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**Monday 7 December 2009**

**Journal  
des débats  
(Hansard)**

**Lundi 7 décembre 2009**

**Standing Committee on  
the Legislative Assembly**

Employment Protection  
for Foreign Nationals Act  
(Live-in Caregivers  
and Others), 2009

**Comité permanent de  
l'Assemblée législative**

Loi de 2009 sur  
la protection des étrangers  
dans le cadre de l'emploi  
(aides familiaux et autres)

Chair: Bas Balkissoon  
Clerk: Tonia Grannum

Président : Bas Balkissoon  
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE**

Monday 7 December 2009

Lundi 7 décembre 2009

*The committee met at 1406 in room 228.*

**EMPLOYMENT PROTECTION  
FOR FOREIGN NATIONALS ACT  
(LIVE-IN CAREGIVERS  
AND OTHERS), 2009**

**LOI DE 2009 SUR  
LA PROTECTION DES ÉTRANGERS  
DANS LE CADRE DE L'EMPLOI  
(AIDES FAMILIAUX ET AUTRES)**

Consideration of Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000 / Projet de loi 210, Loi visant à protéger les étrangers employés comme aides familiaux et dans d'autres emplois prescrits et modifiant la Loi de 2000 sur les normes d'emploi.

**The Chair (Mr. Bas Balkissoon):** We'll call the meeting to order of the Standing Committee on the Legislative Assembly. We're here for clause-by-clause consideration of Bill 210, An Act to protect foreign nationals employed as live-in caregivers and in other prescribed employment and to amend the Employment Standards Act, 2000.

First of all, are there any general comments? Ms. DiNovo of the NDP.

**Ms. Cheri DiNovo:** Thank you, Mr. Chair. I just wanted to say that in general our amendments are made to strengthen rather than weaken the wording of the bill, to expand the definition of "worker" described here beyond the live-in caregiver because, as we have heard, there are many, many other foreign workers who need the protection of this bill, and to tighten up some of the whistle-blowing opportunities and joint and several liability options. Generally, what we're trying to do is strengthen the wording of the bill so that, in fact, it would cover test case Ruby Dhalla's live-in caregiver and not just the fees before hiring or placing a live-in caregiver. That's generally what our amendments are about.

I'm looking forward to hearing from the government generally what their amendments are about. I'm just seeing them for the first time.

**The Chair (Mr. Bas Balkissoon):** Mr. Miller?

**Mr. Norm Miller:** In general, our amendments are also to enhance protection for those employed as care-

givers, but also to protect those legitimate businesses that we heard from that are doing a great service at providing both employment and care and assistance for people looking for caregivers. We did hear from a lot of those legitimate businesses that are concerned that they will be out of business if the bill passes the way it now stands. So our amendments will try to reflect some of the things we heard in public consultations.

**The Chair (Mr. Bas Balkissoon):** Any further comments?

**Mr. Vic Dhillon:** Just a general comment that for the most part we heard from live-in caregivers only with respect to this bill, and our amendments will be a good balance in terms of addressing some of the other folks as well. That will be all coming up.

**The Chair (Mr. Bas Balkissoon):** Okay. We'll move to section 1, subsection 1(1), the first motion, an NDP motion. Ms. DiNovo.

**Ms. Cheri DiNovo:** I move that the definition of "other prescribed employment" in subsection 1(1) of the bill be amended by striking out "employment in a position or sector that is prescribed for the purposes of paragraph 1 of subsection 3(1)" and substituting "employment referred to in paragraph 1 of subsection 3(1) other than employment as a live-in caregiver."

**The Chair (Mr. Bas Balkissoon):** Any comments?

**Ms. Cheri DiNovo:** Again, this is to expand the definition. I recall the moving testimony of a young man here who came over as a live-in caregiver but found himself working doing drywall. This kind of amendment would expand this so that he would still be protected by this bill. If it's not expanded, that young man working doing drywall, where he was supposed to be a live-in caregiver, would not be covered, and that is the plight of many who come over under false pretext.

**The Chair (Mr. Bas Balkissoon):** Any other comment?

**Mr. Vic Dhillon:** We won't be supporting this motion because live-in caregivers are among the province's most vulnerable employees. The majority of the comments that we at MOL received during the summer consultations were from live-in caregivers. The scope of the proposed act can be expanded to other employment positions or sectors by regulation-making authority.

**The Chair (Mr. Bas Balkissoon):** Any other comments?

**Ms. Cheri DiNovo:** Sorry, I didn't hear what he said.

**The Chair (Mr. Bas Balkissoon):** Can you just repeat what you said?

**Mr. Vic Dhillon:** Sure. The scope of the proposed act can be expanded to other employment positions or sectors by regulation in the future.

**The Chair (Mr. Bas Balkissoon):** Ms. Jones?

**Ms. Sylvia Jones:** If I understand the parliamentary assistant correctly, he is not opposed to it and would, in fact, support it in regulation. If that is the case, why would you not support this proposed amendment?

**Mr. Vic Dhillon:** Because, as I said, we heard mainly from the live-in caregiver sector during the consultations we held with respect to this bill, and should it need to be expanded in the future, there is regulation-making authority.

**The Chair (Mr. Bas Balkissoon):** Ms. DiNovo?

**Ms. Cheri DiNovo:** I just wonder what his response would be to that young man and others who have also provided testimony to the government that their job description changed once they arrived here, even though they were brought over as live-in caregivers. They would not be covered under the definition of this act, so what would you say to them?

**Mr. Vic Dhillon:** Well, I would say that there is a federal government aspect to the admission of live-in caregivers as well, so if there's a change in the job that they're doing, that's something that would not be in the MOL domain to address. That's something, perhaps, that could be addressed federally.

**Ms. Cheri DiNovo:** Mr. Chair, I would ask for a recorded vote on this.

**The Chair (Mr. Bas Balkissoon):** A recorded vote has been requested.

#### Ayes

DiNovo.

#### Nays

Delaney, Dhillon, Dickson, Norm Miller, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Section 3, motion number 2, is now redundant because it's relevant to motion number 1.

Section 3, motion number 3: government motion, Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 3 of the bill be amended by adding the following paragraph:

"4. Every person who acts on behalf of an employer described in paragraph 2 or a recruiter described in paragraph 3."

This amendment would ensure that the prohibitions on collecting fees and employer reprisals would apply also to those who are acting on behalf of employers and recruiters.

**Mr. Norm Miller:** Sorry; I didn't hear the last thing he said.

**Mr. Vic Dhillon:** This amendment would ensure the prohibitions on collecting fees and on employer reprisals would apply also to those who are acting on behalf of employers and recruiters.

