with. There are serious concerns about jeopardizing the safety of a skilled trades job site. This government has a very strong track record of making decisions in the area of skilled trades regulations in favour of big business, always looking to cut costs. We saw that with the boards that they've created. Do we know for certain that this will decrease the timeline, that proper due diligence is being paid to certify levels of workers from other provinces? Because not every province has the same standards as we have here in Ontario. Some are lower.

On the face of this, it seems like an important move to ensure we have a large enough pool of certified skilled trade workers in the province, but we must be very careful about the possible motives behind such legislation from a Conservative government. If workers do not have uniform training and certification and that is ignored, it has a real possibility of creating an unsafe work environment right across the province.

I think there's one way to talk about this—real easy. We have seen, even with the incredible training the building trades have done, the carpenters have done—there's a lot of really good training—that the number of deaths in the province of Ontario in the skilled trades has gone up. I think they've gone up by four, five or six every year since 2017 to 2021. I don't have 2022 because it just started. I know that more workers are dying who work on construction sites.

Equally concerning to me is that over the last year, what we saw—and it happened in London, which isn't far from you. We saw young workers, labourers with a young family, dying on the job. I know Peggy knows about that. We also had a young 19-year-old, an unregulated electrician working here in Toronto, who fell and hit his head and died as he was doing work as an electrician. I think we really have to be careful on making sure that the skilled trades and the safety of them aren't hurt by what you're trying to do here. I think there needs to be a lot more consultation with the unions on that.

The other one that I think plays into this a little bit is—I still don't understand why Bill 124 isn't in this legislation. I don't understand why you brought two labour bills here and you haven't put Bill 124 in—I really do know why; I'll be honest. It's because you guys don't really care about workers—you've shown that for the history of the Conservative Party. You capped their raises at 1%. You call them our heroes when we're just talking about nurses, but it's not just nurses who are involved with this; it's all public sector workers—corrections officers—right across the province. You capped their wages at 1%. You talk about protecting workers—

The Chair (Ms. Natalia Kusendova): I'm sorry, MPP Gates, but I would just ask you to keep your comments to the bill that we are discussing, which is Bill 88. Thank you very much.

Mr. Wayne Gates: I actually think it is part of the bill, but if you're telling me it's not—I'm certainly not going to challenge the Chair and her expertise. I will just say that Bill 124 should be repealed immediately. I appreciate your ruling.

That's all I'll say on that particular part. I did get it out, and I was happy to get it out, so I'll leave it at that.

The Chair (Ms. Natalia Kusendova): Any further comments? Are members ready to vote? Shall sections 1 through 8 of schedule 3 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 1 through 8 of schedule 3 carried.

We will now consider schedule 3 as a whole. Are there any comments at this time? Seeing none, are members ready to vote? Shall schedule 3 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 3 carried.

We are now moving on to schedule 4. Since there are no amendments proposed to sections 1 through 6, I propose that we bundle these sections together. Agreed? Agreed.

Is there any debate? MPP Sattler.

Ms. Peggy Sattler: I did want to talk about the missed opportunity that is reflected in this schedule, as I mentioned in my introductory remarks. When you're opening the Occupational Health and Safety Act, you should be looking at the issues that have been identified, the gaps that exist in that legislation, and how that legislation can be improved.

I was very disappointed to see that there is nothing in this schedule that deals specifically with health care workers and, in particular, with the violence that health care workers experience on the job every day. I want to give a shout-out to the Ontario Council of Hospital Unions and CUPE for the work they have done to highlight the reality of escalating violence in the workplace that health care workers, PSWs and others experience on a daily basis. It has simply become much more prevalent with this pandemic, as people are chafing under the public health restrictions and are lashing out at the health care workers they deal with.

We know, back in 2017, that 68% of nurses and PSWs had experienced at least one incident of physical violence in the past year; 89% of PSWs in long-term-care homes said that they experienced physical violence on the job, almost two thirds of them at least once a week; 88% of nurses said that they had experienced physical violence, and half of them said that the physical violence happened once a week. The other reality is that many of these violent incidents were largely unreported due to the fear of reprisal. What happens to workers who—

The Chair (Ms. Natalia Kusendova): I'm going to interrupt you to call a five-minute health break. As soon as we come back in five minutes, you can restart your comments.

