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Monday 7 December 2009

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des débats
(Hansard)**

Lundi 7 décembre 2009

**Standing Committee on
Justice Policy**

Ontario Labour
Mobility Act, 2009

**Comité permanent
de la justice**

Loi ontarienne de 2009
sur la mobilité
de la main-d'oeuvre

Chair: Lorenzo Berardinetti
Clerk: Susan Sourial

Président : Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
JUSTICE POLICY**

**COMITÉ PERMANENT
DE LA JUSTICE**

Monday 7 December 2009

Lundi 7 décembre 2009

The committee met at 1406 in committee room 1.

**ONTARIO LABOUR
MOBILITY ACT, 2009
LOI ONTARIENNE DE 2009
SUR LA MOBILITÉ
DE LA MAIN-D'OEUVRE**

Clause-by-clause consideration of Bill 175, An Act to enhance labour mobility between Ontario and other Canadian provinces and territories / Projet de loi 175, Loi visant à accroître la mobilité de la main-d'oeuvre entre l'Ontario et les autres provinces et les territoires du Canada.

The Chair (Mr. Lorenzo Berardinetti): We'll call this meeting to order. Welcome, everyone, to the justice policy committee. We're dealing with Bill 175, An Act to enhance labour mobility between Ontario and other Canadian provinces and territories.

Are there any comments, questions or amendments to any section of the bill and, if so, to which section? We all have a package in front of us. Before we start, Mr. O'Toole.

Mr. John O'Toole: I want to thank members of the committee for a slight privilege, if you will. I just want to put on the record a concern. I am familiar with the bill; I know how important it is for our economy. There's one section that I have made two comments on in the House: part II, the labour mobility section. That's the part that I'm commenting on and I'll read it.

In the Ministry of Training, Colleges and Universities, they have the tools to ensure that quality and standards from other provinces and jurisdictions are at least equal to or greater than Ontario standards, specifically in reference to opticians training in British Columbia, where training is six months, versus Ontario, where it's a two-year program.

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Furthermore, the college of opticians must take every action necessary to ensure that the professional standards of Ontario's opticians are maintained, not eroded. Furthermore, Ontario community colleges are capable of developing a bridge program as well as practicums, thereby ensuring that the quality of eye care in Ontario remains high.

There's some ambivalence when reading the section—and I should say that I thank you for that indulgence, and

I will leave a copy for Hansard—but there was an agreement signed in 2001 by NACO, which is the National Accreditation Committee of Opticians—an association. And that agreement, which I have a copy of, talks to this harmonization of standards. When there are two levels of standards, the college has a role to optimize the standards.

I want that on the record on behalf of the opticians in my riding of Durham. This is no different than some of the other amendments moved today to make sure that standards are maintained, like the red seal program, which would be a good example. We'd be in support of those standards.

With the indulgence of the committee, I am on duty, but our member Bob Bailey—I might be back because there are so few of us anymore to—

Mr. David Zimmer: The vanishing breed, the Tories.

Mr. John O'Toole: Thank you very much for your indulgence, Mr. Zimmer.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion on that? Thank you for that.

We'll start, then, with our package. Everyone should have the same package here that we're working from. I think it's 44 pages long—it appears to be.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): It's the hard copy, as opposed to the electronic one. I think everyone was provided with a hard copy. It's a bit different than the electronic one. Just so that we're all reading from the same set of amendments.

The first one is on page 1. It's an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that section 1 of the bill be struck out and the following substituted:

“Purpose

“1. The purpose of this act is to eliminate or reduce measures established or implemented by Ontario regulatory authorities that restrict or impair the ability of an individual to become certified in Ontario in a regulated occupation in which the individual is certified in another province or territory of Canada”—and this is where the relevant part comes in—“without reducing or undermining current or future occupational standards established in Ontario.”

That's the part that's most critical here. I think every deputant who came before our committee was very concerned about how this bill might reduce or even

undermine occupational standards, and so we wanted to include language that speaks to that, and I think this helps to do that. I'm hoping the government will support it.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: I appreciate the intent of the amendment; however, we won't be supporting it. We think it's unnecessary. Both the AIT and Bill 175 already preserve the ability of the regulatory authorities within Ontario to set standards that are necessary to protect the public in Ontario. It's implicit in the bill.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion? Mr. O'Toole.

Mr. John O'Toole: I appreciate the NDP amendment. I guess the thrust, basically, throughout this is that everyone on the opposition side is in favour of enhancing our economy through the tools of labour mobility. We see this as the economy ebbs and flows.

In this case, what we are most concerned about is that we not reduce standards. In many cases—and I think the members on the government side would agree with this—Ontario has been the lead because we have a much fuller economy. We're probably a third of the population of the country and probably 50% of the economy of the country. We used to be anyway, without getting into the economy argument. So in that case, we'll likely support this amendment, with that tone in mind. Do you agree with that, Bob?

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese?

Mr. Rosario Marchese: Just briefly, I wanted to say to the parliamentary assistant that I don't believe that what he says is correct at all. I think the intent of the bill everywhere—even though there are some conditions in terms of what regulatory boards, municipalities and non-governmental bodies can do, much of what is in this bill is about making sure that nothing that is done prevents the expeditious certification of an individual who comes from outside of the province, and that measures carried out by the Ontario regulatory authority must not be a disguised restriction on labour mobility.

The language and penalties of this bill around this issue are very clear. It's about making sure that anybody who comes from outside, from another province, can be employed whether the standards are equal or not. I'm not quite sure why this language is unacceptable to the government. I disagree with the parliamentary assistant and the government on this.

The Chair (Mr. Lorenzo Berardinetti): Any other discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: I'm sure we'll have ample opportunity to disagree and agree as we move through this. But clearly the intent of the government in this regard is not to lower standards. The intent is to make sure that we meld those standards, that we maintain those standards and make it easier for people to move around the country and practise a profession up to the Ontario standards we're accustomed to. That's clearly the intent.

The Chair (Mr. Lorenzo Berardinetti): Mr. O'Toole.

Mr. John O'Toole: Thank you, Chair, for your indulgence in allowing us to speak twice on an amendment.