**The Chair (Mr. Bas Balkissoon):** Any further comment?

**Mr. Vic Dhillon:** It's technical in nature.

**The Chair (Mr. Bas Balkissoon):** Further debate? I'll take the vote on government motion number 3. All in favour?

**Mr. Vic Dhillon:** Can I clarify? I just want to clarify that I move that subsection 3(1) of the bill be amended, instead of what I stated earlier.

**The Chair (Mr. Bas Balkissoon):** Okay, I'll take the vote. All in favour of government motion number 3? The motion carries.

Shall section 3, as amended, carry? Carried.

Shall section 4 carry? Carried.

Section 5, subsection 5(2), government motion number 4.

**Mr. Vic Dhillon:** I move that the definition of "protective measure" in subsection 5(2) of the bill be amended by striking out "employer or recruiter" and substituting "employer, recruiter or person acting on behalf of an employer or recruiter."

This amendment would ensure that there could be no contracting out of the proposed legislation in relation to requirements and prohibitions that apply to the persons acting on behalf of an employer or recruiter.

**The Chair (Mr. Bas Balkissoon):** Any debate? We'll take the vote on government motion number 4. All in favour? Against? The motion carries.

Shall section 5, as amended, carry? Carried.

Subsection 6(1), motion 5: government motion, Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 6(1) of the bill be amended by striking out "section 19" and substituting "section 20".

This subsection is being amended to ensure a correct cross-reference in the proposed act.

**The Chair (Mr. Bas Balkissoon):** Any comments or debate?

**Ms. Sylvia Jones:** Could you just clarify for me what section 19 had in it previously?

**Mr. Vic Dhillon:** Certainly. If I could have somebody from the ministry?

**The Chair (Mr. Bas Balkissoon):** Please come forward and state your name for the record, and you can answer the question.

**Mr. Joel Gorlick:** Joel Gorlick from the Ministry of Labour. It's just a correction to the section number. The wrong section number was referred to. Nothing in those sections has changed that is referred to here. It previously said section 19, and we're replacing that with section 20. It was an incorrect reference.

**The Chair (Mr. Bas Balkissoon):** Okay. We'll take the vote on government motion number 5. All in favour—

**Ms. Cheri DiNovo:** Mr. Chair, a question.

**The Chair (Mr. Bas Balkissoon):** Sorry. Ms. DiNovo.

**Ms. Cheri DiNovo:** Just a question, and perhaps you can answer it for me too. In looking at the civil remedy section here, obviously further along we have amendments where we'd like to see joint liability between employer and recruiter in terms of the caregiver being able to recoup their losses.

So what you're saying here, really, is that the caregiver still has the option of a civil remedy. This caregiver can still take their employer to court if they can't get the money back from the recruiter in any other way. Is that correct?

1420

**Mr. Joel Gorlick:** What I'm saying is nothing from what is currently in section 20 is being changed. Whatever you see there now is as is.

**Ms. Cheri DiNovo:** That's the gist of the meaning of it, is that correct?

**Mr. Joel Gorlick:** I would have to get—

**Ms. Cheri DiNovo:** Do I see a nod of approval? Okay, thank you.

**Mr. Joel Gorlick:** We have our legal people here. They can—okay.

**The Chair (Mr. Bas Balkissoon):** We'll take the vote on government motion number 5. All in favour? The motion carries.

Shall section 6, as amended, carry? Carried.

**Ms. Cheri DiNovo:** We have a motion on section 6.

**The Chair (Mr. Bas Balkissoon):** That's a new section. We'll move to section 6.1. Motion number 6: NDP, Ms. DiNovo.

**Ms. Cheri DiNovo:** I move that the bill be amended by adding the following section after section 6:

“Licensing of recruiters

“Prohibition

“6.1(1) No person shall act as a recruiter in connection with the employment in Ontario of a foreign national as a live-in caregiver or in other prescribed employment unless the person holds a licence to do so issued under this act.

“Application for licence

“(2) A person who wishes to act as a recruiter in connection with employment described in subsection (1) may apply to the director of employment standards for a licence to do so.

“Requirement for performance bond

“(3) An applicant for a licence shall post a performance bond or provide another form of financial security, as required by the regulations, as a condition for obtaining and holding a licence.

“Regulations

“(4) The Lieutenant Governor in Council may make regulations establishing a licensing scheme for the purposes of this act and the regulations may provide for the powers and duties of licence holders and the issuance, suspension and revocation of licences.”

**The Chair (Mr. Bas Balkissoon):** Any comments?

**Ms. Cheri DiNovo:** Yes. This was asked for by virtually everyone who deputed before us; that is, that agencies that are reputable would have no problem getting a licence or a bond and that they should do so. Certainly the caregivers who deputed wanted that as well. It seems to be in line with Bill 139, which the government has already passed about temporary workers, so I would wonder why foreign-trained professionals would be treated any differently than those temporary workers were treated under Bill 139.

**The Chair (Mr. Bas Balkissoon):** Government side? Mr. Dhillon.

**Mr. Vic Dhillon:** A licensing regime would create a significant burden and additional cost for recruitment agencies. This would not be in line with Ontario's Open for Business initiative. It could also take some time to establish a licensing regime and for that regime to have a real impact on exploitive recruitment practices.

This bill, if passed, would allow MOL to take strong enforcement action against abusive recruiters once the legislation comes into force.

**The Chair (Mr. Bas Balkissoon):** Further comments? Mr. Miller.

**Mr. Norm Miller:** I just have a question for Ms. DiNovo. It was my understanding that a number of the recruiting agencies actually were in favour of this. It's also in place in some other provinces, is that correct?

**Ms. Cheri DiNovo:** Yes.

**Mr. Norm Miller:** Which are the other provinces? Do you recall?

**Ms. Cheri DiNovo:** I believe it's in place in Manitoba. I stand to be corrected on that, but I believe that they ask for licences, in fact, both for the recruiter and the employer, but certainly for the recruiter.

**The Chair (Mr. Bas Balkissoon):** Any further comment?

**Mr. Vic Dhillon:** Yes, Chair. I just want to clarify or correct Ms. DiNovo that under Bill 139, no licensing regime was created, just to clarify that fact.

**The Chair (Mr. Bas Balkissoon):** I'll take the vote on—

**Ms. Cheri DiNovo:** Could I ask for a recorded vote on this? Recorded vote, please.

**Ayes**

DiNovo, Jones, Norm Miller.

**Nays**

Delaney, Dhillon, Dickson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Motion number 7: a PC motion, Mr. Miller.

**Mr. Norm Miller:** I move that the bill be amended by adding the following section after section 6:

“Registry of employers

“Public registry

“6.1(1) The director of employment standards shall maintain a public registry of persons who employ a foreign national as a live-in caregiver or in other prescribed employment, and the registry shall contain the information required by the regulations.