This committee now stands in recess for five minutes. We will resume promptly at 2:06.

The committee recessed from 1400 to 1407.

The Chair (Ms. Natalia Kusendova): The Standing Committee on Social Policy is now in session. We will continue our consideration of Bill 88, An Act to enact, amend and repeal various statutes, and we will go back to MPP Sattler to conclude her remarks with regard to schedule 4, sections 1 through 6.

Ms. Peggy Sattler: Yes. Thank you very much, Chair. I appreciate the opportunity.

Basically, what I want to point out is that every time legislation is opened up, the government should be looking at what the gaps are in that legislation, what the issues are that have been identified that need to be fixed in that legislation. Because we don't have a lot of time on the legislative agenda to deal with bills as they make their way through the legislative process. So I am disappointed that the government did not use the opportunity that was available to them in this schedule, as they open up the Occupational Health and Safety Act, to address one of the biggest issues facing health care workers in this province.

I mentioned earlier that 85% of health care workers are women. Yesterday was International Women's Day. This government claims to be interested in what women need to be safe on the job, to be in the workforce, and yet they did not include any provisions to address the epidemic of violence that health care workers are experiencing on the job—an epidemic that has been worsened by this pandemic.

With that, I will pass the floor over to my colleague.

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

Mr. Wayne Gates: Thanks very much, Chair. I appreciate it. I just will say, yesterday, as we celebrated International Women's Day—I have three daughters and four granddaughters I love a lot. I just think we can do more for women in the workplace. Nurses—like you said, 85% of them are women, and I think as a society, we have to do better.

1410

I know you don't like me to mention this, but Bill 124 is really an attack against women, and I said that in the House yesterday. You probably heard that. I feel very deeply about that. It is an unbelievable attack against the women of this province. They deserve to be safe on the job. They should have been included in schedule 4. My daughter's boyfriend's mom is a nurse, and the incredible abuse and violence on the job is really tough on them. I think we can do better, and I'm glad that you raised those points, Peggy.

On the opioid crisis—this is really an issue—it puts the onus on the employer to have the kits available in good condition. We know there is an opioid crisis in Ontario, in particular with the building trades, and I wouldn't just say the building trades. I've heard it from carpenters as well. I've heard it from electricians. Something that a lot of people don't realize: 2,500 people died from opioid-related causes between March 2020 and January 2021, and out of that 2,500, 30% were construction workers. That's a pretty high number when you look at the overall picture. Governments should also use this as an opportunity to address why we are seeing a rise in the opioid crisis and the use of opioids.

I'm going to explain how we got here, and hopefully the Chair doesn't rule me out, but I think they are tied really, really tight on this bill. The WSIB, the most defining contributing factor, denied claims—now think about that; they denied claims—and have a horrible reputation for putting workers into poverty, leaving many

workers still on the job with injuries. That's where my Bill 119 comes in, my deeming bill. I've talked to construction workers, I've talked to the carpenters, I've talked to the building trades, and I've talked to IBEW. What they're telling me is that construction workers—and it's not just men. There are women, but the number of females in the skilled trades is a low percentage of the overall employment. Obviously, we certainly want more women in the trades, but as it stands now, it is a high number of men that are in the trades.

It may be the macho part; it may be because they go to work when they're sore all over their bodies. Being in skilled trades is not an easy job on some of these construction sites. I think we all know that. What's happening is, instead of going on WSIB, they start taking pain pills and then opioids, and that's how it starts to grow.

That's why the deeming is so important. If that worker goes off, what WSIB does is they say, "Okay, you could go work for, say, \$19 an hour." We'll use that as a figure. They take that \$19 out of what his benefit is, and he might have \$4 or \$5 left. That's his benefit, and that's how they end up living in poverty.

