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Wednesday 27 June 2001

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Mercredi 27 juin 2001

**Standing committee on
general government**

Government Efficiency Act, 2001

**Comité permanent des
affaires gouvernementales**

Loi de 2001 sur l'efficacité
du gouvernement

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 27 June 2001

Mercredi 27 juin 2001

The committee met at 1602 in committee room 1.

GOVERNMENT EFFICIENCY ACT, 2001

**LOI DE 2001 SUR L'EFFICIENCE
DU GOUVERNEMENT**

Consideration of Bill 57, An Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain Acts / *Projet de loi 57, Loi visant à favoriser l'efficacité du gouvernement et à améliorer les services aux contribuables en modifiant ou en abrogeant certaines lois.*

The Chair (Mr Steve Gilchrist): Good afternoon. I'll call the committee to order for the purpose of clause-by-clause consideration and debate of Bill 57, an Act to promote government efficiency and to improve services to taxpayers by amending or repealing certain acts. To those folks who have joined us here today, my apologies for the delay, but the standing orders do not allow us to start committee work while what are called the routine proceedings of the House are still underway.

Having said that, we will start the proceedings by asking if there is any debate or amendments to section 1 of the act.

Mr Peter Kormos (Niagara Centre): It's obviously to our great disappointment that the bill has been time-allocated at all, and certainly in the manner that it has been. As you know, buried in this omnibus bill are provisions which, beyond merely eroding, seriously assault workers' rights in the workplace.

The amendments, which are effectively repeals of any number of sections of the Occupational Health and Safety Act, put workers at risk, endanger their lives and will, we believe—and so do working women and men across this province—increase the numbers of workers slaughtered in the workplace.

We do not support Bill 57 because of the inclusion of those amendments by way of repealing provisions of the Occupational Health and Safety Act. I wanted to put that on the record at the onset.

The Chair: Any further debate? Seeing none, I'll put the question. All those in favour of section 1? Contrary? Section 1 is carried.

Section 2: Any debate or amendments to section 2? Seeing none, I'll put the question. All those in favour of section 2? Opposed? Section 2 is carried.

Section 3: Any debate or amendments?

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Chair: You're moving fairly quickly and I just want to make sure that you will bring to the attention of the committee members when there is an amendment.

The Chair: Yes, sir, I will.

Mr Spina: Thank you, sir. Proceed.

The Chair: Seeing no debate, all those in favour of section 3? Opposed? Section 3 is carried.

Schedule A, sections 1 and 2:

Are there any amendments or debate to schedule A? All those in favour? Opposed? Schedule A is carried.

Schedule B, which has sections 1 to 14:

Any amendments or debate? Seeing none, all those in favour? Opposed? Schedule B, sections 1 to 14, are carried.

Schedule C, section 1: Mr Kormos.

Mr Kormos: Proceed with section 1. I'll speak to section 2.

The Chair: Any debate or amendment to section 1? Seeing none, all those in favour? Opposed? Section 1 is carried.

Section 2: Perhaps I will start things, Mr Kormos, in the absence of the Liberal members of the committee, to indicate that the first amendment you have in your packet, a Liberal motion marked number 1, is out of order. As members of the committee will know, if you want to delete a section of an act, you simply vote against it, so that amendment is out of order.

Are there any further amendments or debate on section 2?

Mr Kormos: Again, New Democrats want to indicate that we very specifically oppose section 2. It has a tremendous impact on what have historically been arbitration rights for a select group of working people, people who primarily work directly with other persons, including persons with disabilities and other challenged people. We see this quite clearly as an attack on the dispute mechanism that's been made available to them, under the guise of restoring the right to strike, but then denying them the arbitration access that they had historically.

So I would ask for a recorded vote on section 2, please.

The Chair: Is there any further debate on section 2? Seeing none, Mr Kormos has asked for a recorded vote.

Interjection.

The Chair: In their absence, there has been no one introducing any other amendment, so seeing no further debate, all those in favour of schedule C, section 2?

Ayes

Arnott, Chudleigh, Spina.

Nays

Kormos

The Chair: Schedule C, section 2 is carried.
Schedule C, section 3: Any debate? Seeing none—

Mr Kormos: Recorded vote.

Ayes

Arnott, Chudleigh, Spina

Nays

Kormos

The Chair: Schedule C, section 3 is carried.

Interjection.

The Chair: We had actually waited a considerable amount of time, Mr Agostino, and I must indicate to you, we've actually passed the point of the first Liberal amendment that had been proposed. If you wish, you could ask the committee for unanimous agreement to reopen schedule C, section 2, but I can tell you that that section has already passed unamended.