“Duty to provide information

“(2) A person who employs a foreign national as a live-in caregiver or in other prescribed employment shall give the director the prescribed information for the registry, and shall do so promptly upon hiring the foreign national.”

**The Chair (Mr. Bas Balkissoon):** Comments?

**Mr. Norm Miller:** Yes. We heard from some of the people who came before the committee—I think it might have been Tax4Nanny—that this would help to provide more protection for foreign caregivers by making it easier to know who is legitimately in the business.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. DiNovo?

**Ms. Cheri DiNovo:** Yes. You’ll see, Mr. Chair, that the next motion deals with something like this as well. I would certainly advise voting for this and/or ours, or both, hopefully. Again, it speaks to, as ours does, the vulnerability of the foreign-trained live-in caregiver, a foreign-trained professional in this instance. We might not even know they’re there. The community might not even be aware that they’ve come to the country, that they’re in the employ of anybody, without the requirement of the licensing or registration of employers.

**The Chair (Mr. Bas Balkissoon):** Further debate? The government side, Mr. Dhillon?

**Mr. Vic Dhillon:** Again, a registration regime would create an additional burden on employers and would not be in line with Ontario’s Open for Business initiative. The protective measures and enforcement provisions in this bill, if passed, would prevent the exploitation of live-in caregivers by employers and recruiters.

**The Chair (Mr. Bas Balkissoon):** Mr. Miller?

**Mr. Norm Miller:** I think what is being proposed is not some huge bureaucracy. It’s just a registry of those who are employing foreign caregivers and it would add to the protection of those foreign caregivers. So, I would ask government members to support it.

**The Chair (Mr. Bas Balkissoon):** Okay. I’ll take the vote on PC motion 7.

**Mr. Norm Miller:** A recorded vote has been requested.

#### Ayes

DiNovo, Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

We’ll move to motion 8, an NDP motion.

**Ms. Cheri DiNovo:** Thank you, Mr. Chair. Again, it deals with the same issue. One can assume we know how the government is going to vote.

I move that the bill be amended by adding the following section after section 6:

“Licensing of employers

“Prohibition

“6.2(1) No person shall employ in Ontario a foreign national as a live-in caregiver or in other prescribed employment unless the person holds a licence to do so issued under this act.

“Application for licence

“(2) A person who wishes to employ in Ontario a foreign national as a live-in caregiver or in other prescribed employment may apply to the director of employment standards for a licence to do so.

“Requirement for performance bond.

“(3) An applicant for a licence shall post a performance bond or provide another form of financial security, as required by the regulations, as a condition for obtaining and holding a licence.

“Regulations

“(4) The Lieutenant Governor in Council may make regulations establishing a licensing scheme for the purposes of this act and the regulations may provide for the powers and duties of licence holders and the issuance, suspension and revocation of licences.”

Again, as the Tory motion did, this goes into a little bit more detail and asks that the employer post a bond, the reason being, again, as I said, there’s no way of knowing if this person’s even in the country under the present wording of the act.

Secondly, there’s no way of knowing that the employer can pay them. How do we know that the employer is able to pay them, able to cover the costs of them being here for a year or two or however long it takes, unless there’s a bond posted—and particularly for these vulnerable women, mainly, who are isolated one from the other. They may not know or be given their rights under the employments standards code, and this is a way of simply keeping track of their presence in the country.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon.

**Mr. Vic Dhillon:** Again, as mentioned during our discussion on motion 6, an employer licensing regime would create an additional burden on employers and would not be in line with Ontario’s Open for Business initiative. The protective measures and enforcement provisions in this bill, if passed, would prevent the exploitation of live-in caregivers by employers and recruiters.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. Jones?

**Ms. Sylvia Jones:** Just a quick question: How does having a list of people who employ caregivers impede Ontario’s Open for Business?

**Mr. Vic Dhillon:** Well, it would create a lot more paperwork and—

**Ms. Sylvia Jones:** It would create protection.

1430

**Mr. Vic Dhillon:** Yeah, and the good ones would enrol and the bad ones wouldn't. How would you know? It's pretty straightforward.

**The Chair (Mr. Bas Balkissoon):** Ms. DiNovo?

**Ms. Cheri DiNovo:** Just to comment that Manitoba has this and is working with it. It seems to be quite successful. In fact, Manitoba, just judging by their economy, seems a little bit more open for business than Ontario does these days with its \$25-billion deficit. Presumably this has not impeded the Manitoba law from either assisting caregivers or allowing folk who want a caregiver to go ahead and hire one.

A recorded vote, please.

**The Chair (Mr. Bas Balkissoon):** A recorded vote has been requested on motion 8.

#### Ayes

DiNovo, Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Motion 9: PC motion, Mr. Miller.

**Mr. Norm Miller:** I move that the bill be amended by adding the following section after section 6:

“Licensing of foreign caregiver agencies

“Prohibition

“6.2(1) No person who carries on business as a foreign caregiver agency shall act as a recruiter in connection with the employment in Ontario of a foreign national as a live-in caregiver unless the person holds a licence to do so issued under this act.

“Same

“(2) No individual acting on behalf of a foreign caregiver agency shall act as a recruiter in the circumstances described in subsection (1) unless the agency holds a licence issued under this act.

“Application for licence

“(3) A foreign caregiver agency that wishes to act as a recruiter in connection with employment described in subsection (1) may apply to the director of employment standards for a licence to do so.

“Requirement for a performance bond

“(4) An applicant for a licence shall post a performance bond or provide another form of financial security, as required by the regulations, as a condition for obtaining and holding a licence.

“List of licensees

“(5) The director of employment standards shall maintain a list of licensees and shall post the list on the government website.

“Regulations

“(6) The Lieutenant Governor in Council may make regulations establishing a licensing scheme for the

purposes of this act, and the regulations may provide for the powers and duties of licensees and the issuance, suspension and revocation of licences.”

This is in response to many of the groups that came before the committee in the public consultations. Many of the features are in other jurisdictions and would offer more protection and, I think, transparency for foreign caregivers.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. DiNovo?

**Ms. Cheri DiNovo:** Again, just about every deputant asked for this. I can't imagine any legitimate business resisting getting the minimum requirement of a licence to conduct business or posting a performance bond, which again, it seems to me, is a minimum requirement for a legitimate business, and it helps sort them out from the bad apples.

I just don't get it. I mean, both the Progressive Conservatives and the NDP heard this from the deputants and wanted to act on it. I don't understand the government's reticence. It certainly is not an onerous task. It's done for many other businesses, and again it's just a check and balance for the industry.

A recorded vote, too.