I'm saying to the government, if you want to fix the opioid crisis, fix it through deeming. Get rid of deeming so that the deeming part of it goes away, so if they get injured, they're not being denied compensation and they're getting a benefit. When they're deemed, 50% of those workers will live in poverty. I've said this 100 times, and not one person on your side has argued that with me. It's an accurate factor. No worker should live in poverty. Fixing deeming would be a good way to help fix the opioid crisis, because they would go off on WSIB and they would get the benefit that they deserve.

What happens when you're deemed? Does anybody know on your side? Yell it out. I don't mind. I don't mind if they yell across. What happens is they go on ODSP or OW. Now, we've had this conversation in the House, one of the better conversations in the House. I think it came from questions, quite frankly, of how low the rates are OW and ODSP, knowing that they can't live on that. That's where the poverty comes in. So I'm a good worker, I'm making—skilled trades can make, depending on what it is—I don't know what a hairdresser would make, but I think it would be around, say, \$50 to be fair. If you're working in construction, you might make \$100, maybe \$110, depending on the sites that you're working on. Some do get laid off. I know there are some that are laid off now, with electricians. Some do get laid off.

If you want to fix this, then fix the deeming issue. I'm going to ask your government: You've got—what have we got left, six weeks? Pass the deeming bill, Bill 119. You could do it tomorrow. Your House leader knows how to move things ahead very quickly. He's very talented at doing that. I watch him very carefully. What I'm saying is, talk to him. Talk to him about how important it is to workers, particularly skilled trades workers. It's not something that you guys talk about a lot. You say you support skilled trades, you want more skilled trades, you're doing a lot of things around the skilled trades. You're doing all that, but the one thing you're not doing is protecting them.

They are, in record numbers, using opioids and, in record numbers, they're dying on the job because we're not doing enough collectively.

I'm not just saying myself; I'm saying all of us. I say that—the Liberal is here. I've talked to him about it. I've talked to you about this how many times? Until we're probably blue in the face, right? I torture you all the time on this and say, "You've got to do this." It just bothers me so much. I get really emotional about this issue because I know we can save lives. We can make sure that people are going to work and if they do get injured, they're being compensated fairly. They're not losing their wife, they're not losing their family, they're not losing their house. In some cases—we all have kids. I think most of us would have kids or grandkids. What happens is they don't have money to send their kids to dance, they don't have money to send them to play hockey or to go—that makeup of the family is destroyed because of WSIB and the deeming bill.

What did we do with all the extra money? We could have—and I raised this. I'm going to say it again, and I believe it's really tied to the opioid crisis as well. What we did is instead of giving it to the workers who need it and getting rid of the deeming, we gave a couple of billion dollars to corporations. Some said small businesses, but the small businesses get a very small amount on the rebate coming back. Same to safe employers, but we also know that some of those—Fiera Foods is not a safe employer, but because of that agency makeup, I'm sure they got a cheque. I can't say that for sure. Nobody has shared that with me yet, but I'm sure they did.

Interjection.

Mr. Wayne Gates: What's that? What I'm saying is, we can do better.

Like I said, I've talked to skilled trades, all different trades, and they're saying that's one that has to stop.

I'll read this little bit that I did earlier during lunch, what I explain: WSIB is most definitely a contributing factor. Denied claims and a horrible reputation for putting workers into poverty leave many workers still on the job with injuries, typically using opioids. End deeming and properly process claims so workers who are truly injured don't fear living in poverty. Also, an important note, if we have safer work sites, lower injuries on work sites, we may see less workers turning to opioids. We have unfortunately seen a steady rise in injuries, and this government doing more to ensure workers are safe would really combat the root of the problem.

That's what I'm saying. The problem is workplaces have to be safer, but if you do get injured, you should be compensated fairly through WSIB. You say you can't do it. Billions of dollars—you could have done it right then and there. You've got to get deeming done before you guys leave government. But I'll guarantee you, when we become government, we'll get it done for sure. No worker deserves to live in poverty in this province. I appreciate the time, Chair.

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

Mr. John Fraser: Just to comment on this section of the bill: Section 4 is important, but I want to go back to

another bill that we passed that was very similar, which is Bill 141, which is artificial defibrillators. It's the same premise, that if you have one, you have to maintain it and people should know where it is.