Mr Dominic Agostino (Hamilton East): Passed means approved?

The Chair: Approved, yes.

Mr Agostino: That's fine. Keep going.

The Chair: Schedule D, sections 1 through 16:

Are there any amendments or debate to Schedule D? Seeing none, I'll put the question. All those in favour of schedule D, sections 1 through 16? Opposed? Schedule D, sections 1 through 16, are carried.

1610

Schedule E, sections 1 and 2:

Is there any debate or amendment? Seeing none, all those in favour of schedule E, sections 1 and 2? Opposed? That is carried.

Schedule F, section 1:

Any debate or amendments to section 1 of schedule F?

Mr Spina: Is this amendment—

The Chair: There's an amendment to section 2. There's nothing on section 1 that has been tabled.

All those in favour of section 1? Opposed? Schedule F, section 1 is carried.

Schedule F, section 2.

Mr Spina: I move that subsection 125.2(1) of the Ontario Energy Board Act, 1998, as set out in subsection 2(5) of schedule F to the bill, be amended by striking out "rules of the board made under clause 44(1)(c) governing

the conduct of persons holding a licence issued under part IV" and substituting "rules of the board made under part III."

The Chair: Do you wish to speak to the amendment?

Mr Spina: This is important because it'll provide more of a level playing field with the regulation between natural gas and electricity utilities. With this amendment, any player in the market—natural gas and the electricity industry—regulated by the OEB is subject to penalties if they don't have licences and other elements like that.

The Chair: Further debate? Seeing none, I'll put the question. All those in favour of the amendment? Opposed? The amendment is carried.

Any further debate on schedule F, section 2? Seeing none, I'll put the question. Shall schedule F, section 2, as amended, carry? It is carried.

Schedule F, section 3: any debate or amendments? Seeing none, all those in favour? Opposed? Schedule F, section 3 is carried.

Since we amended schedule F, shall schedule F, as amended, carry? All in favour? Opposed? It is carried.

Schedule G, sections 1 through 8:

Any debate or amendments? Seeing none, I'll put the question. All those in favour of schedule G, sections 1 through 8? Schedule G, sections 1 through 8, is carried.

Schedule H, sections 1 and 2:

Any debate? All those in favour? Opposed? Schedule H, sections 1 and 2, is carried.

Schedule I.

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

"(30.1) Section 141 of the act is amended by adding the following subsection:

"Regulations re part XXII

"(3.1) A regulation prescribing penalties for contraventions for the purposes of subsection 113(1) may,

"(a) provide for greater penalties for the second contravention and for the third or subsequent contravention of a provision of the act in a three-year period or in such other period as may be prescribed;

"(b) provide that the penalty for a contravention is the prescribed amount multiplied by the number of employees affected by the contravention."

The Chair: Do you wish to speak to the amendment?

Mr Spina: I think it stands for itself.

Mr Kormos: I don't think it speaks for itself. I'd like to hear the mover explain the amendment.

Mr Spina: What you'd like and what you're going to get may be two different things.

Mr Kormos: Don't move amendments you don't understand.

Mr Spina: All right. This enables the government to implement the desired scheme of basically escalating penalties for notices of contravention without risk of a successful challenge. We are proposing that the ESA, 2000 part of the Ministry of Labour's schedule in Bill 57 is amended. What this will do is give specific authority to make the regulation providing for such a scheme. As both the notice of contravention section and the

regulation-making authority section are already being opened by the bill, it's likely that such a committee-stage amendment would not be ruled out of order. Basically what we want to do is beef up the subsequent violations that increase the penalties, basically, for additional contraventions when they take place.

Mr Kormos: What's magic about the three-year period? Why three years? Why have you basically capped the time frame in which antecedent convictions can be referred to?

Mrs Margaret Marland (Mississauga South): Just like you proposed when you were the government.

Interjection: What would you suggest?

Mr Kormos: The parliamentary assistant, I'm sure, will be pleased to answer.

Mrs Marland: Just the way you did when you were a PA?

Mr Spina: The question was why the three-year time frame?

Mr Kormos: Yes, sir.

The Chair: Do you have a staff member who might have information for you, Mr Spina?

Mr Spina: Fundamentally, it was felt that if an employer had a clean record for three years, they could basically start over again. That was the logic behind that.

Mr Kormos: Thank you.

The Chair: Any further debate? Seeing none, I'll put the question on the amendment. All those in favour? Opposed? The amendment is carried.

Mr Agostino: Very quickly, I've got a point of order. If I—

The Chair: Let me just finish the vote on that section, if I might, Mr Agostino.

