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**Official Report  
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**Monday 24 November 2008**

**Journal  
des débats  
(Hansard)**

**Lundi 24 novembre 2008**

**Standing Committee on  
Social Policy**

Workplace Safety  
and Insurance  
Amendment Act, 2008

**Comité permanent de  
la politique sociale**

Loi de 2008 modifiant la Loi  
sur la sécurité professionnelle  
et l'assurance contre  
les accidents du travail

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
SOCIAL POLICY**

**COMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE**

Monday 24 November 2008

Lundi 24 novembre 2008

*The committee met at 1430 in committee room 1.*

**WORKPLACE SAFETY  
AND INSURANCE  
AMENDMENT ACT, 2008**

**LOI DE 2008 MODIFIANT LA LOI  
SUR LA SÉCURITÉ PROFESSIONNELLE  
ET L'ASSURANCE CONTRE  
LES ACCIDENTS DU TRAVAIL**

Consideration of Bill 119, An Act to amend the Workplace Safety and Insurance Act, 1997 / Projet de loi 119, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail.

**The Chair (Mr. Shafiq Qaadri):** Colleagues, I respectfully call the meeting of the Standing Committee on Social Policy. As you know, we're here to hear Bill 119 clause by clause.

I'd just like to respectfully remind all of us that this committee expires, by time allocation, at 5 p.m., at which point all motions that have not already been entered into the record will be entered in on an urgent basis. I also remind everyone that if there are requests made for recorded votes, all those votes will be deferred until 5 p.m.

Unless there's any other business, I would now invite submission of the first motion on the floor, which is government motion 1. Mr. Dhillon.

**Mr. Vic Dhillon:** Thank you very much, Chair—

**The Chair (Mr. Shafiq Qaadri):** Just a moment. Sorry.

Anterior to that is: Shall sections 1, 2 and 3, for which no motions have so far been received, carry as is? Carried.

Now we'll proceed to Mr. Dhillon.

**Mr. Vic Dhillon:** I move that section 12 of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be amended by adding the following subsection:

“Exception, construction

“(1.1) Despite paragraph 3 of subsection (1), a partner in a partnership that carries on business in construction may make an application under subsection (1) for a declaration that he or she is deemed to be a worker to whom the insurance plan applies for any period of time

during which the partner is not deemed to be a worker under subsection 12.2(1).”

I would like to give an explanation for this, with your permission?

**The Chair (Mr. Shafiq Qaadri):** Absolutely.

**Mr. Vic Dhillon:** This is a consequential amendment to the regulatory power to allow for the creation of an exemption of executive officers of corporations and partners in a partnership if the prescribed conditions are met. The government has listened to the concerns expressed by stakeholders regarding including executive officers in this legislation. In response to these concerns, this motion, along with other related motions, would establish a government regulation-making authority to exempt an individual executive officer or partner who works exclusively in the office and not on a construction site. This regulation-making authority is in recognition of the fact that some executive officers or partners in a partnership may not be exposed to the risks of a construction site. With the establishment of a regulation-making authority, the government would be able to initiate consultations with stakeholders to determine the best way to create any exemption.

In creating an exemption, the government would be mindful of any loopholes that may threaten the integrity of mandatory coverage. The following exemption would be limited by conditions including the following: the minimum number of executive officers; the nature of the work performed by a partner or executive officer—for example, whether they're exposed to the hazards of a construction site; the size of the partnership or corporation and the manner of determining the size of each; the number or the manner of determining the number of partners of a partnership or executive officers of a corporation that are exempt.

That is the explanation.

We will, obviously, be in support of this motion.

**The Chair (Mr. Shafiq Qaadri):** We'll open the floor for questions and comments. I just remind everyone, because of legal framework intricacies, we will be hearing but not voting on government motion 1; hearing and not voting on government motion 3; and then, proceeding to hear and vote on government motion 9, which therefore, will enable 1 and 3, as I've just mentioned. So, debate and comment is open; vote is deferred.

First comment, Mr. Miller.

**Mr. Paul Miller:** In reference to this, how are you going to determine how many and who are considered

officers of the company, and how are you going to maintain, if they do decide to visit their work sites and they're not covered, as a superintendent might do—if I was the head of a construction company, I most likely would want to go out and look at my projects on numerous occasions during the building process. How are you going to determine how many are considered officers and how many—if they're going to take private insurance, and does it cover them 25% of the time, does it cover them 100% of the time? What's the government's plan on that?

**The Chair (Mr. Shafiq Qaadri):** Just before you answer, Mr. Dhillon, I'd just like to once again announce for the committee, just so that everyone is aware of the time frame, we're time-allocated, as you know, and the committee will expire by 5 p.m., and any recorded vote requests will be deferred until 5 p.m. Please proceed, Mr. Dhillon.

**Mr. Vic Dhillon:** Okay. In the past, there has been abuse in this way, by having many executive officers. We are of the position that we will be consulting with the stakeholders to determine how we can create a loophole-free type of system in regard to this. So we'll be having consultations to ensure that there's no "cheating," as was happening in the past.

**Mr. Paul Miller:** Just one quick question: You're going to consult with the people who are involved, but has the government got a position on—for instance, if you had 100 employees, you're allowed two CEOs or two operating officers; if you have 1,000 employees, you're allowed four? Have there been any numbers put forth? If you're going to consult with some of the companies, they might want to say, "Well, I want 10, I want 20, I want 30." How is the government going to determine what's fair and what isn't?

**Mr. Vic Dhillon:** Again, it's premature. There are going to be consultations with the stakeholders. There are really no numbers that I can give you right now, because the consultations haven't taken place.

**Mr. Paul Miller:** So this is one of the bills you're deferring? This is a part of the bill you're deferring until later?

**Mr. Vic Dhillon:** No.

**Mr. Paul Miller:** I mean, this bill is going forward.

**Mr. Vic Dhillon:** Yes, but—

**Mr. Paul Miller:** Are you going to amend it later?

**Mr. Vic Dhillon:** No, we're creating a regulation-making authority. Again, that will be done in consultation with the stakeholders, so I can't comment on what you're referring to in terms of any numbers.