**The Chair (Mr. Bas Balkissoon):** Further debate? The government side, Mr. Dhillon.

**Mr. Vic Dhillon:** As mentioned before, a licensing regime would create a significant burden on recruitment agencies. This would not be in line with Ontario's Open for Business initiative. It would take some time to establish a licensing regime and for that regime to have a real impact on exploitive recruitment practices. This bill, if passed, would allow MOL to take strong enforcement action against abusive recruiters once the legislation comes into force. The protective measures and enforcement provisions in this bill, if passed, would prevent the exploitation of live-in caregivers by employers and recruiters.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Mr. Norm Miller:** Recorded vote.

**The Chair (Mr. Bas Balkissoon):** A recorded vote has been requested on motion 9.

#### Ayes

DiNovo, Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

We'll move to motion 10: subsection 7(1.1), a PC motion. Mr. Miller.

**Mr. Norm Miller:** I move that section 7 of the bill be amended by adding the following subsections:

“Exceptions for certain professional fees

“(1.1) Despite subsection (1), a recruiter who carries on business outside Canada may charge a fee for professional development services, but only if the services were optional for the foreign national.

“Same

“(1.2) Despite subsection (1), a recruiter who is an immigration consultant may charge a fee for professional services provided in that capacity, but only if the services were optional for the foreign national.”

By way of explanation, I think the danger with Bill 210 is that there are a lot of legitimate businesses out there—many of which we heard from—that are providing very useful services, both protecting those people who want to come to the country and provide caregiver services, and providing great services for the families that need a caregiver. The danger with this bill is that many of these legitimate businesses will be put out of business, in its current form. We heard from many different groups coming before the committee. Since the public hearings I’ve received many, many testimonials from both caregivers and the families that were sent, I hope, to all committee members. Not allowing them to charge some fees, in effect, would drive the whole business underground and make the situation worse. This is just towards trying to protect those legitimate businesses that are doing a good job and providing services that are very much needed in the province.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. DiNovo.

**Ms. Cheri DiNovo:** I’m afraid, absolutely not. We are going to definitely vote against this motion. It’s a slippery slope towards situations that we’ve seen in other provinces, where all sorts of fees can be justified. Unfortunately, the concept of optionality for the foreign national is often abused; we’ve heard tales of people signing contracts that they didn’t understand and that basically placed them in the position of an indentured servant. So we would definitely argue against this amendment.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Delaney.

**Mr. Bob Delaney:** I definitely do not support this. I have heard numerous times, from some of the social services agencies where we are, that what often happens in the programs they offer—which are free to the public—the recruiters show up and drop off someone who they have charged money to in order to simply drop them off at a program that’s offered at public expense already. We fully intend to vote against this.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none—

**Mr. Norm Miller:** Recorded vote.

**The Chair (Mr. Bas Balkissoon):** A recorded vote is requested on motion 10.

## Ayes

Jones, Norm Miller.

## Nays

Delaney, Dhillon, Dickson, DiNovo, Ramal.

**The Chair (Mr. Bas Balkissoon):** Motion defeated. We move to motion 11, an NDP motion. Ms. DiNovo.

**Ms. Cheri DiNovo:** Perhaps I could do—numbers 11 and 13 kind of go together, because one says that “I move subsection 7(2) of the bill be struck out,” and then something else be added in, so it’s kind of weird to vote on one without voting on the other. Perhaps we could do the two together. Is that possible?

**The Chair (Mr. Bas Balkissoon):** Just a second. I’ve got to check with—we have to deal with them separately.

**Ms. Cheri DiNovo:** Okay, fair enough. So then it’s very simple: I move that subsection 7(2) of the bill be struck out, the reason simply being the confusing language may allow other fees. We want to strengthen that language to make sure that there are no other hidden fees charged to the foreign-trained national.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon.

**Mr. Vic Dhillon:** This bill currently contains regulation-making authority to permit the government to have the flexibility to deal with new situations and issues that did not exist at the time of the drafting of this legislation. The proposed amendment would remove this flexibility.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I’ll take the vote on motion 11. All in favour? Against? Motion defeated.

Motion 12, a PC motion: Mr. Miller.

**Mr. Norm Miller:** Yes. I move that section 7 of the bill be amended by adding the following subsection:

“Restriction

“(2.1) Subsection (1) has no effect before a regulation is made under subsection (2).”

**1440**

We heard from many of the people who came before the committee who were concerned about section 7. They’d like it to be slowly implemented and they’d like consultation with industry before it is put into effect. That’s what this amendment would accomplish.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Ms. Cheri DiNovo:** Again, we in the NDP would vote no. We do not want to see the language softened or left for regulation. In fact, we want to see it strengthened, as you will see in our next amendment.

**The Chair (Mr. Bas Balkissoon):** Mr. Dhillon?

**Mr. Vic Dhillon:** We will not be supporting this motion because an exemption to a prohibition against charging fees would allow recruiters to indirectly recover recruitment costs through, for example, excessive fees charged for other services.

**Mr. Norm Miller:** I think what the people in the companies and the individuals who came before this committee were looking for was just for the government to take its time to get it right and to work with them so that they don’t inadvertently put out of business

legitimate businesses that are doing a fine job here in the province of Ontario. If the government doesn't want to take the time and listen to those people, I guess it has the majority to do so.

**The Chair (Mr. Bas Balkissoon):** Any further debate? None?

**Mr. Norm Miller:** Recorded vote.

#### Ayes

Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, DiNovo, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

We'll move to motion 13: NDP motion. Ms. DiNovo.

**Ms. Cheri DiNovo:** I assume the government is going to vote against this, but I want to put the amendment before the table anyway and have it voted on in a recorded way. This was an amendment suggested by the Workers' Action Centre, by the nanny-caregiver associations—by all the stakeholders, in fact.

I move that section 7 of the bill be amended by adding the following subsection:

“Joint and several liability

“(3) If a recruiter directly or indirectly charges a fee in contravention of subsection (1), the recruiter and the employer, if any, with whom or for whom the recruiter acted in connection with the foreign worker's employment are jointly and severally liable for any payments required under this act that relate to the contravention.”

**The Chair (Mr. Bas Balkissoon):** Further comments?

**Ms. Cheri DiNovo:** The problem here is about collecting. If the live-in caregiver has a complaint, and it's a legitimate one, against a recruiter and the recruiter all of a sudden disappears, which is extremely likely with some of those more fly-by-night companies, and all she's left with is the employer, that's the only person she could conceivably collect from.