Well, that bill passed more than two years ago—almost three; Robin's bill. We still don't have the regulations for it. It's a good bill. It was great she put it forward. France put forward one as well. I did as well, too, and we're still waiting for the regulations. So when we pass a section like this—

Interjection.

Mr. John Fraser: Pardon me?

Mrs. Robin Martin: There has been a pandemic.

Mr. John Fraser: No, but it's three years. It's three years, and the thing is, what's happening right now is it's three years and we're going to go into an election period, so it's going to be another six months for the regs to get done.

1420

Interjection.

Mr. John Fraser: Look, I'm not here to debate Bill 141 and where the regs are or anything like that. All I'm going to say is, when we do this, let's keep in mind that it needs to get done. The faster it gets done, the better it is for people.

The Chair (Ms. Natalia Kusendova): Further comments? MPP Karpoche.

Ms. Bhutila Karpoche: This particular schedule in the bill pretty much puts the onus on the employers to ensure that naloxone kits are available. I think this is definitely something that should happen. However, given the scale of the other public health crisis that this province is experiencing, the overdose crisis and the complete lack of attention and action on it, to treat it like a public health crisis, to declare it a public health emergency and to ensure that people are not dying from an overdose has been completely lacking from this government.

If this is the only action the government is going to take to address the overdose crisis, then more and more people are going to die. We have seen the numbers, the rates of deaths from overdose, increase in Ontario. I want to make it very clear, particularly to the members of the government side, that what we're also dealing with is an overdose crisis due to toxic drug supply. A lot of people are actually dying because drugs are laced with toxic substances—more than opioids. People are using fentanyl that is toxic or laced with toxins.

We really have to understand the scale of the problem. We have to understand the cause, the roots, what is killing people. And we have to take appropriate action. We have to also remember that, for years now, people on the front lines, front-line health care workers who, even during the pandemic, were dealing with and addressing the overdose crisis, have done so with very little support. Pretty much the work that they've done has been in spite of the lack of action from the government, and they are burnt-out; they're exhausted. They need their government to step in, to take it seriously.

When you look at the number of overdose prevention sites that are in this province—first of all, we have an

arbitrary cap of 21 sites, but we don't even have 21 sites across the province. This government has delayed, unnecessarily, funding overdose sites. We know that in parts of the province, like in northern Ontario—my colleague the MPP from Sudbury has been fighting for overdose prevention sites in his community.

Mr. Mike Harris: Chair, point of order.

The Chair (Ms. Natalia Kusendova): MPP Harris, on a point of order.

Mr. Mike Harris: I think the committee has been pretty lenient on the scope of the debate that's gone on here today, but I would request that we get back towards the bill and the clause-by-clause considerations that are before us.

The Chair (Ms. Natalia Kusendova): Thank you, MPP Harris. However, we are talking about opioid and naloxone, and I do believe MPP Karpoche's comments are relevant. Thank you.

Ms. Bhutila Karpoche: Thank you, Chair, for that ruling. I want to also remind this government that this has been a crisis since pretty much this government—I mean, it has been a crisis before the government came into power, but in the last four years, there has been very little done and it has cost lives. We know what needs to be done. Experts are telling us what needs to be done.

Sorry, I lost my train of thought, but what I was saying earlier, before that point of order, is that in many parts of the province, in northern Ontario, in southwestern Ontario, people are desperate for overdose prevention services. This schedule is like a drop in the ocean in terms of the actual need and the action that is required from this government.

The Chair (Ms. Natalia Kusendova): Any further comments? Seeing none, are members ready to vote? Okay. We are voting on—oh, sorry. MPP Gates.

Mr. Wayne Gates: Can we have a recess of 20 minutes, please, before the vote?

The Chair (Ms. Natalia Kusendova): Yes. Pursuant to standing order 132(a), the time now being 2:26 p.m., the committee will recess until 2:46 p.m. sharp, and we shall reconvene and immediately vote on the motion. Please do not be late.

The committee recessed from 1426 to 1446.