**Mr. Paul Miller:** So once this bill is passed, you're going to add regulations to it to interpret the amendments to the bill. Is that what you're telling me?

**Mr. Vic Dhillon:** No, no. What I'm saying is there will be consultations with respect to what's stated in this motion. It's premature to say anything—

**Mr. Paul Miller:** You're going to do this at committee level?

**Mr. Vic Dhillon:** Pardon me?

**Mr. Paul Miller:** When are you going to do this?

**Mr. Vic Dhillon:** No. Again, there will be consultations and, during those consultations, we will determine the best way to address this issue.

**Mr. Paul Miller:** Okay. I think I'm confused. Okay, thanks.

**The Chair (Mr. Shafiq Qaadri):** I just want to make sure that the deferrals that are being referred to are not confused. Maybe I'll get legislative counsel to just quickly—I'm talking about various sections.

**Mr. Paul Miller:** You mentioned 1, 3 and 9—

**The Chair (Mr. Shafiq Qaadri):** Yes, 1, 3 and 9.

**Mr. Paul Miller:** And this is one of those?

**The Chair (Mr. Shafiq Qaadri):** This is procedural—

**Mr. Paul Miller:** This is one of them?

**The Chair (Mr. Shafiq Qaadri):** —because 9 enables the preceding two. Do you want to just comment on that?

**Ms. Catherine Macnaughton:** Yes. There is a motion that the government is proposing to put forward, if it's entered, that would amend section 12.2 of the act, which is in the bill, which would give the Lieutenant Governor in Council the authority to make the regulations exempting partners or executive officers from the application of the new rules.

Consequential upon that is the first government motion—actually, it's motions 1 and 3—which would amend section 12 in order that if a partner or executive officer winds up being exempt from the 12.2 rules, they would still, under section 12, if these motions pass, be able to voluntarily apply to be covered by—

**Mr. Paul Miller:** Voluntarily.

**Ms. Catherine Macnaughton:** Which is what the current act provides now. It would put it back to the status quo under what the act is now, with respect to any partners or executive officers who would become exempt from 12.2 application by regulation. So, as a result, because of the order of the act, government motion 6 might also be set down until after the reg. authority provisions are voted on, because it's—

**Mr. Paul Miller:** It's 1, 3 and 6 now?

**Ms. Catherine Macnaughton:** Yes, because if the reg. authority motion isn't carried, these others become useless; they're not required.

**The Chair (Mr. Shafiq Qaadri):** So just to be clear, 9 is enabling of the ones that have just been named. That's what I'm referring to, and I'll let you deliberate elsewhere.

Are there any further questions or comments? Mr. Levac.

**1440**

**Mr. Dave Levac:** Just a point of clarification: By doing what you just said you're going to do for the committee to consider, it may answer some of the questions that amendments 1, 3 and 6 create during debate, because if section 9 is accepted, it may have the definitions and the answers to the questions that presently Mr. Miller asked or that anyone else would have in amendments 1, 3

and 6. I think that might be a little helpful if we understood that, to make sure that the questions could get addressed. Is it fair to say it that way? Okay, thank you.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments on motion 1? We will, as I say, defer the vote on that.

I would now invite PC motion 2.

**Mr. Robert Bailey:** I move that subsection 12(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be amended by striking out “other than construction.”

This would return the bill to the status quo and it would allow independent operators and others to buy optional coverage other than the WSIB.

**The Chair (Mr. Shafiq Qaadri):** Questions, comments?

**Mr. Vic Dhillon:** I just want to put into the record that we will be opposing this motion for the following reason: This motion would have the effect of continuing to allow executive officers to have additional optional coverage under the act, which is to say that they would not be subject to mandatory coverage. The government is proposing a series of motions that would allow the government to establish a regulation to exempt executive officers of corporations from compulsory insurance in certain circumstances. The government believes that this approach is preferable to a wholesale exemption as it would provide time for the government to consult with stakeholders to produce an exemption that works for our stakeholders and works well for the WSIB.

Further, the government motions are broader in that they recognize that partners in a partnership may not be exposed to the risks of a construction site and, therefore, an exemption for a partner may be appropriate. Accordingly, we will not be in support of this motion.

**The Chair (Mr. Shafiq Qaadri):** Are there any further questions?

**Mr. Paul Miller:** Are we recording the votes, which way we’re going here?

**The Chair (Mr. Shafiq Qaadri):** Only if requested, and then all those votes will be deferred till 5 p.m.

**Mr. Paul Miller:** Okay. Then, I’m requesting it on all of them, and we will be opposed to this one.

**The Chair (Mr. Shafiq Qaadri):** That is your prerogative. All votes will therefore be deferred till 5 p.m.

We will proceed with discussion and then I guess we’ll do a double deferral for the enabling legislation in 9.

Are there any further comments on PC motion 2? Deferred, okay.

Government motion 3.

**Mr. Vic Dhillon:** I move that section 12 of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be amended by adding the following subsection:

“Exception, executive officers re construction

“(2.1) Despite subsection (2), a corporation that carries on business in construction may apply to the board for a declaration that an executive officer of the

corporation is deemed to be a worker to whom the insurance plan applies for any period of time during which the executive officer is not deemed to be a worker under subsection 12.2(1).”

This is a consequential amendment to the regulatory power to allow for the creation of an exemption of executive officers of corporations and partners in a partnership if the prescribed conditions are met.

**The Chair (Mr. Shafiq Qaadri):** Any comments on government motion 3? If there are no further comments, the vote will be deferred.

We’ll now go to PC motion 4.

**Mr. Robert Bailey:** I move that paragraphs 1, 2 and 3 of subsection 12.2(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

“1. Every independent operator carrying on business in construction who is not covered by comprehensive insurance.

“2. Every sole proprietor carrying on business in construction who is not covered by comprehensive insurance.

“3. Every partner in a partnership carrying on business in construction who is not covered by comprehensive insurance.”