I understand that the government sees this happening in the civil courts but I don't think that is realistic for someone who has no money, who may have language issues. The route for collection of that illegal fee should be more direct, so that's why this is such an important amendment.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Mr. Vic Dhillon:** This bill, if passed, would hold recruiters responsible for any prohibitive fees they may charge. The proposed amendment would make employers jointly liable with the recruiters for violations of the bill even if the employers knew nothing about the recruiters' practices. Most employers are working mothers and fathers who know nothing about the recruitment business, so it's unfair to make them responsible for recruiters' violations.

**The Chair (Mr. Bas Balkissoon):** Any further debate?

**Ms. Cheri DiNovo:** Recorded vote, please.

**The Chair (Mr. Bas Balkissoon):** A recorded vote has been requested. I'll take the vote on motion 13.

#### Ayes

DiNovo.

#### Nays

Delaney, Dhillon, Dickson, Johnson, Jones, Norm Miller, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Shall section 7 carry? Carried.

We'll move to section 8. Motion 14: Ms. DiNovo.

**Ms. Cheri DiNovo:** We're going to hear more of the same here.

I move that subsection 8(2) of the bill be struck out. And more to follow.

**The Chair (Mr. Bas Balkissoon):** Further comments? Any debate? Mr. Dhillon?

**Mr. Vic Dhillon:** We won't be supporting this. Regulation-making authority gives the government the flexibility to deal with new situations and issues that did not exist at the time of drafting this legislation.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I'll take the vote on motion 14. All in favour? Against? The motion is defeated.

Motion 15: Ms. DiNovo.

**Ms. Cheri DiNovo:** This is why we wanted it removed and an amendment made.

I move that section 8 of the bill be amended by adding the following subsection:

“Joint and several liability

“(3) If an employer directly or indirectly recovers a cost from a foreign national or other person in contravention of subsection (1), the employer and the recruiter, if any, who acted in connection with the foreign worker's employment by the employer are jointly and severally liable for any payments required under this act that relate to the contravention.”

In other words, again, it's trying to help the caregiver to get her money back. Without some added teeth, it's almost impossible for her to get her money back, especially if the company that recruited her ceases to exist. Since they don't have to get a licence, it would be very easy for them to disappear.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon.

**Mr. Vic Dhillon:** This bill, if passed, would prohibit employers from recovering recruitment costs from live-in caregivers, and we will not support this motion.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I'll take the vote on motion 15.

**Ms. Cheri DiNovo:** Recorded vote, please.

**Ayes**

DiNovo.

**Nays**

Delaney, Dhillon, Dickson, Johnson, Jones, Norm Miller, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Shall section 8 carry? Carried.

Motion 16, section 8.1: Ms. DiNovo.

**Ms. Cheri DiNovo:** I move that the bill be amended by adding the following section after section 8:

“Prohibition against reduced employment conditions

“8.1 No employer shall change the terms and conditions of a foreign worker’s employment as a live-in caregiver or in other prescribed employment as provided for in the employment contract if the change would result in a reduction in his or her wages or working conditions.”

**The Vice-Chair (Mr. Bas Balkissoon):** Further comments?

**Ms. Cheri DiNovo:** Yes, I go back to some of the deputants who wanted to come over as caregivers and ended up working as drywallers or whatever else. At least, with this amendment, we’re protecting them, saying that if the conditions are changed, at least their salaries shouldn’t be, because, in fact, that was the understanding that brought them here. Anyone can imagine if, all of a sudden, the terms of your salaries are switched once you take the job. This should be considered absolutely unacceptable, not to mention just for live-in caregivers, but for anybody. This was suggested by the Workers’ Action Centre, by live-in caregivers, by legal aid clinics, and just about every one of our deputants wanted this amendment.

A recorded vote is requested, Mr. Chair.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon?

**Mr. Vic Dhillon:** I appreciate Ms. DiNovo’s concerns, but the change in wages and the other issues mentioned would be more appropriately dealt with under the federal government, as that’s where the wages and the job titles are assessed when the foreign live-in caregiver is examined at an overseas visa post. That would be more in line with the Department of Human Resources and Skills Development Canada, so we will not be supporting this.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I’ll take the vote on motion number 16. All in favour? Against? The motion is defeated.

Shall section—oh, I’m moving a little too quickly here. Shall section 9 carry? Carried.

We’ll move to section 10, motion 17, a government motion: Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 10(1) of the bill be amended by adding the following clause:

“(b.1) files a complaint with the ministry under this act;”

This amendment would protect a live-in caregiver from employer reprisals if he or she files a complaint with the MOL. The amendment would also be consistent with the relevant provision in the Employment Standards Act regarding the prohibition of reprisals. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with the appropriate responsibilities for employers and establishes an effective enforcement regime to ensure compliance.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I’ll take the vote on motion number 16, a government motion. All in favour? Against?

**Ms. Sylvia Jones:** Motion 16 or 17?

**The Chair (Mr. Bas Balkissoon):** Motion 17; sorry. A vote on government motion 17. All in favour? Against? The motion carries.

**Ms. Sylvia Jones:** You almost got one, Cheri.

**The Chair (Mr. Bas Balkissoon):** Thank you for that. I’m getting a little teary-eyed here.

Motion 18, a government motion: Mr. Dhillon.

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**Mr. Vic Dhillon:** I move that subsection 10(2) of the bill be amended by adding the following clause:

“(b.1) files a complaint with the ministry under this act or the Employment Standards Act, 2000;”

As mentioned during discussion on motion 17, this amendment would protect a live-in caregiver from recruiter reprisals if he or she filed a complaint with the MOL. The amendment would be consistent with the relevant provisions in the Employment Standards Act. The Employment Standards Act sets out the minimum standards that employers and employees must follow. It balances the rights of employees with appropriate responsibilities for employers and establishes an effective enforcement regime to ensure compliance.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Ms. Sylvia Jones:** One question to the parliamentary assistant: Are you not concerned that by having two separate routes for complaint there could be opportunity for a delay in getting that complaint reviewed? Or that in fact you’re setting yourself up for concerns with the Auditor General because you’ve set up two separate paths for the same complaint?

**Mr. Vic Dhillon:** Which two separate paths would you be referring to?

**Ms. Sylvia Jones:** Well, filing a complaint with the ministry, or the Employment Standards Act. You’ve got two separate routes that you can take.

**Mr. Vic Dhillon:** The Employment Standards Act is within the ministry.

**Ms. Sylvia Jones:** Why are you separating them in the subsection?

**Mr. Vic Dhillon:** It should be “of,” not “under” this act.

**Ms. Sylvia Jones:** Perhaps the policy people—

**The Chair (Mr. Bas Balkissoon):** You've got to take it as it's printed. Somebody from the ministry, can you provide an explanation? Please state your name for the record.