The Chair (Ms. Natalia Kusendova): The Standing Committee on Social Policy will now come to order.

We left off just prior to the vote on schedule 4, sections 1 to 6. Are members ready to vote on schedule 4, sections 1 to 6? Yes? All those in favour, please raise your hands. All opposed, please raise your hands. I declare schedule 4, sections 1 to 6, carried.

We will now consider schedule 4 as a whole. Are there any comments? Seeing none, are members ready to vote? Shall schedule 4 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare schedule 4 carried.

We are now moving on to schedule 5. I inform the committee that we have an intention from the government, who intends to vote against schedule 5 of the bill. It's a notice, not a motion.

Since we don't have amendments to sections 1 through 18 of schedule 5, I propose we bundle those together. Is there agreement? Agreed. Is there any debate on sections 1 through 18 of schedule 5? MPP Fraser.

Mr. John Fraser: As I said in my remarks earlier this morning, schedule 5—it's hard to understand how it ended up in this bill. It's really quite out of place. To actually remove a regulatory college for a regulated health profession, to remove the regulations from around that in a bill that's really supposed to be addressing workers' rights, doesn't fit.

Then on top of that—there's a reason why we have regulated health professions. All of us know, or many of us would know, it's actually to protect patients. It's about patient safety. It's to ensure that practitioners know what their scope of practice is and stay within it. It's to make sure that members of the community can, if they want, lodge a complaint, ask a question, alert the college to some practices that may be questionable.

Even more importantly, the colleges elevate things into a profession. They're self-regulating. It's actually not the government that's doing it; it's the body of practitioners who are part of that regulation. In particular, in the case of traditional Chinese medicine, to elevate that practice into a profession and to ensure that people were protected was really, I think, very important from a public safety and a public health point of view.

And then the other piece to that—and I know that Ms. Karpoche mentioned it this morning—is that by eliminating the college, the government was going to put into question the people's ability to access services, because benefit plans may no longer fund them.

1450

Again, I go back to the motion that didn't pass this morning. But I think it's important that we understand how this got into this bill. There was no public consultation, none whatsoever, or it was public consultation that was done privately. What I do really wonder is—I said it earlier, before—who whispered in the Premier's ear that this was a good idea? Who told him this was a good idea? Who told the minister it was a good idea? That's why we need to talk to the people who work on these files in the ministry to understand exactly how we got here.

It certainly doesn't belong in the bill, but more importantly, eliminating the college was not in the public interest. It was not in the public interest. I hope that the government, by their notice of intent, is indicating that they clearly understand that right now, because the thing that I'm concerned about is, well, if it happens, what's the next thing that's going to happen? When is the next time we're going to take something as important as this and make a change without actually talking to people who practise it or talking to the people who receive it and without talking to the broader public?

Here's the question: Would you do this with the college of massage therapists, physiotherapists or chiropractors? Would you? I don't know. It seemed to be pretty easy to do it here.

While I do appreciate the fact that the government is withdrawing this section—I think it's the right thing to

do—I do still firmly believe that we need to get to the bottom of it. We need to understand who thought it was a good idea, why they thought it was a good idea and why we got to here in the first place.

I'll yield the floor to my colleague.

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

Ms. Peggy Sattler: I think at some point, when I have some time, I might make a request of the legislative research service to find out if this has ever happened before. We are here today, looking at a notice of motion from the government that the government recommends voting against schedule 5 to the bill—to its bill, to a bill that it tabled on February 28. And here we are, in a hastily convened process, to allow the government to try to fix the fiasco that they created when they included schedule 5 in a bill that it didn't belong in, because it deals with a regulated health profession and the bill that we are looking at, Bill 88, focuses on digital platform workers and construction workers. There was no reason that traditional Chinese medicine practitioners and acupuncturists should have been grouped with those other categories of workers.