This would allow for optional coverage for these operators, not just that provided by the Workplace Safety and Insurance Board.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** Our position on this is that this motion would have the effect of creating a system whereby independent operators, sole proprietors and partners in a partnership carrying on business in construction would not be subject to mandatory WSIB coverage under the act if these individuals have private insurance coverage. The language of the motion is ambiguous, in that “comprehensive insurance” does not clarify the type of insurance they would have to carry.

Private insurance is not an alternative for the WSIA insurance coverage provided by the WSIB; private insurance simply provides financial compensation for injuries, and the levels of that coverage vary greatly from policy to policy. Further, it does not include the sophisticated prevention component, return-to-work retraining and other benefits and services provided by the WSIB insurance system.

Nothing in Bill 119 would preclude individuals who currently hold private insurance from continuing to hold private insurance in addition to the WSIA coverage.

For those reasons, we will be opposing this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Vote deferred.

PC motion 5.

**Mr. Robert Bailey:** I move that paragraph 4 of subsection 12.2(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

This would have the effect of removing those executive officers altogether from Bill 119.

**The Chair (Mr. Shafiq Qaadri):** Mr. Dhillon.

**Mr. Vic Dhillon:** This is a consequential amendment to motion number 2 that removes executive officers from the compulsory insurance scheme. This amendment would lead to the continued misuse of these provisions by employers wishing to get out of paying premiums for their workers and would not ensure that everyone working on a construction site is covered by the WSIB.

The government's amendment allows for a limited exemption to be provided for those who, for example, exclusively work in the office, as it would be done through regulation. Consultations with stakeholders would also occur.

We will be opposing this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Vote deferred.

Motion 6: the government side. Mr. Dhillon.

**Mr. Vic Dhillon:** I move that paragraphs 3 and 4 of subsection 12.2(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

"3. Except as otherwise provided by the regulations, every partner in a partnership carrying on business in construction.

"4. Except as otherwise provided by the regulations, every executive officer of a corporation carrying on business in construction."

Our explanation for this is that this is a consequential amendment to the regulatory power to allow for the creation of an exemption of executive officers of corporations and partners in a partnership if the prescribed conditions are met.

**The Chair (Mr. Shafiq Qaadri):** Debates? Rebuttals? Cross-examinations? Seeing none, we'll proceed to PC motion 7.

**Mr. Robert Bailey:** I move that subsection 12.2(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be amended by striking out "partnership or corporation" and substituting "or partnership".

This would have the effect of removing a corporation from being a deemed employer.

1450

**The Chair (Mr. Shafiq Qaadri):** Comments? Mr. Dhillon.

**Mr. Vic Dhillon:** Again, this is a consequential amendment to motion number 2 that removes executive powers from the compulsory insurance scheme. The government, for the reasons previously stated under motion number 2, does not support this amendment.

**The Chair (Mr. Shafiq Qaadri):** Further commentary? Vote deferred.

NDP motion 8.

**Mr. Paul Miller:** I move that subsection 12.2(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

"Deemed employer

"(2) When an independent operator, sole proprietor, partner or executive officer is deemed to be a worker under subsection (1),

"(a) the person who retains the independent operator or sole proprietor is deemed to be the employer for the purposes of the insurance plan;

"(b) the person who retains the partnership is deemed to be the employer for the purposes of the insurance plan if the partnership has no workers other than partners of the partnership;

"(c) the partnership of which the person is a partner is deemed to be the employer for the purposes of the insurance plan if the partnership employs workers other than partners of the partnership; and

"(d) the corporation of which the person is an executive officer is deemed to be the employer for the purposes of the insurance plan."

Our explanation for this is that we believe that there should be no exemptions in the WSIB coverage in the construction industry. With respect to the home renovation industry, there's no reason that a construction worker who's employed in the home renovation sector should not have the mandatory coverage. For example, a roofer who risks his safety on roofs in the home renovation sector should have the same coverage as a roofer in the new construction sector. Specifically, the amendment strikes out this exemption.

**The Chair (Mr. Shafiq Qaadri):** Comments? Mr. Dhillon.

**Mr. Vic Dhillon:** This motion would require that the premiums of independent operators, sole proprietors and partners in a partnership with no workers are paid by anyone who retains them to perform construction work. Under the scheme of the government bill, we propose the creation of a system that does not change the contractual nature of the relationship in industry. The opposition motion would remove the flexibility of parties to negotiate with the retainer of the services the best arrangement for both of them. The government does not want that. This amendment is contrary to the government's proposed scheme.

**The Chair (Mr. Shafiq Qaadri):** Comments? If not, vote deferred.

To government motion 9, the enabling one.

**Mr. Vic Dhillon:** I move that section 12.2 of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be amended by adding the following subsections:

"Regulations, partners and executive officers

"(4.1) The Lieutenant Governor in Council may make regulations,

"(a) exempting a partner or executive officer from the application of subsections (1) to (4);

"(b) prescribing the conditions that must be satisfied by the partner, partnership, executive officer or corporation, as the case may be, for the exemption to apply.

"Same

"(4.2) A regulation made under subsection (4.1) may prescribe conditions relating to, but not limited to,

"(a) the minimum number of executive officers of the corporation;

“(b) the nature of the work performed by a partner or executive officer;

“(c) the size of the partnership or corporation and the manner of determining the size of each;

“(d) the number or the manner of determining the number of partners of a partnership or executive officers of a corporation that are exempt.

“Same

“(4.3) A regulation made under subsection (4.1) may,

“(a) prescribe different conditions relating to partners and executive officers and to partnerships and corporations;

“(b) prescribe such requirements as may be necessary to enable the board to administer the regulation and to determine if, at any particular time, a partner or executive officer is exempt from the application of subsections (1) to (4).”

This is in relation to item 1, and the following is our explanation: This motion relates to the creation of a regulation-making authority to exempt executive officers and partners in a partnership from mandatory coverage. The motion would amend the bill to create the regulation-making authority. The amendment to the bill would stipulate that a regulation made to exempt executive officers or partners may prescribe conditions relating to, but not limited to: the number of executive officers; the nature of the work performed by a partner or executive officer—for example, whether the executive officer is exposed to the hazards of a construction site; the size of the partnership or corporation and the manner of determining the size of each; the number or the manner of determining the number of partners of a partnership or executive officers of a corporation that are exempt.