Schedule I, section 1, as amended: All those in favour? Opposed? Schedule I, section 1, as amended, is carried.

Mr Agostino: If I could ask for unanimous consent to very quickly go back to that section, Liberal motion number 2. We'll be very brief on it, but just if I could get it on the record in this committee.

The Chair: Mr Agostino has asked for unanimous consent that we revert to—

Mr Ted Arnott (Waterloo-Wellington): What do you mean go back to it?

Mr Agostino: We have to go back and move it now because it wasn't moved earlier.

The Chair: To have further discussion and to allow him to table the amendment. He missed that. So we're reopening schedule C.

Mr Spina: Could I ask a question on that? Was this the amendment that was out of order?

The Chair: No. That was amendment number 1. This would be amendment number 2.

Mr Spina: That was the first one. The second one was defeated in their absence.

The Chair: No, it wasn't tabled. It has not been discussed.

Is there unanimous agreement? There is.

Mr Agostino: Just very quickly, what this amendment does is it proposes that agencies receiving funding from Comsoc who are currently under the HLDAA should remain there. This could imply that no other agencies may apply to settle disputes under this, but at least other agencies, approximately 16 to 20, by the change would remain as essential workers.

That's basically the explanation for this. It would only affect the people who are in those categories. Basically it was proposed by a number of organizations and very strongly supported, among others, by the Brantwood Residential Development Centre of Brantford. It was sent to Mr Levac. The chair of the board, Alayne Sokolowski, and the executive director are both very strongly in favour of this.

1620

The Chair: Interesting debate, but you never did move your amendment.

Mr Agostino: I move the motion.

The Chair: You have to read it into the record.

Mr Agostino: I'm trying to go quickly.

I move that section 3 of the Hospital Labour Disputes Arbitration Act, as set out in subsection 2(2) of schedule C to the bill, be amended by adding the following subsection:

"Exception

"(3.1) Despite subsection (3), subsection (1) and sections 4 to 17 continue to apply to the hospital employees, trade unions, councils of trade unions and employers referred to in subsection (3) if the employer provided services funded under the Developmental Services Act on the day before the Government Efficiency Act, 2001, receives royal assent."

The Chair: All those in favour of the amendment?

Mr Kormos: Recorded vote, please.

Ayes

Agostino, Bountrogianni, Kormos.

Nays

Arnott, Chudleigh, Marland, Spina.

The Chair: The amendment fails.

We will go back to schedule I, section 2. Any debate or amendments?

Seeing none, I'll put the question on schedule I, section 2. All those in favour? Opposed? Schedule I, section 2 is carried.

Schedule I, section 3.

Mr Agostino: I move that subsection 3(6) to schedule I of the bill be struck out.

The Chair: Do you wish to speak to that?

Mr Agostino: Bill 57 proposes to remove section 34 of the Occupational Health and Safety Act. The section 34 requires notification to the director of health and safety when new chemicals or biological substances are introduced in the workplace. This notification is also

required under Environment Canada. The government believes that's a duplication. We believe this is more of a safeguard.

We were told at the briefing that at this point there is no agreement between the provincial government and Environment Canada in regard to this automatic notification. In view of that, we think it is safer to keep the provision in until an agreement is struck between the two parties so we can guarantee there is proper notification under the section of the Occupational Health and Safety Act. There is no agreement at this point. We were told that at the briefing by the ministry staff.

The Chair: Further debate?

Mr Kormos: Quite frankly, in view of the fact that the time allocation motion only gives us until 4:30, which means five more minutes, there has been 30 minutes of clause-by-clause consideration of an omnibus bill which contains, as I indicated in my very brief opening comments in the interest of saving time, schedule I and the withdrawal of arbitration rights to human services workers earlier on.

Working people out there are very angry about this bill. They are angry about the haste with which it was rammed through the Legislature. They're angry about the lack of consultation with them by the Minister of Labour. They're angry and frustrated by the fact that their efforts to seek the ear of government backbenchers were similarly frustrated by those government backbenchers not being available even to their own constituents.

The message has been delivered by the Ontario Federation of Labour, with respect to what Bill 57 is going to do, how they respond to issues around workplace safety. Sid Ryan and Brian O'Keefe of the Canadian Union of Public Employees have similarly stated that they will be responding by way of what they called direct action.

This is putting workers into a situation where they once again, like it was so many years ago, have to fight themselves for their lives, for their well-being, for their safety. I don't think any of us should be shocked or disappointed—least of all, disappointed—when, in a workplace refusal of unsafe work situation, you don't see just one worker relying on a telephone exchange between his boss and an absent inspector, but you see the whole workplace literally shut down, every worker in that workplace dropping their tools and simply either sitting down or walking to the perimeter.