I think that setting the stage at an early point is very important. If there are exemptions—one case I'm familiar with is opticians, which is a profession with a college, and as such is self-regulatory. If you look at subsection 2(9), there's a provision for them to require additional training or other accommodations.

Another profession is chartered accountants. In Ontario the public audit function is provided, by statute, only by chartered accountants. The other designations in financial auditing, like certified management accountants or CGAs, are not allowed to do that. That was an issue of a government report at one time, done by an honourable justice, yet they still have the monopoly.

If you really want a market type of economy with the skills having standards, then how can you fault this point? And if you make exceptions for any one group, then you're not being consistent with what you're trying to achieve. I'll be interested in the submission on the CAs, to see if you make any room there.

This is meant in the best of spirits, quite honestly. We'd like to think that when we're the government, the economy is turned around and there is an import of labour as opposed to an export of labour. But that's for another day.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion or debate? None? I'll put the matter to a vote.

Shall the motion carry? All those in favour? Opposed? That does not carry.

That was the only amendment regarding section 1, so I'll put the question. Shall section 1 carry? All those in favour? Opposed? Carried.

Section 2: On page 2, we have an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that the definition of "Agreement on Internal Trade" in subsection 2(1) of the bill be struck out.

This is an agreement that came into effect, or at least was agreed to by provinces, territories and everyone else in late 1994. It's just an agreement, not a law, not a bill.

British Columbia and Alberta created a trade, investment and labour mobility agreement, called TILMA, that everyone else in Canada rejected. What we notice here is that this agreement and Bill 175 appear to be the vehicle to bring in the trade, investment and labour mobility agreement through the back door in every province.

Even Madame Papatello—I forgot to bring her quote, and I didn't want to delay the committee—was stating a concern around this and talked about how we still don't know how the dispute mechanism is going to work. She was very concerned about the dispute mechanism: how that might work and how that might affect things. She herself stated these concerns—it's not yet tested; it has yet to be tested—and until then, both she, as the minister, and I are very, very concerned. Of course, she stated that concern a while ago, and in the meantime they brought in this bill. Perhaps Madame Papatello has changed her mind; I don't know.

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The Ontario government has signed on to the Agreement on Internal Trade, containing every provision that's included in the British Columbia-Alberta agreement that no one else supported. While the Agreement on Internal Trade is not a legally binding document, Bill 175 is an attempt to make it so. It will enshrine it in law. That's something that concerns us; it's something the Ontario government doesn't have to do. No other province has done this.

This is the only province that includes \$5-million penalties for non-compliance. Nobody else has done it. The \$5-million compliance figure is an incredible amount of money intended to scare. As one deputant, an economist, stated in this committee, it will bring a chill to everyone in terms of how it will scare everyone who is not complying: You'd better comply and you better not make a mistake; otherwise, you're subject to a \$5-million fine, a huge amount of money.

We're talking about municipalities, NGOs and ministries that don't have the resources to check out the standards of other provinces. We don't even have the resources in our own province to check out our own standards vis-à-vis the private sector and what it does, let alone the public sector and what we're able to monitor. We can't even do that job properly, let alone monitor what other provinces are doing.

What we wanted to do by this is make sure we remove every possible reference to the Agreement on Internal Trade as a way of expunging it, as a way of weakening it, as a way of saying we don't need to buy in to this, and I suspect the government will not support it. That is the reason I'm making a case for this, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Mr. Bailey, and then we'll go to Mr. Flynn.

Mr. Robert Bailey: I'd like to say that we have concerns in our caucus as well about the penalties that could be implemented for colleges, so I'd like to express my support for change in that area.

The Chair (Mr. Lorenzo Berardinetti): Mr. Flynn?

Mr. Kevin Daniel Flynn: I think this is just a basic either you support the bill or you don't, or you support the intent of the bill or you don't. We on this side of the House support the intent of the bill in how it coincides with the Agreement on Internal Trade. If you're going to pass the bill—and we hope this bill is passed as proposed, with some amendments, today—you need to preserve the integrity of the bill as well. If we did what Mr. Marchese is asking us to do, I think the bill would simply have no intent or integrity left. Maybe that's what he wants, but that's certainly not what the government wants.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

Mr. Rosario Marchese: Just to remind you: Most of the deputants, with one exception, felt there was a problem with this bill. There was nobody who agreed with this government. There is no integrity if you have nobody supporting it. This is a party that supports itself,

obviously, in terms of internal investment trade agreements. It's clearly something they like; I understand that. But you would hope they would have at least one or two of their own friends come on short notice—because there wasn't much notice—and say, “We love this bill.” There was no one who said, “We love this bill.” Not one. If you don't have deputants who support you, it means there is no integrity in the bill. There is no integrity in this bill because the government refuses to even debate this bill on third reading.

After this bill is done clause-by-clause, it goes directly to a vote. We always have third reading debate where the government is allowed to make a case for why we're doing this. They're dispensing with third reading debate and going straight to a vote. There is absolutely no integrity in this bill. That's why we're trying to kill it. He's absolutely right.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Then we'll take a vote on the motion.

Mr. Rosario Marchese: A recorded vote, please.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): That does not carry.

Let's move on to page 3 of our package. This is a government motion. Mr. Flynn.

Mr. Kevin Daniel Flynn: I move that the definition of “authorizing certificate” in subsection 2(1) of the bill be struck out and the following substituted:

“‘authorizing certificate’, in relation to an occupation, means,

“(a) a certificate, licence, registration, or other form of official recognition, granted by a regulatory authority to an individual, which attests to the individual being qualified to practise the occupation and authorizes the individual to practise the occupation, use a title or designation relating to the occupation, or both, or

“(b) a certificate, licence, registration, or other form of official recognition, granted by a regulatory authority to an individual, which attests to the individual being qualified to practise the occupation but does not authorize the practice of the occupation or the use of a title or designation relating to the occupation, if the occupation and the regulatory authority granting the certificate, licence, registration or other form of official recognition respecting the occupation are prescribed for the purpose of this clause; (‘certificat d'autorisation’)”

Clause 2(1)(b) allows for the identification of an authorizing certificate that otherwise would not be captured under the definition in 2(1)(a), i.e., we're talking about some trades that have already been grandfathered for labour mobility under the Ontario-Quebec construction

agreement. In addition to that, the ability to prescribe additional regulatory authorities as a technical amendment would allow for the prescribing of specific occupations from specific jurisdictions.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion or debate? None? I'll put the motion to a vote. All those in favour? Opposed? That carries.