This regulation-making authority is in recognition of the fact that an individual executive officer or a partner in a partnership may not be exposed to the risks of a construction site. With the establishment of a regulation-making authority, the government would be able to initiate consultations with stakeholders to determine the best way to create an exemption. In creating an exemption, the government would be mindful of any loopholes that may threaten the integrity of mandatory coverage.

The government has listened to the concerns expressed by stakeholders regarding including executive officers in this legislation. In response to these concerns, this motion, along with the other related motions, would establish a government regulation-making authority to create exemptions not only for executive officers, but also for partners in a partnership, under the prescribed conditions.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Ms. Laurie Scott:** This is giving the government more power to make regulations to exempt the executive officers from the bill. We'd prefer to have motion number 5 that was read in, which removes the executive officers from the bill altogether. You just don't need another layer of more rules and regulations.

I want to read into the record some comments made by Judith Andrew from the CFIB when she was told about this amendment.

“This amendment is for big business, requested by organizations which represent big business.

“How on earth will they ever police who sets foot on a job site and who doesn't?

“The amendment would worsen the tilted playing field for small and medium-sized businesses, as more of their owners, the executive officers, are present on job sites, even if not on ladders and roofs.

“If the government wants to insist on insurance, at least allow a choice of insurance carrier for superior 24/7 policies, and all involved should carry their card as proof of insurance on the job site.”

I just wanted to add those comments from the CFIB on one of the amendments that is being brought forward by the government.

In regard to regulations as to who's an executive officer or not, it would be much clearer, in the opinion of the PC Party, to remove executive officers from the bill altogether.

**The Chair (Mr. Shafiq Qadri):** Mr. Miller, and then Mr. Dhillon.

**Mr. Paul Miller:** I'm surprised that this wasn't brought forward when we were listening to the submissions; and when it was brought forward, why it wasn't dealt with in the bill and added to the bill. I think you're headed for a lot of aggravation after, when companies come to you—small, large—and argue about who is an executive officer and who isn't. I would think that you would have had the foresight to have this covered before you brought the bill forward and rushed it through. I think you're headed for a lot of meetings in the next year or so due to some of the concerns about this bill.

**The Chair (Mr. Shafiq Qadri):** Further comments?

**Mr. Vic Dhillon:** With respect to the official opposition, Ms. Andrew was here representing the CFIB, and we weren't satisfied with the answers she gave, so I would really question her analysis on this.

**The Chair (Mr. Shafiq Qadri):** The vote is deferred, unless there are comments on this.

NDP motion 10.

**Mr. Paul Miller:** I move that subsection 12.2(5) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

The explanation, once again, is that we don't believe that there should be any exemptions to the WSIB coverage in the construction industry, especially with respect to the home renovation industry. I don't have to read the rest because it's going over the same thing.

1500

**The Chair (Mr. Shafiq Qadri):** Comments? Mr. Dhillon.

**Mr. Vic Dhillon:** This motion would remove the home renovation exemption for independent operators, sole proprietors, partners in a partnership and executive officers of corporations who only perform home renovations on private residences for home occupiers or their family members. Removing this exemption would have the effect of requiring home occupiers to register with the

WSIB every time any home renovation work is contracted. This would impose unfair costs and an administrative burden on people who are not in the construction industry, but are simply upgrading their residences for living purposes. This is consistent with other jurisdictions: Alberta, Manitoba and New Brunswick.

The government will not be supporting this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments? Mr. Miller.

**Mr. Paul Miller:** I find that interesting. I don't know how you determine what is construction and what isn't construction. You could have a building, a sizable building—it might be a home, it might be a 10,000-square-foot home being built—and you have beams, you have cement, you have bricks, you have all the things that are applicable to a large construction site. What you're doing here is not allowing these people to be covered properly under the WSIB.

When you talk about a renovation, how do you as a government determine what a renovation is and what a renovation isn't? If I say that I've got 10% of a building that's there and I want to renovate, and I've now increased the size of that building by 90%, I would consider that new construction big construction, depending on the size. It could be a factory.

You have not spelled out what renovation means to a point where it would be covered. What you've done is left an open door and what you're going to find is that all these smaller companies are now going to become home renovators, and companies that weren't formerly home renovators are now going to apply for a new way to get around this.

I think what you've done here by not including home renovators in the WSIB coverage is you've created a nightmare. This is going to come back and haunt you.

**The Chair (Mr. Shafiq Qaadri):** Any further comments? Yes, Mr. Dhillon.

**Mr. Vic Dhillon:** First of all, I would like to correct the record in that I said "would" instead of "could" in the sentence, "Removing this exemption could have the effect of requiring home occupiers to register with the WSIB," etc. So I would like to just correct the fact that I said "would" where it should have been "could."

With respect to Mr. Miller's comment, everything is crystal clear. It's home renovations on private residences. So with your comment about factories, that doesn't make any sense. If it's a resident's private residence, that would apply, and that's been made clear throughout this bill.

**The Chair (Mr. Shafiq Qaadri):** Mr. Miller.

**Mr. Paul Miller:** Thank you. I'm glad you clarified that for me, but I'd consider Stelco as private property; it's a private business—same thing.

**Mr. Vic Dhillon:** Are there residents?

**Mr. Paul Miller:** Residents? People work there 24 hours a day. I don't know what you mean by that—just because it's a residence? I'm confused.

**Mr. Vic Dhillon:** I think it's pretty clear.

**Mr. Paul Miller:** That's your opinion.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments?

I will now invite NDP motion 11.

**Mr. Paul Miller:** I move that subsection 12.2(6) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

The reason for this is that this strikes out the clause alluding to the notification of material change under the home renovation exemption.