It was interesting, yesterday, that it was awfully hot and humid in the House, and the Speaker mentioned in a private conversation that those might not be the most productive workplace conditions to work under. I said, "Yes. Call an inspector, under Bill 57, and his reply will be, 'It doesn't sound very hot in there.'" A lockout device that doesn't work on a piece of equipment or machinery, a piece of equipment or machinery that kills people—again, an inspector, however many kilometres or miles away, can say over the telephone, "It doesn't sound very unsafe."

The denial to workers of the right to have an on-site inspection by a Ministry of Labour inspector is egregious and it's dangerous. The repeal of sections 34 and 36 is dangerous not only for workers on that work site but quite frankly for emergency personnel, be it firefighters or paramedics, who have to attend at that work site and won't have available to them inventories of hazardous materials, chemicals etc on the site.

This government has declared war on the trade union movement and on workers in general. I anticipate that we will see dramatic and obstructive responses, all be they lawful, on the part of working people. I for one will be pleased and proud to join them, whether it's on their factory floor or outside their factory gate, whether it's in the streets of this or any other city or whether it's in the hallways of this Parliament or in the galleries of the chamber.

Mr Agostino: Just to follow what Mr Kormos said, when you look at this bill I think this is a very dangerous move by this government. Very clearly you've got a situation now where the workers have to have some faith and reliance that the government of Ontario and the Ministry of Labour will protect them from unsafe working conditions.

There have been very few examples given of frivolous requests. The vast majority have been upheld. The work orders have been significantly more than the calls—the stoppages much more than the calls or complaints that have come in. So there is really no need to do this unless it's another cost-saving measure by the government of Ontario to cut inspectors. The last time we saw cost-saving measures by the government of Ontario—we're in the middle of a public inquiry after seven deaths.

This is going to increase the danger to working people. All the minister was able to do was give one example. All they had was some trivial example of a phone call that was made, and that's the only rationale you seem to have for this. I think it's dangerous, and I think you're putting lives at risk. I think you're going to increase injuries, and you're putting a lot of good, hard-working people through unnecessary dangers simply to save a few bucks. I hope we don't come back here and talk about increased deaths and workplace injuries as a result of this move. Unfortunately, I think we will. You have abandoned working people when it comes to this.

It's simple protection I think any of us would expect our loved ones, our families, to have in the workplace, where they can pick up the phone, an inspector can look at the site and guarantee the site they're working on is safe. In this day and age, if we can't even give that assurance to the people of Ontario, I think that is a disgraceful move by this government with this bill, and I think there will be a heavy price to pay. Unfortunately, it will be the working men and women out there who are going to pay that price.

The Chair: With that, it is 4:30 and according to the order of the House under which we are operating, all amendments that have not been moved will be deemed to have been moved.

We will start with the one that is on the table now; that is, Liberal motion number 5, which Mr Agostino moved. All those in favour?

Mr Kormos: Recorded vote.

Ayes

Agostino, Bountrogianni, Kormos.

Nays

Arnott, Chudleigh, Marland, Spina.

The Chair: That amendment is lost.

The next amendment is number 6.

Mr Agostino: Mr Chair—

The Chair: Sorry, there is no further debate.

Mr Agostino: On a point of order, Chair.

The Chair: There isn't really one, but I will indulge just this—

Mr Agostino: Thank you. We went through it the other time. Is it possible to simply request that the amendments be read out before they're voted on?

The Chair: No, but I will read the title for the purposes of Hansard.

Mr Agostino: I want to question that, because we went through this the other day at committee. We had a request from Mr Kormos, and the ruling was that the motions could be read out—not debated but simply read out—before they're voted on.

1630

The Chair: The problem is, I can't speak to any time allocation that another committee has operated under. The wording is very specific here. They are deemed to have been moved. That means as if they had already been read into the record.

For the purposes of Hansard, the clerk has suggested that I read the title so we know which one we are voting on, but I'm afraid the order of the House is quite clear.

Mr Agostino: On the same point of order, Chair: The Chair sitting where you are last week ruled the exact opposite of what you just ruled, in consultation with the clerk and in consultation with the clerk's office, and he read into the record the amendments that were proposed.

The Chair: Well, I must tell you that in five years of being a clerk—sorry, a Chair—I've never received such advice from a clerk. I'm not questioning the advice another clerk gave to another Chair, but obviously each of us is operating under specific orders of the House. So I am inclined to go with the advice I have received from Ms Stokes.