But the big problem, as this is government found out, is you can't just throw something into a bill and then wait to see how people react. You're supposed to do consultation before you develop and introduce legislation. You're supposed to reach out to the people who will be most affected, to the patients in this province who rely on traditional Chinese medicine practitioners and acupuncturists, to the people who have trained for years. These are three- and four-year credential programs where people pay \$20,000 to \$25,000 to get the comprehensive training that is required by the regulatory body that this government proposed to dissolve for no good reason. We have no transparency about what the background was that this government had that led it to think that schedule 5 was a good idea.

We also know that this government was prepared to risk the health and well-being of people across this province who go to traditional Chinese medicine practitioners for a range of health conditions that they may be experiencing.

I heard from a practitioner who specializes in infertility and uses acupuncture to treat infertility. You were prepared to jeopardize people's reproductive organs by proceeding with infertility treatments by somebody who has no training, who is completely unregulated. There would be no regulatory body to investigate complaints or other concerns.

We know that there are 70 open investigations under way right now by that regulatory body. There are eight disciplinary hearings that are upcoming. Those would have all disappeared if this schedule had passed. The practitioners who were the subject of those investigations and those disciplinary hearings would be allowed to continue to practise, and people who had previously been banned by the regulatory college for sexual assault and for all kinds of other infractions would be allowed to continue to practise, because what this government was proposing was to replace the regulatory college with an oversight author-

ity that was voluntary for practitioners. What kind of protection does that give the public? What kind of assurance does that give the public that they will be protected by proper regulatory oversight?

There are all kinds of consequences to allowing unregulated health professionals to provide health treatments on people in this province. Ontarians have a right to expect that their government will put measures in place that will ensure that their health and well-being is protected.

I appreciate that this government now understands the error of its ways. I hope that they have learned this lesson. They don't have a lot more time—six more weeks—to be introducing new legislation.

It is shocking and it is completely unacceptable that any government would have contemplated that this was the appropriate way to introduce new legislation in this province—just throwing something in a bill without any consultation, hastily cobbling together this process so they could try to undo the mess that they had made.

Chair, I am really angry that we are in this position right now, where the government is recommending voting against an entire schedule of a bill that they introduced.

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

Mr. John Fraser: I want to say that I'm grateful for the fact that we're in here talking about it today. It's a really unusual move to send a bill to committee right after first reading.

The central question in schedule 5 is the same as the question in schedule 2. The question in schedule 5 is, who was going to benefit from a legislative change to eliminate the college? It wasn't patients. It wasn't practitioners. And it wasn't in the public interest. So the question is, who was going to benefit from that? That's the question I'm driving at. The legislative changes in section 2 that exclude IT and business consultants—who does that benefit? The IT and business consultants? No. The general public? No.

I appreciate the opportunity to point that out.

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

Mr. Wayne Gates: It's a pleasure to talk on schedule 5, and good to talk a little bit about the public consultation. This bill is—I don't know how long. There are five different sections in it. This obviously doesn't belong in this bill. I think that's pretty clear; we know that.

1500

But how do you bring anything forward to the Legislature with no prior consultation? I think my colleagues have already talked about how you didn't talk to patients. You never talked to anybody. You ended up having a rally out here. My understanding is that you changed your mind on—I think it was Friday when they decided that—

Ms. Peggy Sattler: Thursday.

Mr. Wayne Gates: Was it Thursday?

Ms. Peggy Sattler: Yes.

Mr. Wayne Gates: Of last week?

Ms. Peggy Sattler: Yes.

Mr. Wayne Gates: So Thursday of last week, "Maybe we didn't make a very good decision here on including it." And it's not like it's a line; it's an entire schedule of the bill.

Interruption.

Mr. Wayne Gates: I'm not giving you a headache, I hope, am I?

The Chair (Ms. Natalia Kusendova): Not yet.

Mr. Wayne Gates: Not yet? Okay, good. Just let me know, okay?

Interjection: I've already popped four Tylenols since we've been here, Wayne.

Laughter.

Mr. Wayne Gates: I haven't taken any, so I'm obviously enjoying this a lot more than you guys are.

Mrs. Robin Martin: You do seem to be smiling a lot.

Mr. Wayne Gates: Oh, yeah. I'm a happy guy, man. You've got to be happy. You make the best of it.