**The Chair (Mr. Shafiq Qaadri):** Comments? Mr. Dhillon.

**Mr. Vic Dhillon:** This is a consequential amendment to NDP motion number 10 to remove the home renovation exemption, which the government opposes—just like this motion.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments? As you know, vote deferred.

NDP motion 12.

**Mr. Paul Miller:** I move that subsection 12.2(7) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

This is a consequential amendment that strikes out the definitions section of the home renovation exemption clause.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to NDP motion 10 to remove the home renovation exemption. The definitions related to the home renovation exemption would be unnecessary if the exemption was removed.

**The Chair (Mr. Shafiq Qaadri):** Thank you. We'll proceed to NDP motion 13.

**Mr. Paul Miller:** I move that subsection 12.3(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

"Registration, person retaining independent operator

"12.3(1) Every person who, for the first time after this subsection comes into force, retains an independent operator who is carrying on business in construction shall register with the board within 10 days after retaining the independent operator, unless the person is already registered with the board."

The reason for this amendment is it inserts the word "retains" into the 10-day registration clause.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This motion is related to the series of NDP motions that would require that the premiums of independent operators, sole proprietors and partners in a partnership with no workers are paid by anyone who retains them to perform construction work. Specifically, this provision would require the engager of an IO to register with the WSIB.

We want to create a system where independent operators who are essentially running their own business can negotiate with the retainer of their services as to how premium costs are included as part of a contract for service.

The government does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** If there are no further comments, we'll proceed to NDP motion 14.

**Mr. Paul Miller:** I move that subsection 12.3(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

“Registration, person retaining sole proprietor

“(2) Every person who, for the first time after this subsection comes into force, retains a sole proprietor who is carrying on business in construction shall register with the board within 10 days after retaining the sole proprietor, unless the person is already registered with the board.”

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This motion is related to the series of NDP motions that would require that the premiums of independent operators, sole proprietors and partners in a partnership with no workers are paid by anyone who retains them to perform construction work. Specifically, this motion would require a person who retains a sole proprietor to register with the board and pay premiums for the sole proprietor hired.

We want to create a system where independent operators who are essentially running their own business can negotiate with the retainer of their services as to how premium costs are included as part of a contract for service.

For these reasons, we will not be supporting this motion.

**The Chair (Mr. Shafiq Qaadri):** Any comments?

**Mr. Paul Miller:** You're saying you want blanket coverage for people, and now you're allowing people to negotiate for it. I don't understand that. Maybe you can explain that further for me.

**Mr. Vic Dhillon:** I have explained our position clearly. It is what it is.

**Mr. Paul Miller:** That's your answer?

**Mr. Vic Dhillon:** That's my answer.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Shafiq Qaadri):** NDP motion 15.

**Mr. Paul Miller:** I move that subsection 12.3(3) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

“Registration, person retaining partnership

“(3) Every person who, for the first time after this subsection comes into force, retains a partnership that carries on business in construction and does not have any workers other than partners of the partnership shall register with the board within 10 days after retaining the partnership, unless the person is already registered with the board.”

The reason for this is, again, the amendment inserts the word “retains” in the clause.

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**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** Again, this motion is related to the series of NDP motions that would require that premiums of the independent operators, sole proprietors and

partners in a corporation with no workers are paid by anyone who retains them to perform construction work. Specifically, this motion would require a person who retains a partnership without workers to register with the board and pay premiums for the partnership hired.

We want to create a system where those subject to mandatory coverage for essentially running their business can negotiate with the retainer of their services as to how premium costs are included as part of a contract.

Those are our reasons we will not be supporting this motion.

**The Chair (Mr. Shafiq Qaadri):** Comments?

We'll now proceed to government motion 16.

**Mr. Vic Dhillon:** I move that subsection 12.3(3) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out and the following substituted:

“Same

“(3) Every partner in a partnership that carries on business in construction and does not employ any workers shall register with the board within 10 days after becoming such a partner unless the partner is not subject to subsections 12.2(1) to (4).”

This is a consequential amendment to the regulatory power to allow for the creation of an exemption of executive officers of corporations and partners in a partnership if the prescribed conditions are met.

**The Chair (Mr. Shafiq Qaadri):** Comments?

NDP motion 17.

**Mr. Paul Miller:** I move that subsection 12.3(5) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

The amendment strikes out references to the registration and the home renovation exemption.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to NDP motion number 10 to remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments?

NDP motion 18.

**Mr. Paul Miller:** I move that subsection 12.3(7) of the Workplace Safety and Insurance Act, 1997, as set out in section 4 of the bill, be struck out.

The reason for this explanation: This strikes out the registration and material change in the home renovation exemption.

**The Chair (Mr. Shafiq Qaadri):** Mr. Dhillon.

**Mr. Vic Dhillon:** Thank you, Chair. This is a consequential amendment to NDP motion number 10 to remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments?

NDP motion 19.

**Mr. Paul Miller:** This won't be consequential, I can assure you.

I move that section 4 of the bill be amended by adding the following section of the Workplace Safety and Insurance Act, 1997:

“Prohibition against intimidation or coercion

“12.4(1) No employer, person acting on behalf of an employer or other person shall,

“(a) refuse to employ or refuse to continue to employ a person, or discriminate against a person who is deemed to be a worker under section 12.2(1) in regard to employment or any term or condition of employment, because the person does not agree to pay all or part of any premiums payable in respect of the person;

“(b) impose any condition in a contract of employment or propose the imposition of any condition in a contract of employment that seeks to impose a duty on a person who is deemed to be a worker under section 12.2(1) to pay all or part of any premiums payable in respect of the person; or

“(c) seek, by the use of threat of dismissal or other retribution, the imposition of a pecuniary or other penalty or any other means, to compel a person who is deemed to be a worker under section 12.2(1) to pay all or part of any premiums payable in respect of the person.

“Arbitration

“(2) If a person who is deemed to be a worker under section 12.2(1) complains that an employer, a person acting on behalf of an employer or another person has contravened subsection (1), the person who complains may,

“(a) have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any; or

“(b) file a complaint with the board, in which case the rules governing the practice and procedure of the board apply to the complaint with all necessary modifications.