**Mr. John Hill:** John Hill.

**The Chair (Mr. Bas Balkissoon):** Go ahead.

**Mr. John Hill:** There are not two separate routes. What subsection 10(2) is concerned with is recruiters. You could have a recruiter taking reprisal action against a foreign national because they exercised rights or filed a complaint under this act or because that foreign national has filed a complaint under the Employment Standards Act. The Employment Standards Act doesn't apply to recruiters. It only applies to employers, so that's why we need this here.

**Ms. Sylvia Jones:** Thank you for the clarification.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I'll take the vote on motion 18 of the government. All in favour? Against? The motion carries.

Page 19, motion 19, NDP: Ms. DiNovo.

**Ms. Cheri DiNovo:** This does somewhat the same thing that the government was doing, only in a little bit more detail.

I move that section 10 of the bill be amended by adding the following subsection:

"Example: reprisal by forced repatriation

"(2.1) For example and without limiting the generality of subsections (1) and (2), an employer or person acting on the employer's behalf intimidates or penalizes a foreign national if the employer or person takes steps, or omits to take steps, that could result in the repatriation of the foreign national without his or her consent because the foreign national did anything described in clause (1)(a) to (e) or clause (2)(a) to (e)."

**The Chair (Mr. Bas Balkissoon):** Further comments? Go ahead.

**Ms. Cheri DiNovo:** Yes. It expands upon this problem that foreign nationals and live-in caregivers have, of course, which is that they're most vulnerable around their immigration status. They're most concerned about complaints or actions that would impede that status. It makes the language a little bit stronger and more particular to that fear that was raised over and over again by our deputants.

**The Chair (Mr. Bas Balkissoon):** Further debate? Government side, Mr. Dhillon.

**Mr. Vic Dhillon:** We will not be supporting this motion. This proposed amendment is redundant. The anti-reprisal provisions of the bill would already cover these situations.

**The Chair (Mr. Bas Balkissoon):** Any further debate? There being none, I'll take the vote on motion 19 of the NDP. All in favour? Against? The motion is defeated.

Shall section 10, as amended, carry? Carried.

Shall section 11 carry? Carried.

Motion 20, PC motion: Mr. Miller.

**Mr. Norm Miller:** I move that the bill be amended by adding the following section after section 11:

"Employer's duty re Employment Standards Act, 2000  
"11.1(1) A person who employs a foreign national as a live-in caregiver or in other prescribed employment shall comply with the Employment Standards Act, 2000.

"Same

"(2) Without limiting the generality of subsection (1), the employer shall keep the records required by the Employment Standards Act, 2000 for each pay period for a foreign national, including records about the wage rate, the gross amount of wages for the pay period and how it was calculated, the amount and purpose of each deduction from wages and the net amount of wages paid to the foreign national for the pay period."

We heard from various people who came before the committee, including, I believe, those who are providing accounting services, just how important good records are for the caregivers, particularly things like having a paper trail for further steps that are required for them as they move to become citizens in many cases. So that's where this comes from.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Ms. Cheri DiNovo:** Yes. We in the New Democratic Party agree with this. In fact, you'll see the next amendment is very similar. I certainly thought it was a very helpful and positive suggestion from one of the deputants who is in the business of helping employers with their tax forms. It speaks, again, to the fact that the employer, as an employer of a live-in caregiver, like any other employer, has to keep a paper trail, has to keep records. I think this is, for many people who employ live-in caregivers, a new thought. Again, it's important. We will be supporting this, as we will be supporting our own motion on the issue, which is next up.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Mr. Vic Dhillon:** This amendment is redundant, as employers of live-in caregivers are already covered by the ESA and must follow minimum standards as set out in the act.

**The Chair (Mr. Bas Balkissoon):** Any further debate? There being none, I'll take the vote on motion number 20.

**Mr. Norm Miller:** Recorded vote.

#### Ayes

DiNovo, Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, Johnson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Shall section 12 carry? Carried.

Shall section 13 carry? Carried.

Section 14, motion 21: Ms. DiNovo.

**Ms. Cheri DiNovo:** I move that section 14 of the bill be amended by adding the following subsection:

"Same, employment records

“(1.1) The employer shall record the information and retain the documents specified in sections 15 (records) and 15.1 (record re vacation time and vacation pay) of the Employment Standards Act, 2000 with respect to the foreign national.”

**The Chair (Mr. Bas Balkissoon):** Comments?

**Ms. Cheri DiNovo:** Yes, and I appreciate the government’s comments. Of course they are expected to do this under the law, but the reality is that we’ve heard time and time again from the deputants that they don’t, that it is difficult to get their tax returns done, that there’s little information given to them and there are few records made available to them in some instances. That is, again, why we think we need specific wording in this act. I understand the government’s position, but still, because our deputants asked, because the stakeholders asked, and because I think they have a point, we put this forward.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Mr. Vic Dhillon:** Again, the amendment is redundant, as employers of live-in caregivers are already covered by the ESA and must follow minimum standards as set out in the act, including standards related to recordkeeping.

**The Chair (Mr. Bas Balkissoon):** Any further debate?

**Ms. Cheri DiNovo:** Recorded vote, please.

**The Chair (Mr. Bas Balkissoon):** A recorded vote has been requested on motion 21.

#### Ayes

DiNovo, Jones, Norm Miller.

#### Nays

Delaney, Dhillon, Dickson, Johnson, Ramal.

**The Chair (Mr. Bas Balkissoon):** The motion is defeated.

Shall section 14 carry? Carried.

Shall section 15 carry? Carried.

Shall section 16 carry? Carried.

Motion 22, government motion, section 16.1.

**Mr. Vic Dhillon:** I move that the bill be amended by adding the following section after the heading “Liability of Directors”:

“Restricted application of ss. 17, 18

“16.1(1) Sections 17 and 18 do not apply with respect to an individual described in subsection 80(2), (3) or (4) of the Employment Standards Act, 2000.

“Application to certain shareholders

“(2) Sections 17 and 18 apply to a shareholder who is a party to a unanimous shareholder agreement to the extent that the agreement restricts the discretion or powers of the directors to manage or supervise the management of the business and affairs of the corporation in relation to duties and liabilities under this act.”

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**The Chair (Mr. Bas Balkissoon):** Further comments?

**Mr. Vic Dhillon:** Yes. Our rationale for this is that this amendment would exempt directors of not-for-profit corporations from liability for the illegally charged fees or illegally recovered costs. The amendment would also be consistent with the relevant provisions in the ESA. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with appropriate responsibilities for the employers and establishes an effective enforcement regime to ensure compliance.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. DiNovo.

**Ms. Cheri DiNovo:** Just a question, actually for clarification. So what I’m hearing is, this is basically to exempt not-for-profits from this section. Is that correct?