We'll move to page 4, an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that the definition of "out-of-province regulatory authority" in subsection 2(1) of the bill be amended by striking out "that is a party to the Agreement on Internal Trade".

I already made my case on that one, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion or debate?

Mr. Kevin Daniel Flynn: I make the same opposing case.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Flynn. We'll put it to a vote, then. All those in favour of the motion? Opposed? That does not carry.

The next question is, shall section 2, as amended, carry? All those in favour? Opposed? That carries.

There are no amendments, members of the committee, from sections 3 to 5, so we'll put them together. I'll just put the question. Shall sections 3 to 5 of this bill carry? All those in favour? Opposed? That carries.

Now we're on to section 6. That's on page 5 of our package. Mr. Marchese.

Mr. Rosario Marchese: I move that section 6 of the bill be amended by striking out "referred to in article 707 of the Agreement on Internal Trade" at the end.

Mr. Chair—I'm just going to get section 6 for a second—this is something that the compulsory trades coalition has spoken to as part of their deputation. This is a big part of their concern. That article—chapter 7, at least—refers to labour mobility, and there's a long list of things that it affects, including a section that the compulsory trades coalition makes reference to in article 707 under "Licensing, Certification and Registration of workers," which makes sure that we maintain the integrity of the trades.

We believe that this amendment is a good one. I have to say that I stated concerns in section 6—in spite of the removal of article 707 of the Agreement on Internal Trade, I still have concerns, because it says that nothing in this act restricts the crown from taking any action that it considers advisable. The case I made in committee was that it isn't proactive. It doesn't say that we are going to enshrine the red seal program. It doesn't say that the ministry is committed to it and it will not be touched. The language isn't as clear as I would have liked it to have been, but removing the reference to article 707 of the Agreement on Internal Trade helps a great deal. We understand the government may be supporting it, so at least there's a partial victory in this regard.

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The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

Mr. Kevin Daniel Flynn: I think Mr. Marchese offers us some wise counsel here, and I think the amendment is one that is worthy of the support of all members that are here today. The Coalition of Compulsory Trades certainly supports this, and it made a very compelling case in this regard. As a government that likes to listen to good ideas, we should be supporting this one.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Bailey.

Mr. Robert Bailey: I'd like to also indicate our support for the red seal program and Mr. Marchese's motion.

Interjection: Recorded vote, please.

Ayes

Aggelonitis, Bailey, Flynn, Lalonde, Levac, Marchese, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): There are none opposed, so the motion carries unanimously.

That takes care of section 6 of the bill. So the next question is, shall section 6, as amended, carry? All those in favour? Opposed? That carries.

The next motion is on page 6. It's an NDP motion, and it's Mr. Marchese's motion.

Mr. Rosario Marchese: I move that part I of the bill be amended by adding the following section after section 6:

"Agreement does not become law

"6.1 Nothing in this act gives the force of law to the Agreement on Internal Trade signed in 1994 by the governments of Canada, the provinces of Canada, the Northwest Territories and the Yukon Territory, as amended from time to time."

I think it's self-explanatory.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

Mr. Kevin Daniel Flynn: We will not be supporting this. We understand where it comes from, that its substance would be found in the BC labour mobility legislation that my friend talks about on frequent occasion. BC took a much different approach than the province of Ontario is proposing here. It's not the model that's being proposed in the bill that's before us today, Bill 175. There is no requirement or provision, really, that's necessary to limit private enforceability rights, as is the practice in British Columbia.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? We'll put it to a vote, then. All those in favour of the motion? Opposed? That does not carry.

Sections 7 and 8, there are no amendments too, so I'll put—I'm sorry, there's one under section 8.

There are no amendments in section 7, so I'll just put the question. Shall section 7 carry? All those in favour? Opposed? Carried.

We'll go to page 7 here. There's a notice regarding section 8, and it's an NDP notice.

Mr. Rosario Marchese: We're just going to vote against it, Mr. Chair. It's not really a motion.

Section 8 says, “No Ontario regulatory authority shall require that an individual reside in Ontario as a condition of being certified in a regulated occupation, if the individual resides in another province or territory of Canada that is a party to the Agreement on Internal Trade.” We just disagree with that section altogether. We’re just going to vote against it.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion?

Mr. Kevin Daniel Flynn: We appreciate the disagreement, but we will support it.

The Chair (Mr. Lorenzo Berardinetti): Then we’ll put a vote to section 8. Shall section 8 carry? All those in favour? Opposed? That carries.

We move on to section 9, which is on page 7. It’s a government motion. Mr. Flynn.

Mr. Kevin Daniel Flynn: I would note that my friend from the NDP has a very similar, if not exactly the same, amendment before us, and we’d be prepared to support either one. But at this point in time, we’ll read ours into the record and have a vote. But I did want it on the record that the two amendments are very similar, if not exactly the same.

Interjection.

Mr. Rosario Marchese: It doesn’t matter.

The Chair (Mr. Lorenzo Berardinetti): How would you like to proceed?

Mr. Kevin Daniel Flynn: I can withdraw ours, and we can move the NDP’s. We’re quite happy to do that, or we’re quite happy to move ours.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I need unanimous consent to withdraw number 7 if you want to—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): You just want to withdraw it, then?

Mr. Dave Levac: Yes.

The Chair (Mr. Lorenzo Berardinetti): We’ll move on, then, to page 8. Mr. Marchese.

Mr. Rosario Marchese: I move that paragraph 2 of subsection 9(5) of the bill be struck out and the following substituted:

“2. If the condition set out in paragraph 2 of subsection (6) is met, provide a certificate, letter or other evidence from every out-of-province regulatory authority by which the individual is currently certified in the occupation, confirming that the authorizing certificate that the regulatory authority granted to the individual for the occupation is in good standing.”