“Inquiry by board

“(3) The board may inquire into a complaint filed under subsection (2).

“Onus of proof

“(4) If a person files a complaint or grievance under subsection (2), the burden of proof that an employer, a person acting on behalf of an employer or another person did not act contrary to subsection (1) rests with that employer or person.

“Powers of the board

“(5) If the board determines that the employer, the person acting on behalf of the employer or other person has contravened subsection (1), the board may,

“(a) levy a penalty on the employer not exceeding the amount of the worker’s net average earnings for the year preceding the contravention;

“(b) direct that the person who is deemed to be a worker under section 12.2(1) be hired for the position or reinstated to his or her position or paid appropriate compensation in lieu of being hired or reinstated;

“(c) order compensation to the worker for any lost wages and benefits;

“(d) make any other order it deems just and appropriate in the circumstances.

“Appeal

“(6) An appeal of a decision of the board under this section may be made to the appeals tribunal.”

The reason for 19: This amendment creates a no-reprisal clause to protect workers from unscrupulous employers who try to force them to pay their own premiums, regardless of who is legally required to pay the premiums.

This is obviously a very important amendment that protects workers in our province from any retaliation, and I would hope that both parties would see fit to support this amendment.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Miller. Comments?

**Mr. Vic Dhillon:** This motion is consequential to NDP motion 8, which would make the person who retains an independent operator, sole proprietor or a partnership with no workers liable for the premiums.

Under the scheme of the government bill, we propose the creation of a system that does not change the contractual nature of the relationship in the industry. We want to create a system where independent operators who are essentially running their own business can negotiate with the retainer of their services as to how premium costs are included as part of a contract. This amendment is counter to the government’s proposed scheme.

For these reasons, we will not be supporting this motion.

**The Chair (Mr. Shafiq Qaadri):** Mr. Miller.

**Mr. Paul Miller:** It appears that the government does not want to protect workers in this province by voting against this amendment. This is protecting workers in their place of employment against any intimidation. I’m surprised that the government would not be supporting something like this, considering they’re coming forth with a blanket protection for workers, yet they don’t want to deal with people who aren’t treating workers properly. Really amazing.

**Mr. Vic Dhillon:** This bill is all about protecting workers and the safety of workers. Independent operators are business owners and, being business owners, I’m sure they’re very capable of negotiating with the engagers of their services in how premium costs are covered.

**The Chair (Mr. Shafiq Qaadri):** Further comments?

Now to NDP motion 20.

**Mr. Paul Miller:** I move that subsection 141.1(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 5 of the bill, be struck out and the following substituted:

“Certain contractors and subcontractors in construction

“Application

“141.1(1) This section applies when a person retains a contractor or subcontractor to perform construction work who is not,

“(a) an independent operator;

“(b) a sole proprietor; or

“(c) a partnership that has no workers other than partners of the partnership.”

The explanation for this: This amendment takes out the word “directly” because sometimes the party that directly employs a worker is not the party that ultimately retains the workers. Pretty basic, and I would hope this would be supported.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This amendment is consequential to NDP motion 8, which would require the person who retains the independent operator, sole proprietor or partnership with no workers to pay premiums. We want to create a system where independent operators who are essentially running their own business can negotiate with the retainer of their services as to how premiums are included as part of a contract.

1520

This amendment is counter to the government’s proposed scheme. Specifically, this motion is inconsistent with the government’s intent to register these individuals with the WSIB and make them or the person who directly retains them more responsible for their WSIB cost if those persons are subject to mandatory coverage default.

That’s our explanation and we will be opposing this motion.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Paul Miller:** Yes, Mr. Chairman, there was a slight mix-up there. The explanation part should have been, “This carves out groups who should pay premiums.” The other explanation I gave will actually be to 21. So that was vice versa on the explanations for 20 and 21.

**The Chair (Mr. Shafiq Qaadri):** Any comments?

We’ll move to NDP motion 21.

**Mr. Paul Miller:** I move that subsection 141.1(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 5 of the bill, be amended by striking out “who directly retains a contractor or subcontractor” in the portion before clause (a) and substituting “who retains a contractor or subcontractor”.

As far as the explanation, that would be the switch on 20 and 21.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This amendment is consequential to NDP motion number 8, which would require the person who retains the independent operator, sole proprietor or a partnership with no workers to pay premiums and is contrary to the government’s proposed scheme.

**The Chair (Mr. Shafiq Qaadri):** Any further comments? If not, we’ll proceed to NDP motion 22.

**Mr. Paul Miller:** I move that subsection 141.1(8) of the Workplace Safety and Insurance Act, 1997, as set out in section 5 of the bill, be struck out.

The explanation: It strikes out 141.1(8).

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to motion number 10, which would remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments? If not, we’ll move to NDP motion 23.

**Mr. Paul Miller:** I move that subsection 141.2(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 5 of the bill, be struck out and the following substituted:

“Certain construction work, obligations respecting certificates

“Application

“141.2(1) This section applies in respect of a person who retains a contractor or subcontractor to perform construction work and the contractor or subcontractor is not,

“(a) an independent operator;

“(b) a sole proprietor; or

“(c) a partnership that has no workers other than partners of the partnership.”

This explanation is that it inserts the word “retains” in the section regarding obligations respecting certificates.

**The Chair (Mr. Shafiq Qaadri):** Mr. Dhillon.

**Mr. Vic Dhillon:** This is a consequential amendment to motion number 8 and motion number 20. Independent operators, sole proprietors and partnerships with no workers other than the partners would not have to register with the board, so therefore they would not require clearance certificates. The government supports a requirement for these persons to register with the WSIB and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Further comments? NDP motion 24.

**Mr. Paul Miller:** I move that subsection 141.2(10) of the Workplace Safety and Insurance Act, 1997, as set out in section 5 of the bill, be struck out.

The explanation: This strikes out the reference to home renovation subsection 141.2(10).

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to NDP motion number 10 to remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Any further comments?

Mr. Miller, just to clarify, did you want recorded votes on everything or just on the motions?