There's no consideration to protecting the public through regulation in an important health profession. I don't understand how we got here. There's no consideration of regulating TCM practitioners and acupuncturists, whose livelihood would be at stake because the insurance companies would no longer cover their unregulated services. I'm just trying to pretend I'm on your side. I'm saying, "How did this happen?"

There are, what, six of you here today? Did any of you ask a question to any of your leadership, to any of your caucus members? "What the hell are we doing here? Why is this coming forward?" Because you guys obviously changed your mind because you got beat up a bit—well, probably got beat up a lot, I'm kind of guessing, from a lot of different people in the province of Ontario. I never understood why it's here. I think you mentioned it, too, as well, from the Liberal Party: How has it happened? I don't get it.

It's not the first time that we saw that there wasn't any consultation, quite frankly, in bills. I've been here a lot. I have the opportunity to come to committee quite regularly. And the number of times we say, "Well, who did you consult with?" and they all put their heads down or they go back on their phones—that's one thing: I haven't touched my phone all day, just for the record. But that's what they do, and I go, "Who do you consult with?"

Any time you bring a bill—I want to say what I do, okay? You bring a bill here. If I've got to talk to it or I've got to investigate it, I talk to stakeholders and I say, "How is this going to affect your workplace? How is this going to affect you?" In a lot of cases, it might be the union: "How is this going to affect injured workers?" But I talk to them and they stay whole.

I spoke today on the skilled trades. I didn't come up with that myself; I talked to skilled trades and said, "Is this going to affect your jobs? Is it going to affect the health and safety of your jobs? What would you like me to make sure to get on the record at committee?" So I talk to people. I don't understand how you don't consult with anybody prior to this.

How long have we been here now? Almost four years, right? We've got six weeks left, so it would have been four years. You would think that in four years—and this is no disrespect to the people who are here, because you guys probably didn't do this. You bring in a schedule that you're going to have to vote against. You brought it in. We didn't bring it in; you did, and you're going to have to sit

there and vote against it. I don't know how you think that makes you look, but I'm just guessing—I don't know. I'd be pretty upset.

We're like you guys: You have a House leader, you have a team and you have all that stuff, and they're up here and you're kind of down here. If you stay here long enough, you go from the third row to the second row, and if you're lucky, you might get to the first row. That's kind of how it works here. But I'd be saying to somebody, "How did you do this to me? I've got to listen to Gates for 15 minutes on this bill, and he's going to come after us, knowing that it made no sense to him" that you're voting against your own section of—one of your last bills, quite frankly. I think you might bring one forward tomorrow, or you might do what you did this morning. We listened to the prayer and then we had nothing else to talk about, so we didn't meet from 9 until 10:15, which I don't understand. I'm going to finish up by just saying that I don't understand that today.

I'm going to say it, because I know it's not on the bill and you're going to correct me and tell me it's against the bill, and I'm fine with that. We have so many problems in the world today, quite frankly, with Ukraine, and I'm really worried about what's going to happen if this war expands. Even in my province, I'm worried about how people are going to feed themselves. I'm worried about gas prices, house prices, rent prices.

I don't know how it works sometimes, because I'm not a House leader, but do you know what? Today might have been a good day to raise something so we could have that discussion and see if, collectively, we can help as many people as we can. I'm not saying just you guys; the NDP, the Liberals, the Greens—we've got to have some good ideas, collectively, to make life better for people in this province and this country, and I think we wasted an hour and 15 minutes today when we could have done that.

Thank you very much. I know you're being very lenient, and I appreciate it.

The Chair (Ms. Natalia Kusendova): Any further debate? None? Okay. Are members ready to vote? Yes.

Just as a reminder, we are voting right now on sections 1 through 18 of schedule 5.

Ms. Peggy Sattler: Recorded vote.

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

Nays

Babikian, Fraser, Gates, Harris, Martin, McDonell, Pettapiece, Sattler, Triantafilopoulos.

The Chair (Ms. Natalia Kusendova): I declare sections 1 through 18 of schedule 5 lost.

We will now consider schedule 5 as a whole, as amended. Is there any debate? Seeing none, are members ready to vote?