I’m not quite sure whether we have satisfied the request made by the college, but here we have it. We thought it did, but we got word from them that perhaps the language isn’t exactly what they wanted.

Just to read it for the record: “The government motion makes matters worse in that it re-specifies the colleges are entitled to ask for certificates from the body from whom the applicant currently holds an out-of-province certificate. The word ‘currently’ was not used in the previous iteration. We were asking to make it clear that

we can request certificates from all jurisdictions in which the member practised or trained.”

We thought we had their concerns taken into account, but perhaps we didn’t. I just wanted to state that for the record. We did our best, perhaps.

The Chair (Mr. Lorenzo Berardinetti): Mr. Flynn

Mr. Kevin Daniel Flynn: I’d agree with Mr. Marchese. The intent was to rectify what we saw as a drafting inconsistency between the language and the section of the bill we’re examining today and the relevant sections of the Regulated Health Professions Act. It also should address some of the concerns that we heard from other presenters last week. So, we will be supporting Mr. Marchese’s motion.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Further discussion? None?

So we’ll put it to a vote, then, on page 8. Shall the motion carry? All those in favour? Opposed? That carries.

Let’s move on to page 9.

Mr. Rosario Marchese: Withdraw, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Withdrawn? Okay, fine.

There’s a notice here regarding section nine.

Mr. Rosario Marchese: Yeah, we’re just going to vote against it.

The Chair (Mr. Lorenzo Berardinetti): Okay. Then the question is, shall section 9, as amended, carry? Those in favour? Opposed? Carried.

We go then to the next page, regarding section 10. Shall section 10 carry? All those in favour? Opposed? Carried.

Section 11: Shall section 11, carry? All those in favour? Opposed? Carried.

Section 12: On page 10 of our package, there’s an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that subsection 12(1) of the bill be amended by adding “and” at the end of clause (a) and by striking out clause (b).

Clause (b) says the following for the record: “take steps to reconcile differences between the occupational standards it has established for an occupation and occupational standards in effect with respect to the same occupation in the other provinces and territories of Canada that are parties to the Agreement on Internal Trade.”

This is, for us, an offensive part of the bill because we see this as the reduction of standards overall. The goal of this bill is to reconcile differences, no matter what. Even if standards are different, it says that the intent of this bill is to take steps to reconcile differences no matter what. This is what this is about. We made that case during the hearings of that afternoon, and we make it today. We just want to take it out.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: Obviously we don’t agree. I think we’re sort of getting back to the genesis and the reason of the bill. It’s important to note the language clearly states in the first line that it’s “to the extent possible and where practical” when dealing with the

regulatory authorities. I think it's reasonable to support this.

Mr. Rosario Marchese: Recorded vote.
1440

Ayes

Marchese.

Nays

Aggelonitis, Bailey, Flynn, Lalonde, Levac, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): So that does not carry.

We move to page 11. Page 11 deals with subsection 12(3). Mr. Marchese?

Mr. Rosario Marchese: I move that section 12 of the bill be amended by adding the following subsection:

“No lowering of Ontario standards

“(3)—this is in addition to that section—“In carrying out subsection (1), an Ontario regulatory authority shall not lower, or agree to the lowering of, any occupational standard that is appropriate to protect the public.”

I just think, Kevin Flynn, parliamentary assistant, that this is a very reasonable—as you have said often this afternoon—request. It should not affect the content of the bill at all. It says that, “In carrying out subsection (1), an Ontario regulatory authority shall not lower, or agree to the lowering of, any occupational standard that is appropriate to protect the public.” I'm assuming that that is the intent of the bill and that you would like it and agree to it.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Mr. Flynn?

Mr. Kevin Daniel Flynn: It is very reasonable. It's so reasonable we've included it already and the amendment is actually unnecessary. I guess that's the point: We're saying the same thing differently.

Clearly, both the AIT and the bill we have before us, Bill 175, preserve the ability of the regulatory authorities within the province of Ontario to set the standards that are necessary, as they're doing today, to protect the Ontario public. That's implicit in this bill. So the amendment, as reasonable as it is, is really—I think that the spirit of the amendment is included already and the amendment is unnecessary.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese?

Mr. Rosario Marchese: Just quickly: Kevin says it's implicit. “Implicit” means it's not explicit. But he argues that it's included somewhere in the bill, elsewhere. That's fine. If this is a bit redundant, that's okay. If we have already said it elsewhere and we're saying it again, make me feel good and simply include it. If it does nothing but to enhance what you have already said implicitly elsewhere, then let's just join hands again and include it.

The Chair (Mr. Lorenzo Berardinetti): Mr. Bailey?

Mr. Robert Bailey: I'd like to indicate my support for Mr. Marchese's point.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Flynn?

Mr. Kevin Daniel Flynn: He's just trying to make you feel good.

No, I understand where it's coming from, but it's unnecessary. What Mr. Marchese is saying should be included in the bill is included in the bill, and adding the extra verbiage is unnecessary.

Mr. Rosario Marchese: Recorded vote.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): That does not carry.

The next question is: Shall section 12 carry? All those in favour of section 12? Opposed? That carries.

There are no amendments for section 13, so shall section 13 carry? All those in favour? Opposed? Carried.

We'll move on to section 14. There's a notice here. Mr. Marchese?

Mr. Rosario Marchese: Yes, just to make the point, because I'm going to be voting against it: Section 14 talks about, “If the labour mobility code conflicts with an Ontario regulatory authority's authorizing statute or an instrument of a legislative nature made under that statute, the labour mobility code prevails to the extent of the conflict.” I just wanted to state for the record that I disagree with this strongly, because we think other regulatory authorities or other statutes might give us the confidence we want around labour standards and other standards that this may not. That's why I'm voting against it.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? None? So we'll take a vote. All those in favour of section 14? Opposed? That carries.

Section 15: There's another notice here. Mr. Marchese?

Mr. Rosario Marchese: I'm just going to vote against it.

The Chair (Mr. Lorenzo Berardinetti): All right. Shall section 15 carry? All those in favour? Opposed? That carries.

We'll move on to section 16. There's an NDP motion on page 12.