**The Chair (Mr. Bas Balkissoon):** Please state your name for the record.

**Mr. John Hill:** John Hill. Specifically, it would exempt directors of not-for-profit corporations. The Employment Standards Act refers to corporations incorporated under the Corporations Act, which is Ontario’s not-for-profit corporations statute, and the corresponding federal legislation. It also covers directors of colleges and health professionals, and also similar corporations with not-for-profit purposes incorporated under other jurisdictions.

**Ms. Cheri DiNovo:** So, in other words, Pura’s organization, the caretakers’ association, would be exempt.

**Mr. John Hill:** I wouldn’t want to comment on specific organizations, but charitable organizations, not-for-profit bodies.

**Ms. Cheri DiNovo:** Can I just ask the question, then, what’s to prevent a now for-profit recruitment firm from reincorporating as a non-profit and not taking profits but just upping their directors’ salaries? Would they then get out of this entire bill?

**Mr. John Hill:** A not-for-profit corporation is prohibited from operating for profit and any profit that is incidentally made has to be devoted to the purposes of the corporation, which must be not-for-profit. The corporations legislation does not prohibit reasonable remuneration for the directors, but any scheme of the sort you’re suggesting I believe would be prohibited.

**The Chair (Mr. Bas Balkissoon):** Any further debate? No? I’ll take the vote on motion 22. All in favour? Against? The motion carries.

Shall section 17 carry? Carried.

Shall section 18 carry? Carried.

We’ll move to motion 23, Ms. DiNovo.

**Ms. Cheri DiNovo:** Yes. Again, this deals with firming up some of the protection. I move that section 19 of the bill be amended by adding the following subsection:

“Limitation, contravention of the Employment Standards Act, 2000

“(6) A complaint regarding a contravention of the Employment Standards Act, 2000 in relation to a foreign national who is employed as a live-in caregiver or in other prescribed employment may be filed no later than

three and one half years after the contravention, despite subsection 96(3) of that act.”

So it essentially allows live-in caregivers to complain about employment standards violations for as long as this bill allows them to complain about recruitment fees.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon.

**Mr. Vic Dhillon:** The current limitation period for filing a complaint under the ESA is reasonable. A longer time period raises investigation and evidence issues. Bill 210 provides for a three-and-a-half year limitation period for filing a complaint under this act to take into account the unique circumstances of foreign nationals working as live-in caregivers.

**The Chair (Mr. Bas Balkissoon):** Any further debate?

**Ms. Cheri DiNovo:** So are they going to support this or not?

*Interjection.*

**The Chair (Mr. Bas Balkissoon):** There being none, I'll take a vote on motion number 23.

**Ms. Cheri DiNovo:** Could I ask a question then? Here we're giving them an extended period of time to recoup costs regarding recruitment fees, but presumably the complaints as they come forward might also include employment standards violations. One would think that might be part of the package. So what the government is saying is that on the employment standards violations they're out of luck but on the recruitment fees it's okay? I don't understand the rationale behind one and not the other. Anybody?

**Mr. Vic Dhillon:** No further comment.

**The Chair (Mr. Bas Balkissoon):** There being no comments, we'll take the vote on motion number 23. All in favour of motion 23? Against? The motion is defeated.

**Ms. Cheri DiNovo:** Recorded vote, please.

**The Chair (Mr. Bas Balkissoon):** The vote is already taken and counted.

**Ms. Cheri DiNovo:** I just wasn't given the option to ask for a recorded vote.

**The Chair (Mr. Bas Balkissoon):** I don't believe so. It's carried. I asked the question, I took the vote, and everybody put their hands up.

**Ms. Cheri DiNovo:** Suffice to say that the record shows that every Liberal voted against this. Thank you.

**The Chair (Mr. Bas Balkissoon):** That's fine. Shall section 19 carry?

**Mr. Joe Dickson:** A point of clarification.

**The Chair (Mr. Bas Balkissoon):** Mr. Dickson.

**Mr. Joe Dickson:** Chair, in the several decades that you and I have spent on all the various councils, that was always a permissible vote. Even though a mandatory count was taken, you can ask for a recorded vote after the count. Maybe the rules here are different, but that's certainly standard procedure anywhere else.

**The Chair (Mr. Bas Balkissoon):** Our procedures are different here.

**Mr. Joe Dickson:** They're different here?

**The Chair (Mr. Bas Balkissoon):** Yes.

**Mr. Joe Dickson:** I never knew that.

**The Chair (Mr. Bas Balkissoon):** Because I've already ruled on the vote, I can't go back.

**Mr. Joe Dickson:** You're the boss.

**The Chair (Mr. Bas Balkissoon):** Shall section 19 carry? Carried.

Shall section 20 carry? Carried.

Shall section 21 carry? Carried.

Shall section 22 carry? Carried.

**The Chair (Mr. Bas Balkissoon):** We'll move to motion number 24, a government motion. Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 23(2) of the bill be amended by striking out “may make an order that the fees be repaid to the foreign national” and substituting “may order the recruiter or the person to pay the amount of the fees to the director of employment standards in trust.”

The rationale for this—

**The Chair (Mr. Bas Balkissoon):** The motion that is printed reads otherwise. Do you want to read it again?

**Mr. Vic Dhillon:** The whole motion? Okay.

**The Chair (Mr. Bas Balkissoon):** Take your time.

**Mr. Vic Dhillon:** I move that subsection 23(2) of the bill be amended by striking out “may make an order that the fees be repaid to the foreign national” and substituting “may order the recruiter or other person to pay the amount of the fees to the director of employment standards in trust.”

**The Chair (Mr. Bas Balkissoon):** Further comments?

**Mr. Vic Dhillon:** The amended subsection would be consistent with the relevant provisions of the ESA. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with appropriate responsibilities for employers and establishes an effective enforcement regime to ensure compliance.

The amended subsection would allow the ministry to order the repayment of fees to either the live-in caregiver or to the director of employment standards in trust for the live-in caregiver.

**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I'll take the vote on motion number 24. All in favour of motion 24? Against? The motion carries.

Motion 25: government motion, Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 23(3) of the bill be amended by striking out “may make an order that the costs be repaid to the foreign national” and substituting “may order the employer to pay the amount of the costs to the director of employment standards in trust.”

**The Chair (Mr. Bas Balkissoon):** Further comments?

**Mr. Vic Dhillon:** Again, the amended subsection would be consistent with the relevant provisions of the ESA. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with appropriate responsibilities for the employers and establishes an enforcement regime to ensure compliance.

The amended subsection would allow the ministry to order the repayment of fees to either the live-in caregiver or to the director of employment standards in trust for the live-in caregiver.

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**The Chair (Mr. Bas Balkissoon):** Further debate? There being none, I'll take the vote on motion 25. All in favour of motion 25? Against? Motion carries.