**Mr. Paul Miller:** On all the motions, at the end I’d like a recorded vote.

**The Chair (Mr. Shafiq Qaadri):** Fine. Since no motions have been brought forward so far for section 6, we can actually vote on that right now.

Those in favour of section 6 as is, if any? Those opposed? Section 6 carries.

We’ll now proceed to NDP motion 25.

**Mr. Paul Miller:** I move that section 7 of the bill be struck out and the following substituted:

“7. Section 149 of the act is amended by adding the following subsections:

“Same, false or misleading statement, s. 12.3(4)

“(4.1) A person who knowingly makes a false or misleading statement or representation in a declaration made under subsection 12.3(4) is guilty of an offence.

“Same, material change in circumstances, s. 12.3(6)

“(4.2) A person who wilfully fails to comply with subsection 12.3(6) is guilty of an offence.”

We don't have to explain that. I think it's pretty self-explanatory.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to NDP motion 10 to remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** We'll now proceed to consideration of section 8. We can actually vote, since no motions have been brought forward so far.

Those in favour of section 8, as is? Those opposed? Section 8 carries.

We'll now proceed to PC motion 26.

**Mr. Robert Bailey:** I move that the bill be amended by adding the following section:

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

“Named insurance system

“161.1(1) The board shall establish a named insurance system no later than January 1, 2010.

“Regulations

“(2) Subject to the approval of the Lieutenant Governor in Council, the board may make regulations governing the establishment and operation of a named insurance system.”

This would bring in a named insurance system. I heard the minister, as late as last week and again this week, say that he would look at a named insurance system. This would enable us to move in that direction.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** Currently the bill, as introduced by the government, provides the WSIB with the regulation-making authority, subject to Lieutenant Governor in Council approval, to establish a system of verification in the construction industry. Although the regulatory power does not contain the term “named insurance,” subject to Lieutenant Governor in Council approval, the board, through regulation, would be able to establish requirements for both employers and workers in the construction industry to assist the board in administering and enforcing the registration and payment obligations in the WSIA, as they apply to employers in the construction industry and their workers.

This PC motion stipulates a time frame by when the WSIB must establish a named insured system.

The intent of the government is to work with the WSIB and stakeholders to further explore how a named insured system for employers and workers may operate. By providing arbitrary deadlines as to when a named insurance system must be established, this motion would likely impose on the construction industry requirements and obligations that they do not support and may be

highly problematic. This government supports working with stakeholders to find solutions that work for everyone. Therefore, we oppose this motion.

**The Chair (Mr. Shafiq Qaadri):** Any further comments? We'll then proceed to consideration of NDP motion 27.

**Mr. Paul Miller:** I move that subsection 182.1(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 9 of the bill, be struck out and the following substituted:

“Voluntary pre-registration

“182.1(1) Before January 1, 2010, the following persons may make and file with the board a declaration in a form approved by the board, in order to allow the board to prepare for the implementation of sections 12.2 and 12.3:

“1. Every person who expects to retain, after December 31, 2009, an independent operator who carries on business in construction, unless the person is already registered with the board.

“2. Every person who expects to retain, after December 31, 2009, a sole proprietor who carries on business in construction, unless the person is already registered with the board.

“3. Every person who expects to retain, after December 31, 2009, a partnership that carries on business in construction and does not have any workers other than partners of the partnership, unless the person is already registered with the board.”

**1530**

Explanation: It is our position that the bill should be implemented far sooner than the 2012 deadline. We have put in specific dates for when the stages of this implementation should happen.

**The Chair (Mr. Shafiq Qaadri):** Mr. Dhillon.

**Mr. Vic Dhillon:** This motion speaks to the timing of the implementation of the bill and also to who is responsible for paying premiums and registering with the board.

To address the issue surrounding the timing of implementation, committee members need to realize that implementing a mandatory coverage system in construction is a large task for the WSIB to undertake. As a result of the time required for the implementation, proclamation of the pre-registration provision would occur approximately two years after it receives royal assent, allowing the WSIB to make the technological changes required to its systems. Once systems are up and running, the payment and clearance certificate obligations would come into effect one year after the proclamation, allowing the WSIB one year to register all those who fall under the proposed requirements. In short, if passed, the earliest the legislation would be fully implemented is 2012. The WSIB would be required to develop new policies and practices that need to be consulted on. We'll need to undertake system and administrative changes to register approximately 90,000 new accounts. This represents an increase of about 40% over the current total of 230,000 accounts. In addition, this time frame is required to ensure that the initiative can be smoothly implemented.

For these reasons, the government does not support the motion.

**The Chair (Mr. Shafiq Qaadri):** Mr. Miller, any comments?

**Mr. Paul Miller:** As far as the 2012 situation goes, this bill has been rushed through, needless to say, and a lot of people didn't get to speak on it throughout the province. All of these discussions you're going to have later and regulation changes and implementation by the Lieutenant Governor in Council and things like this should have been worked out before. We had three years to do it. This has been rushed through. We're not happy with that. Because of our situation, we have supported some aspects of the bill, but we'd like to see changes that aren't happening. Once again, we think that it was a little unfair.

**The Chair (Mr. Shafiq Qaadri):** Any further comments on NDP motion 27? Then we'll proceed to NDP motion 28.

**Mr. Paul Miller:** I move that subsection 182.1(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 9, be struck out.

**The Chair (Mr. Shafiq Qaadri):** Comments?

**Mr. Vic Dhillon:** This is a consequential amendment to the NDP motion number 10 to remove the home renovation exemption. The government supports an exemption for home renovation work and therefore does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Are there any further comments? No. Vote deferred.

We'll then proceed to actually vote on section 10, for which, as I mentioned earlier to you, Mr. Miller, no motions have been received. Those in favour of section 10, as is? Those opposed? Section 10 is carried.

We'll proceed now to government motion 29.