Mr. Rosario Marchese: I move that paragraphs 4, 5 and 6 of subsection 16(1) of the bill be struck out.

This section refers to the power that monitors have, this new power that you're creating through this monitor to be able to make sure there's compliance. I just find it offensive, as I do the \$5-million penalties. It's unbelievable, the extent to which this government is going to make sure that this bill works according to the way they want. It's going to frighten the beegees out of ministries,

municipalities and NGOs to make sure they do what they want. I've never seen anything like it. In many other bills, we worry that there are not enough inspectors to make sure that we have compliance or ensuring compliance, yet in this bill, the government has no problem instituting hefty fines, including the hiring of monitors, to make sure compliance is in place.

Just for the record, I will be opposing it and opposing it vigorously.

The Chair (Mr. Lorenzo Berardinetti): Mr. Zimmer.

Mr. David Zimmer: Mr. Rosario said something about—

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

Mr. David Zimmer:—“scare the beegees.” What does that mean? For the record, I want to understand.

Mr. Rosario Marchese: The lawyers need to have clear language. The beegees or the weegees—

Mr. David Zimmer: What does that mean?

Mr. Rosario Marchese: I'll leave it to your imagination. Move on, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Okay. That's his answer. I'm sorry; I can't force him to answer any further than that.

We'll vote on the motion. This is the NDP motion on page 12. All those in favour? Opposed? That does not carry.

Go to page 13. Page 13 is an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that subsection 16(2) of the bill be struck out. This subsection speaks to:

“Duty to comply

“(2) If the monitor requests the regulatory authority to do anything under subsection (1), the regulatory authority shall comply with the request within such time and in such manner as the monitor may specify.”

Again, the incredible power we give to the monitor to make sure compliance happens. In very few other bills do we have such power, where we ask the government to say, “Make sure that we have enough inspectors to ensure compliance,” yet here they have tremendous power—unbelievable. I'm voting against, vigorously, if one can vote against vigorously.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None. So we'll take a vote.

Mr. Rosario Marchese: On a recorded vote.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): That does not carry.

The next question is: Shall section 16 carry? All those in favour? Opposed? Carried.

We'll move on to section 17. We have an NDP notice here. Mr. Marchese.

Mr. Rosario Marchese: Again here, 17 says, “If the monitor for a non-governmental regulatory authority makes a request under paragraph 2 of subsection 16(1) and the regulatory authority does not comply with the request within the time and in the manner specified by the monitor, the Lieutenant Governor in Council may make, amend or revoke the instrument in question for the purpose of ensuring that it conforms with the labour mobility code.”

Not only do we give the monitor incredible power, but if the monitor fails in his grasp and power to get a regulatory authority to comply, we've got the Lieutenant Governor in place to make sure that they come hard on compliance. It's just unbelievable. I don't know, Kevin. Maybe you've got a comment on it. Why do you think we need these powers? Why do you think we need that section at all? Doesn't the monitor give you enough shoulders to make sure compliance is in place? You need more power?

The Chair (Mr. Lorenzo Berardinetti): Mr. Flynn.

Mr. Kevin Daniel Flynn: The intent is quite clear. We have a difference of opinion, and I appreciate that. Mr. Marchese, I think, would vote against the entire bill.

Mr. Rosario Marchese: This is true.

Mr. Kevin Daniel Flynn: I think, in a way, he has. But I think if you're going to have a bill, you want to make sure that the Ontario taxpayers are protected, and you want to make sure that you bring in the maximum protection when you're implementing the bill. We're implementing the bill right now. We're going through it clause by clause. Now is the time when you protect the Ontario taxpayer. That's exactly what we're doing here.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

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Mr. Rosario Marchese: This is not about protecting the taxpayer; this is about making sure compliance happens. Compliance has to do with a non-resident coming to our province, qualified or not, adequately or inadequately; how, even if there's some semblance of adequacy, we're going to have to hire that person. That's what that is. This is not protecting the taxpayer of Ontario. This is anything but protecting the taxpayer.

Mr. David Zimmer: Oh, Rosario, you've got it wrong.

The Chair (Mr. Lorenzo Berardinetti): Mr. Flynn.

Mr. Kevin Daniel Flynn: Unqualified people will not get the classification that they want in the province of Ontario. This is not the race to the bottom that others have said; it's a race to the top. Ontario's standards will be maintained. In the vast majority of circumstances, Ontario's standards will become the benchmark.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? Mr. Marchese.

Mr. Rosario Marchese: I was just trying to find language here on page 7 where you have different—what

section is that? It's on page 7 of the bill, paragraph 3 of subsection 9(5): "If the conditions set out in subsection (6) are met, demonstrate knowledge of matters applicable to the practice of the regulated occupation..." Imagine; it says, "demonstrate knowledge of matters." So someone can demonstrate knowledge and that's enough. Or paragraph 1 of subsection 9(6), where they talk about that the "out-of-province regulatory authority must be the same as, or substantially similar"—it doesn't have to be similar, but substantially. If they demonstrate knowledge, that's enough. If they're substantially similar, it's enough. They're not the same; that's the problem that I state.

The Chair (Mr. Lorenzo Berardinetti): Any other discussion? None? So we'll take a vote on section 17. Shall section 17 of the bill carry? All those in favour? Opposed? That carries.

We'll go to the next page of our package here. It's regarding section 18. It's an NDP notice.

Mr. Rosario Marchese: For the record, again, 18: "If the monitor for a non-governmental regulatory authority believes that the regulatory authority has contravened subsection 16(2), the monitor may serve an order on the regulatory authority ordering it to pay an administrative penalty in accordance with the regulations made under this act." It's amazing, the punitive power this person has to make sure there's compliance. I'm voting against it.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: The intent of all this clearly is to promote compliance in the first place. It's not to award penalties; it's not to go to that stage; it's to encourage compliance. I think that's reasonable.

The Chair (Mr. Lorenzo Berardinetti): Further discussion? None? We'll take a vote. Shall section 18 carry? All those in favour? Opposed? That carries.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): The next page regards section 19—order, please. We're on section 19 now. This is an NDP notice. Mr. Marchese.