Mr. Wayne Gates: Recorded vote, please.

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

Shall schedule 5, as amended, carry? Those in favour, raise your hand.

Mr. Mike Harris: Madam Chair, just a matter of clarification.

The Chair (Ms. Natalia Kusendova): It's a point of order? Go ahead, MPP Harris.

Mr. Mike Harris: So if you were to vote in favour of this, it would mean that—no, it's okay.

The Chair (Ms. Natalia Kusendova): MPP Harris, this is an empty schedule now. There are no sections.

Mr. Mike Harris: Perfect. The question has been answered. Thank you.

The Chair (Ms. Natalia Kusendova): Shall schedule 5, as amended, carry? Those in favour, please raise your hand.

Interjections.

The Chair (Ms. Natalia Kusendova): We are voting. Okay.

Schedule 5, as amended—empty schedule—shall it carry? Those in favour, raise your hand. Those opposed, please raise your hand.

Mr. Wayne Gates: Excuse me; I asked for a recorded vote.

The Chair (Ms. Natalia Kusendova): Yes. My apologies.

Nays

Babikian, Fraser, Gates, Harris, Martin, McDonell, Pettapiece, Sattler, Triantafilopoulos.

The Chair (Ms. Natalia Kusendova): I declare schedule 5 lost.

We will now go back to sections 1 through 3, which we agreed to stand down at the beginning. We can bundle the three sections together. We don't have any amendments. Is there agreement to bundle sections 1, 2 and 3 together? Agreed? Agreed. Is there any debate on sections 1, 2 and 3 of the bill? Seeing none, are members ready to vote? Thank you. Shall sections 1, 2 and 3 of the bill carry? Those in favour, please raise your hand. Those opposed, please raise your hand. I declare sections 1, 2 and 3 of the bill carried.

We will now consider the long title of the bill. I believe we have a motion by the government. MPP Harris.

Mr. Mike Harris: I move that the long title of the bill be struck out and the following substituted:

“An Act to enact the Digital Platform Workers' Rights Act, 2022 and to amend various Acts”.

The Chair (Ms. Natalia Kusendova): Do we have any debate on this motion? MPP Sattler.

Ms. Peggy Sattler: Yes, we are opposed to this title. We're opposed to the principle that digital platform

workers have any lesser rights than any other worker, and this seems to suggest that there are different rights for digital platform workers than there are for other workers in this province. We believe a worker is a worker and should be protected by all the rights, benefits and protections of the Employment Standards Act.

The Chair (Ms. Natalia Kusendova): Any further debate? Seeing none, are members ready to vote? Those in favour of MPP Harris's motion, please raise your hand. Those opposed, please raise your hand. I declare the motion carried.

We will now vote on the title of the bill, as amended. Is there any debate? MPP Sattler.

Ms. Peggy Sattler: Yes, I just want to reiterate my previous comments. We don't support any notion that digital platform workers have different rights than other workers.

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

Mr. Wayne Gates: I'm just going to say a worker is a worker is a worker and we should all be treated equally.

The Chair (Ms. Natalia Kusendova): Further comments? Seeing none, are members ready to vote on the title, as amended?

Ms. Peggy Sattler: Recorded vote.

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

Ayes

Babikian, Harris, Martin, McDonell, Pettapiece, Triantafilopoulos.

Nays

Gates, Sattler.

The Chair (Ms. Natalia Kusendova): I declare the title of the bill, as amended, carried.

We will now consider the whole Bill 88, as amended. Are there any comments? Seeing none, are members ready to vote? Those in favour of Bill 88, as amended, please raise your hand. Those opposed, please raise your hand. I declare Bill 88, as amended, carried.

Shall I report to the bill, as amended, to the House? Is there any debate? Seeing none, are members ready to vote? Those in favour of me reporting the bill to the House, as amended, please raise your hand. Those opposed, please raise your hand. Therefore, I will report the bill, as amended, to the House at the next available opportunity.

Seeing as there is no more business, this committee now stands adjourned.

The committee adjourned at 1513.

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