Government motion 26: Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 23(7) of the bill be amended by striking out "orders a corporation to repay fees or costs or to pay compensation" and substituting "finds that a corporation has contravened section 7 or 8."

**The Chair (Mr. Bas Balkissoon):** Further comments?

**Mr. Vic Dhillon:** This subsection is being amended to reflect the fact that, in some cases, such as when a corporation is bankrupt, an order cannot be issued to a corporation without a court's permission. The amendment will enable the MOL to attempt to collect payment of fees or costs from a bank or corporation without issuing an order against a corporation. The amended subsection would be consistent with the relevant provisions of the ESA.

**The Chair (Mr. Bas Balkissoon):** Any further debate? There being none, I'll take the vote on motion 26. All in favour? Carried.

Motion 27: government motion.

**Mr. Vic Dhillon:** I move that subsection 23(8) of the bill be amended by striking out "an order requiring any payment to a foreign national" at the end and substituting "an order requiring payment to the director of employment standards in trust."

The amended subsection would be consistent with the relevant provisions of the ESA. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with the appropriate responsibilities for employers and establishes an effective enforcement regime to ensure compliance.

**The Chair (Mr. Bas Balkissoon):** Any further debate? There being none, I'll take the vote on motion 27. All in favour of motion 27? Against? That motion carries.

I'll take the vote on section 23, as amended. Shall section 23, as amended, carry? Carried.

Shall section 24 carry? Carried.

Shall section 25 carry? Carried.

Government motion 28: Mr. Dhillon.

**Mr. Vic Dhillon:** I move that subsection 26(2) of the bill be amended by striking out "Subsections 113(2) to (4)" at the beginning and substituting "Subsections 113(2), (3)."

This section is being amended to remove the reference to a subsection of the ESA that has been repealed by Bill 139.

**The Chair (Mr. Bas Balkissoon):** Any further debate? There being none, I'll take the vote on motion 28. All in favour of motion 28? Against? That motion carries.

Shall section 26, as amended, carry? Carried.

Shall section 27 carry? Carried.

Shall section 28 carry? Carried.

Shall section 29 carry? Carried.

Shall section 30 carry? Carried.

Shall section 31 carry? Carried.

Shall section 32 carry? Carried.

Shall section 33 carry? Carried.

Shall section 34 carry? Carried.

Shall section 35 carry? Carried.

Shall section 36 carry? Carried.

Shall section 37 carry? Carried.

Shall section 38 carry? Carried.

Shall section 39 carry? Carried.

Shall section 40 carry? Carried.

Shall section 41 carry? Carried.

Shall section 42 carry? Carried.

Shall section 43 carry? Carried.

Shall section 44 carry? Carried.

Motion 29, government motion: Mr. Dhillon.

**Mr. Vic Dhillon:** I move that clause 45(1)(a) of the bill be amended by adding "and has not applied for a review of that order" after "under section 17".

Again, the amended subsection would be consistent with the relevant provisions of the ESA. The ESA sets out the minimum standards that employers and employees must follow. It balances the rights of employees with the appropriate responsibilities for employers and establishes an effective enforcement regime to ensure compliance.

**The Chair (Mr. Bas Balkissoon):** Any further debate? Mr. Miller.

**Mr. Norm Miller:** I would just like to get on the record that it's unfortunate that the government has chosen not to listen to all the various groups that came before us, including those people looking to strengthen protection for caregivers and also the many legitimate businesses that are doing a good job in the province of Ontario. The government seems determined not to listen to them and, in fact, make it very difficult for them to stay in business in the province of Ontario, the net effect of which will be to just create more underground businesses and not protect caregivers at all.

**The Chair (Mr. Bas Balkissoon):** Further debate? Ms. DiNovo.

**Ms. Cheri DiNovo:** Just in summary, I would say, on behalf of all the caregiver organizations—first of all, a big thank you to them. They did a lot of groundwork here, but also they sought these amendments to strengthen this bill. It's unfortunate that the government saw fit not to strengthen the bill as, again, asked for by the very caregiver organizations that had deputed. As such, it's a step forward but not nearly the legislation one would have hoped for.

**The Chair (Mr. Bas Balkissoon):** Further debate? Mr. Dhillon.

**Mr. Vic Dhillon:** I think it's a little bit rich for the official opposition to be stating what they've stated because I would think they hold a world record in time allocations from when they were in government. So I just wanted to get that on—

**Ms. Sylvia Jones:** We didn't make a reference to time allocation.

**Mr. Norm Miller:** We didn't make a reference to time allocation.

**Mr. Vic Dhillon:** Circumventing people or members in the House from making their views heard on many things—I think it is related, so it's a little bit rich, to say the least again. I just wanted to get that on record.

**The Chair (Mr. Bas Balkissoon):** Further debate?

**Ms. Sylvia Jones:** As a point of clarification, what we were referring to was that all of the amendments that we brought forward were as a result of the depositions that we heard and were presented to the entire committee. It is unfortunate that they were not listened to because I think they took a lot of care to improve the working conditions of caregivers in Ontario. This bill does nothing to move that forward.

**The Chair (Mr. Bas Balkissoon):** There being no further debate, I'll take the vote on motion 29. All in favour of motion 29? Against motion 29?

**Mr. Khalil Ramal:** Which motion?

**The Chair (Mr. Bas Balkissoon):** Government motion 29. Against? The motion carries.

Shall section 45, as amended, carry? Carried.

Shall section 46 carry? Carried.

Shall section 47 carry? Carried.

Shall section 48 carry? Carried.

Shall section 49 carry? Carried.

Shall section 50 carry? Carried.

Shall section 51 carry? Carried.

Shall section 52 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 210, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? So done.

That's it. This meeting is adjourned. Thank you all very much.

*The committee adjourned at 1516.*

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### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

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Mr. Bas Balkissoon (Scarborough–Rouge River L)

#### Vice-Chair / Vice-Président

Mr. Khalil Ramal (London–Fanshawe L)

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Ms. Sylvia Jones (Dufferin–Caledon PC)  
Mr. Norm Miller (Parry Sound–Muskoka PC)  
Mr. Khalil Ramal (London–Fanshawe L)  
Mr. Peter Tabuns (Toronto–Danforth ND)

#### Substitutions / Membres remplaçants

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)  
Ms. Cheri DiNovo (Parkdale–High Park ND)

#### Also taking part / Autres participants et participantes

Mr. Joel Gorlick, Ministry of Labour  
Mr. John Hill, Ministry of Labour

#### Clerk / Greffière

Ms. Tonia Grannum

#### Staff / Personnel

Ms. Laura Hopkins, legislative counsel