Mr. Rosario Marchese: This section has to do with the enforcement of an administrative penalty. It's about penalties; it's about \$5 million; it's about making sure people comply; it's about making sure these regulatory bodies, municipalities, NGOs, comply in silence. Do not dare to not comply because if you do and you're found to be in non-compliance you're going to get whacked with five million bucks. I'm voting against that as well.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: It's just a sign that we're serious about this. We don't want \$5-million fines; we want compliance in the first place.

The Chair (Mr. Lorenzo Berardinetti): We'll take a vote. All those in favour of section 19? Opposed? That carries.

We'll move on to section 20. It's an NDP notice. Mr. Marchese.

Mr. Rosario Marchese: Sorry, I thought it was a PC motion.

The Chair (Mr. Lorenzo Berardinetti): We're on section 20. I think the next one, section 21 after that, is the PC one.

Mr. Rosario Marchese: Oh, I'm just voting against it.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion on that? None? So we'll just take a vote on section 20. Shall section 20 carry? All those in favour? Opposed? That carries.

The Chair (Mr. Lorenzo Berardinetti): We move to section 21. On page 14 of our package, there's a PC motion. Mr. Bailey.

Mr. Robert Bailey: I move that subsection 21(1) of the bill be struck out and the following substituted:

"Right of recovery by crown

"21(1) If the crown in right of Ontario is ordered to pay a penalty or tariff costs under a final order made by a presiding body established or convened under the Agreement on Internal Trade, and the order is wholly or partially the result of noncompliance with the labour mobility code by a non-governmental or municipal governmental regulatory authority acting in bad faith, or noncompliance with sections 22.15 to 22.23 of schedule 2 to the Regulated Health Professions Act, 1991 by a college, as defined in that act, acting in bad faith, the crown has the right to recover from the regulatory authority or the college, as the case may be, the proportion of the amount paid by the crown under the presiding body's final order that is attributable to the bad-faith noncompliance of the regulatory authority or college."

The rationale behind this, Mr. Chair and committee, is that the colleges should only be held liable for breaching the Agreement on Internal Trade if they do so intentionally. The government has already advised us that it would only seek to recover penalties from a college if it did not act in good faith. This would amend the bill to reflect the government's statement.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion?

Mr. Rosario Marchese: We have the same amendment. The government's motion is obviously different. Our motion speaks to the proportion of the amount paid by the crown and the government's says the whole amount. The government wants to go whole hog here. They just want to make sure they hit them and they hit them hard; right? Our motion talks about proportionality, which would exclude the part where the crown is entitled to recover amounts liable under the AIT for failing to comply with subsection 5(2) of the RHPA. We think it's a much more reasonable amendment to make.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

Mr. Kevin Daniel Flynn: It looks like all three parties took a run at 21(1), trying to make some changes to it as a result of the people who came forward and suggested that changes be made. We looked at the PC motion that we have the floor before us, and we also looked at the NDP motion that comes after the government motion. At some point, I'll be making the argument that we think

we've struck the right balance in the motion being put forward by the government.

We feel that bringing in the standard of bad faith just adds a complexity to the bill that is unnecessary right now. We can deal with the issues that both parties have raised, I believe, by passing our version of the amendment that is on page 15, I think, which will follow after this.

Mr. Rosario Marchese: Recorded vote.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac.

The Chair (Mr. Lorenzo Berardinetti): That does not carry.

We'll then go to page 15, which is a government motion.

Mr. Kevin Daniel Flynn: I move that subsection 21(1) of the bill be struck out and the following substituted:

“Right of recovery by crown

“21(1) If the crown in right of Ontario is ordered to pay a penalty or tariff costs under a final order made by a presiding body established or convened under the Agreement on Internal Trade, and the order is wholly or partially the result of noncompliance by a municipal governmental regulatory authority with the labour mobility code, non-compliance by a nongovernmental regulatory authority with the labour mobility code and with subsection 16(2), or noncompliance by a college, as defined in the Regulated Health Professions Act, 1991, with any of sections 22.15 to 22.23 of schedule 2 to that act and with subsection 5(2) of that act, the crown has the right to recover from the regulatory authority or the college, as the case may be, the amount paid by the crown under the presiding body's final order.”

The motion that we've put forward responds to concerns that were raised by a number of delegations at the public meetings. It clarifies that the right to recovery that is envisioned is limited to those instances where the penalty imposed on Ontario is the actual result of non-compliance of a regulatory authority with a previous request from the government, in addition to non-compliance with a labour mobility code.

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If the members will recall, groups like CPSO and the law society raised this. It adds another criteria and it's really to be used in those times when a regulatory authority simply refuses to comply with the provisions.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion on this motion? None? So we'll take the vote. All those in favour of the government motion? Opposed? That carries.

The one on page 16, I think is—

Mr. Rosario Marchese: Withdrawn.

The Chair (Mr. Lorenzo Berardinetti): It's withdrawn. Thank you. We'll move on to page 17.

Before we do that, shall section 21, as amended, carry? Those in favour? Opposed? That carries.

I'm sorry. My apologies. There was one more item here.

Mr. Rosario Marchese: Yes. I withdraw that.

The Chair (Mr. Lorenzo Berardinetti): You withdraw that one? Okay, thank you. And then there's a notice as well which just says you're recommending voting against.

Mr. Rosario Marchese: Just voting against, yes. No problemo.

The Chair (Mr. Lorenzo Berardinetti): Okay. Then I'll ask the question again. Shall section 21, as amended, carry? Those in favour? Opposed? That carries.

We'll move on to section 22 on page 18.

Mr. Rosario Marchese: Withdrawn.

The Chair (Mr. Lorenzo Berardinetti): It's withdrawn? Okay, thank you.

So then the next motion is on page 19. It's an NDP motion, Mr. Marchese.

Mr. Rosario Marchese: I'll just be voting against this section.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Rosario Marchese: It's “Enforcement of payment order.”

The Chair (Mr. Lorenzo Berardinetti): This is section 22.20 on page 19.

Mr. Rosario Marchese: I thought we were on section 23.