**Mr. Vic Dhillon:** I move that section 11 of the bill be amended by adding the following subsection:

“(0.1) Clause 183 (1)(a) of the act is repealed and the following substituted:

“(a) prescribing anything that must or may be prescribed under this act other than anything in respect of which the act expressly permits the Lieutenant Governor in Council to make a regulation;”

This is a consequential amendment to the regulatory power in the WSIA to include the regulatory power that provides for an exemption for executive officers of corporations and partners in partnerships, if the prescribed conditions are met.

**The Chair (Mr. Shafiq Qaadri):** Comments? Seeing none, we'll proceed to NDP motion 30.

**Mr. Paul Miller:** I move that subsections 12(2) and (3) of the bill be struck out and the following substituted:

“Same

“(2) Section 9 comes into force on January 1, 2009.

“Same

“(3) Sections 1 to 8, 10 and 11 come into force on January 1, 2010.”

**The Chair (Mr. Shafiq Qaadri):** Mr. Dhillon.

**Mr. Vic Dhillon:** This motion relates to the timing of the implementation of the bill and would have the effect of the full mandatory coverage scheme coming into effect January 1, 2010.

To address the issues surrounding the timing of the implementation, committee members need to realize that implementing a mandatory coverage system in construction is a large task for the WSIB to undertake. As a result of the time required for implementation, proclamation of the pre-registration provision would occur approximately two years after it receives royal assent, allowing the WSIB to make the technological changes required to its systems. Once the systems are up and running, the payment and clearance certificate obligations would come into effect one year after proclamation, allowing the WSIB one year to register all those who fall under the proposed requirements. In short, if passed, the earliest the legislation would be fully implemented is 2012. The WSIB would be required to develop new policies and practices that need to be consulted on and will need to undertake system and administrative changes to register approximately 90,000 new accounts. This represents an increase of about 40% over the current total of 230,000 accounts. In addition, this time frame is required to ensure that the initiative can be smoothly implemented.

Therefore, the government does not support this motion.

**The Chair (Mr. Shafiq Qaadri):** Any further comments? Seeing none, we will now proceed to vote on section 13, for which no amendments have so far been received.

Those in favour of section 13, as is? Those opposed? Carried.

We will now proceed to the consideration of all the motions individually—or if groups can be had, for example, with the same vote, if that's the will of the committee.

We'll start with PC motion 2.

**Mr. Paul Miller:** Can we please have all of these recorded?

**The Chair (Mr. Shafiq Qaadri):** These are all recorded.

PC motion 2.

**Ayes**

Bailey, Scott.

**Nays**

Broten, Dhillon, Jaczek, Levac, Miller, Ramal.

**The Chair (Mr. Shafiq Qaadri):** I declare PC motion 2 defeated.

We'll proceed to consider PC motion 4.

**Ayes**

Bailey, Scott.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Miller, Ramal.

**The Chair (Mr. Shafiq Qaadri):** PC motion 4 is defeated.  
We'll now consider PC motion 5.

**Ayes**

Bailey, Scott.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Miller, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
We'll now consider PC motion 7.

**Ayes**

Bailey, Scott.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Miller, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 8.

**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
We'll now proceed to consider the long-awaited and ever-deferred enabling motion, government motion 9.

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Bailey, Miller, Scott.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
We'll now proceed to backtrack with government motion 1.

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Government motion 3.

**1540**

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Government motion 6.

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
We'll now consider NDP motion 10. If it be the will of the committee, may we consider NDP motions 10 to 15 simultaneously?  
**Mr. Paul Miller:** No. I prefer them individually, please.  
**The Chair (Mr. Shafiq Qaadri):** NDP motion 10.

**Ayes**

Miller.

**Nays**

Bailey, Brotten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 11.

**Ayes**

Miller.

**Nays**

Bailey, Brotten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 12.

**Ayes**

Miller.

**Nays**

Bailey, Brotten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 13.

**Ayes**

Miller.

**Nays**

Bailey, Broten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 14.**Ayes**

Miller.

**Nays**

Bailey, Broten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 15.**Ayes**

Miller.

**Nays**

Bailey, Broten, Dhillon, Jaczek, Levac, Ramal, Scott.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
Government motion 16.**Ayes**

Broten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Motion 16 carried.  
NDP motion 17.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 18.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 19.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
Shall section 4, as amended, carry? This is a recorded  
vote as well, Mr. Miller?  
**Mr. Paul Miller:** Absolutely.**Ayes**

Broten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Bailey, Miller, Scott.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
NDP motion 20.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 21.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 22.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 23.**Ayes**

Miller.

**Nays**

Broten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
NDP motion 24.**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
Shall section 5 carry, as is?

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
We've already voted on section 6, as you'll recall  
We'll now proceed to section 7, NDP motion 25.

**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Lost.  
Shall section 7, as is, carry?

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Section 8 has already been voted on.  
PC motion 26.

**Ayes**

Bailey, Scott.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Miller, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 27.

**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
NDP motion 28.

**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
Shall section 9, as is, carry?

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Miller.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Section 10 has already been voted upon.  
Section 11: government motion 29.

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Bailey, Miller, Scott.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Shall section 11, as amended, carry?

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Bailey, Miller, Scott.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Section 12: NDP motion 30.

**Ayes**

Miller.

**Nays**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**The Chair (Mr. Shafiq Qaadri):** Defeated.  
Shall section 12, as is, carry?

**Ayes**

Brotten, Dhillon, Jaczek, Levac, Ramal.

**Nays**

Bailey, Miller, Scott.

**The Chair (Mr. Shafiq Qaadri):** Carried.  
Shall the title of the bill carry? Carried.  
Shall Bill 119, as amended, carry? A recorded vote on that?

**Mr. Paul Miller:** No.

**The Chair (Mr. Shafiq Qaadri):** Shall I report the bill, as amended, to the House? Carried.

Is there any further business before this committee today? Committee adjourned.

*The committee adjourned at 1547.*







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**Workplace Safety and Insurance Amendment Act, 2008, Bill 119, *Mr. Fonseca* /  
Loi de 2008 modifiant la Loi sur la sécurité professionnelle et l'assurance contre  
les accidents du travail, projet de loi 119, *M. Fonseca*..... SP-461**

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