Mr Kormos: Were those five clerking years when you were with Canadian Tire?

The Chair: Oh, many more clerking years there, Mr Kormos—25.

Mr Spina: On a point of order, Mr Chair: Would Mr Agostino's request be able to be done by unanimous consent, with your advice?

The Chair: I would accept such a motion.

Mr Agostino: I move unanimous consent that the amendments simply be read into the record before they're voted on.

The Chair: Agreed? Agreed.

Mrs Marland: Just a point of clarification, though, Mr Chair. What happens if we still run out of time going through the process of reading them into the record?

The Chair: There are actually only three more amendments to read.

Mrs Marland: Of the Liberals?

The Chair: Yes, and in fact the order of the House allowed us to sit beyond 6 o'clock. So that would not pose a problem.

Mrs Marland: OK. Thank you.

The Chair: I, however, will do the reading.

"I move that subsection 43(7) of the Occupational Health and Safety Act, as set out in subsection 3(11) of schedule I to the bill, be amended by striking out 'in consultation with' and substituting 'in the presence of'."

All those in favour of this amendment?

Mr Kormos: Recorded vote.

Ayes

Agostino, Bountrogianni, Kormos.

Nays

Arnott, Chudleigh, Marland, Spina.

The Chair: That amendment is lost.

The next amendment is marked number 7 in your packet:

"I move that clause 57(10)(b) of the Occupational Health and Safety Act, as set out in subsection 3(13) of schedule I to the bill, be struck out and the following substituted:

“(b) if the order or report resulted from a complaint of a contravention of this act or the regulations, the inspector shall cause a copy of the order or report to be furnished to the person who made the complaint’.”

All those in favour of the amendment?

Mr Kormos: Recorded vote.

Ayes

Agostino, Bountrogianni, Kormos.

Nays

Arnott, Chudleigh, Marland, Spina.

The Chair: That amendment is lost.

Shall schedule I, section 3, carry?

Mr Kormos: Recorded vote.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Schedule I, section 3, is carried.
Schedule I, sections 4 and 5:
All those in favour?

Mr Kormos: Recorded vote, please.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Schedule I, sections 4 and 5, are carried.
Shall schedule I, as amended, carry?

Mr Kormos: Recorded vote, please.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Schedule I, as amended, is carried.
Schedule J, sections 1 and 2:
All those in favour?

Ayes

Arnott, Chudleigh, Marland, Spina.

The Chair: He didn't even ask for a recorded vote.
That's OK. We might as well continue.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Those sections carry.
That takes us to the amendment marked number 8 in your package.

Mr Arnott: On a point of order, Mr Chair: I want to indicate that this is the amendment I intended to move. I know it's going to be deemed to have been moved. We're bringing this forward on behalf of the region of Waterloo.

The Chair: Thank you very much.

"I move that section 3 of schedule J of the bill be struck out and the following substituted:

“3. Subsection 34(13) of the Regional Municipalities Act, as re-enacted by the Statutes of Ontario, 2000, chapter 5, section 21 is amended by inserting, “Niagara, Peel, Waterloo” after “Halton”.”

All those in favour? Opposed? That amendment is carried.

Shall schedule J, section 3, carry? That is carried.
Shall schedule J, sections 4 and 5, carry? That is carried.

Shall schedule J, as amended, carry? It is carried.

Schedule K, sections 1 through 6:

All those in favour? Opposed?

Schedule K, sections 1 through 6, is carried.

Schedule L, sections 1 through 7:

All those in favour? Opposed?

Schedule L, sections 1 through 7, is carried.

Schedule M, sections 1 and 2:

All those in favour? Opposed?

Schedule M, sections 1 and 2, is carried.

Schedule N, sections 1 and 2:

All those in favour? Opposed?

Schedule N, sections 1 and 2, is carried.

Schedule O, sections 1 through 7:

All those in favour?

Schedule O, sections 1 through 7, is carried.

Shall the title of the bill carry?

Mr Kormos: Recorded vote, please.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: The title of the bill is carried.
Shall Bill 57, as amended, carry?

Mr Kormos: Recorded vote.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Bill 57, as amended, is carried.
Shall I report the bill, as amended, to the House?

Mr Kormos: Recorded vote, please.

Ayes

Arnott, Chudleigh, Marland, Spina.

Nays

Agostino, Bountrogianni, Kormos.

The Chair: Thank you very much. I shall report the bill, as amended, to the House tomorrow. Thank you, members, for your participation. The committee stands adjourned.

The committee adjourned at 1637.

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