The Chair (Mr. Lorenzo Berardinetti): We're almost there, but this is on page 19. This is the package that was the hard copy. There's an NDP motion regarding subsection 22.20.

Mr. Rosario Marchese: Something new?

Interjection: Yes, that's the old package.

Mr. Rosario Marchese: I see.

I move that section 22.20 of the bill be amended by adding the following subsection:

“No lowering of Ontario standards

“(3) In carrying out subsection (1), the college shall not lower, or agree to the lowering of, any occupational standard that is appropriate to protect the public.”

I should have withdrawn it. The government has already voted against this. I'll withdraw it because the government has no stomach for this.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Page 20 is a notice regarding section 22. Is this to vote against the section?

Mr. Rosario Marchese: Yes.

The Chair (Mr. Lorenzo Berardinetti): Then I'll put the question regarding section 22. Shall section 22 carry? All those in favour? Opposed? That carries.

Now, regarding section 23, there's a notice as well from the NDP.

Mr. Rosario Marchese: Yes. We'll just be voting against it.

The Chair (Mr. Lorenzo Berardinetti): Shall section 23 carry? All those in favour? Opposed? Carried.

Now—

Mr. Rosario Marchese: Same thing.

The Chair (Mr. Lorenzo Berardinetti): Same thing with section 24? Shall section 24 carry? All those in favour? Opposed? That carries.

Section 25: On page 20 of our package is an NDP motion regarding clause 25(b).

Mr. Rosario Marchese: I move that clause 25(b) of the bill be struck out.

Clause (b) says, “governing the administrative penalties that may be ordered under this act and all matters necessary and incidental to the administration of a system of administrative penalties under this act, including,” and it lists the whole thing. I just thought I’d say, for the record, what I’m voting against.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Further discussion? None? All in favour of the motion? Opposed? That does not carry.

Shall section 25 carry? All those in favour? Opposed? That carries.

We’ll move on to section 26. On page 21 there’s a government motion, Mr. Flynn.

Mr. Kevin Daniel Flynn: I move that clause 26(a) of the bill be struck out and the following substituted:

“(a) for the purpose of clause (b) of the definition of ‘authorizing certificate’ in subsection 2(1), prescribing one or more occupations and, for each occupation, prescribing one or more regulatory authorities that grant individuals a certificate, licence, registration, or other form of official recognition that attests to the individual being qualified to practise the occupation but does not authorize the practice of the occupation but does not authorize the practice of the occupation or the use of a title or designation relating to the occupation;”

The intent of this follows from the amendment proposed in motion 3 to change the language in subsection 2(1).

The Chair (Mr. Lorenzo Berardinetti): Further discussion? None? We’ll take a vote, then, on the motion. All those in favour of the motion? Opposed? That carries.

On page 22, we have an NDP motion.

Mr. Rosario Marchese: Withdrawn.

The Chair (Mr. Lorenzo Berardinetti): Withdrawn. Then I’ll put the question. Shall section 26, as amended, carry? All those in favour? Opposed? That carries.

Shall section 27 carry? All those in favour? Opposed? Carried.

We’ll move on to section 28. It’s a government motion; Mr. Flynn, on page 23 of our package.

Mr. Kevin Daniel Flynn: I move that clause 9(6)(b) of the Apprenticeship and Certification Act, 1998, as set out in subsection 28(1) of the bill, be struck out and the following substituted:

“(b) the other province or territory and the trade or occupation for which the document was issued in that province or territory are prescribed for the purpose of this clause.”

The Chair (Mr. Lorenzo Berardinetti): Any discussion on this?

Mr. Kevin Daniel Flynn: This extends the right to the voluntary trades under the Ontario-Quebec agreement. The amendment follows from an amendment that was proposed in motion 3 to change the language, as previously, in 2(1). It allows for the identification of an authorizing certificate that otherwise would not be captured under the definition previously proposed in 2(1)(a) for some trades that were grandfathered for labour mobility under the Ontario-Quebec construction agreement.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? I’ll put the motion to a vote. All those in favour of the motion? Opposed? That carries.

We’ll move on to page 24. This is also a government motion.

Mr. Kevin Daniel Flynn: I move that clause 19(2)(e.1) of the Apprenticeship and Certification Act, 1998, as set out in subsection 28(2) of the bill, be struck out and the following substituted:

“(e.1) for the purpose of clause 9(6)(b), prescribing one or more provinces or territories of Canada and, for each province or territory so prescribed, prescribing one or more trades or occupations that are practised in that province or territory;”

What this does is follow from the previous amendment that was proposed and carried in 21 to change the Apprenticeship and Certification Act. It gives the minister the appropriate regulation-making authority to give effect to that previous clause, and it really provides the authority for what we just passed a few minutes ago.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? I’ll put the motion to a vote. All those in favour of the motion? Opposed? That carries.

Before we vote on this, the next page has a notice. Mr. Marchese.

Mr. Rosario Marchese: I’ll just be voting against this section.

The Chair (Mr. Lorenzo Berardinetti): I’ll put the question. Shall section 28, as amended, carry? All those in favour? Opposed? That carries.

We’ll go to section 29.

Mr. Rosario Marchese: I’ll be voting against it.

The Chair (Mr. Lorenzo Berardinetti): I’ll put the question, then. Shall section 29 carry? All those in favour? Opposed? Carried.

Shall section 30 carry? All those in favour? Opposed? That carries.

Shall section 31 carry? All those in favour? Opposed? That carries.

Section 32: On page 25 of our package, there’s a government motion. Mr. Flynn.

Mr. Kevin Daniel Flynn: I move that clause 22(d) of the Proceedings Against the Crown Act, as set out in section 32 of the bill, be struck out and the following substituted:

“(d) under a final order to pay made by a competent authority under a trade agreement that the crown has entered into with the government of another province or

territory of Canada, the government of Canada or any combination of those governments.”

1510

What this does is fulfill the obligations we have under the Ontario-Quebec trade agreement. It extends the payment authority, under the act we were talking about, Proceedings Against the Crown Act, to the amounts that the province has to pay under any trade agreement. That includes the AIT, the Ontario-Quebec trade agreement and any other future agreements that are entered into.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion on this? No? I’ll put it to a vote. Shall the motion carry? All those in favour? Opposed? Carried.

Shall section 32, as amended, carry? All those in favour? Opposed? Carried.

We’ll move on now to section 33, on page 26, and this is a PC motion. Mr. Bailey.

Mr. Robert Bailey: I move subsection 33(2) of the bill be struck out and the following substituted:

“(2) Subsection 43(1) of the act is amended by adding the following clauses:

“(l) prescribing a longer period in respect of a college for the purpose of section 22.23 of the code;

“(m) defining, for the purposes of sections 22.3 and 22.15 to 22.23 of the code, any word or expression that is used in those sections but not defined in this act;

“(n) exempting a college from the application of sections 22.15 to 22.23 of the code for a period of not more than two years, if the college and representatives of the parties to the Agreement on Internal Trade signed in 1994 by the governments of Canada, the provinces of Canada, the Northwest Territories and the Yukon Territory have agreed to attempt to arrive at common certification requirements for the health profession which the college regulates.”

The rationale behind this amendment is to meet the desires of the medical community and others who appeared before us. Medical regulators across Canada have agreed amongst themselves to implement a single national standard that would eliminate patient safety concerns arising from the possible lower registration standards in some provinces. It will take time for this group to make the necessary legislative and other changes across the country. The college is actively working and helping to lead this process at the national level through the Federation of Medical Regulatory Authorities of Canada.

This would be a transitional step to protect public safety. The vast majority of doctors, including all Canadian medical graduates and many international graduates, will have national mobility when Bill 175 goes into effect.

A small minority of doctors who have not completed their medical council exams or an approved residency program would be subject to assessment in Ontario.

Full national mobility for all doctors registered in any province within two years, when a national standard is adopted by all provincial regulators—this is a broadly

worded amendment. It could apply to any profession, trade or occupation that is working to national standards.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese, do you want to comment?

Mr. Rosario Marchese: Yes, just a couple of things. I don’t know where the government stands on this, so I’m not sure whether we’re making a case for nothing. I’m not sure.

A few things: First of all, the college of doctors came and they talked about this. They said that they are on the verge of having an agreement. They want a two-year exemption because they believe that they can get together across Canada and establish some rules that they can all live with. We think it’s good. I think it’s a good thing. It’s like the red seal program, where only British Columbia, for some reason, has opted out, and Quebec, to some extent, although we understand their standards are pretty good and strong. Only British Columbia has opted out of that. We think the doctors are on the verge of coming up with an agreement that is helpful to us all.

My motion is almost similar except we have, in my motion, in (n), at the end of “Yukon Territory,” “as amended from time to time,” because these things happen and bills do get amended from time to time. We thought that it was a little more accurate to do. In spite of that small amendment that I made, and in talking to the representative from the college, we still didn’t get the language right, based on what they would have liked, to make it clear.

This has nothing to do with the legislative counsel at all. It has to do with the fact that we rushed incredibly through this. We went from a closure motion last Monday to a morning and afternoon of hearings on Thursday, and we had to submit amendments by Friday. It was just the most incredible thing I’ve ever seen. We have rarely done it except in the days of Mike Harris. So I know that Mike would have loved this government with respect to this particular bill.

We’ve had no possibility to correct anything. It is a cruel thing; I agree with you. I’ve never seen anything like it, where we have moved so quickly to get this bill out of the way. We had hearings on this the very same day that we had hearings on the harmonized tax. We’re now going to have third reading debate. It’s unbelievable. We’re supposed to put the amendments in a very short period of time. We had no time to consult adequately with legislative counsel or adequately with the folks who came to present in committee. I wanted to say on the record it’s the most shameful thing I’ve ever seen.

We did our best to try to reflect the concerns of the college. It wasn’t 100%, but there you have it.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Flynn?

Mr. Kevin Daniel Flynn: We won’t be supporting this amendment that is on the floor either, or the one that comes after, if it makes it to the floor.

We’ve established a process already that is in place for regulatory authorities if they want to make a request for an exemption. It reflects the criteria that is already

established within the AIT. What we'd be doing here is we would be setting up a duplicate process, and it seems to me that's not something we would want to do. We do have a process in place; it's a good process and it's worthy of support.

Mr. Rosario Marchese: On a recorded vote.

The Chair (Mr. Lorenzo Berardinetti): Further discussion?

Mr. Robert Bailey: This is something the medical community requested and I think it's a reasonable amendment, but we'll see.

The Chair (Mr. Lorenzo Berardinetti): Thank you. A recorded vote has been asked for.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac.

The Chair (Mr. Lorenzo Berardinetti): That does not carry.

We'll go to page 27. This is an NDP motion. Mr. Marchese?

Mr. Rosario Marchese: Given that I already spoke to it and given that I said on the record that my motion is pretty well the same, with some minor addition, I'll just withdraw it rather than reading it out.

The Chair (Mr. Lorenzo Berardinetti): So that is withdrawn.

The next motion is on page 28. This is an NDP motion.

Mr. Rosario Marchese: I move that the definition of "Agreement on Internal Trade" in subsection 22.15(1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Any discussion on that?

Mr. Rosario Marchese: No, it's self-explanatory, I thought.

The Chair (Hon. Rick Bartolucci): Thank you. Any further discussion? None? So we'll take a vote on it. All those in favour of the motion? Opposed? That does not carry.

We'll go to page 29.

Mr. Rosario Marchese: I move that clause (b) of the definition of "out-of-province certificate" in subsection 22.15(1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be amended by striking out "that is a party to the Agreement on Internal Trade".

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

Mr. Kevin Daniel Flynn: The same amendment is in my sequence.

The Chair (Mr. Lorenzo Berardinetti): Okay. I don't have this one in my package, but we'll get some

copies made. Why don't we recess for five minutes just to get copies of this made?

We're recessed for five minutes. We'll resume in five minutes.

The committee recessed from 1516 to 1525.

The Chair (Mr. Lorenzo Berardinetti): I call this meeting back to order. You should all have copies of page 29, a motion that has been moved by Mr. Marchese.

Mr. Rosario Marchese: Shall I read it again? I did read it.

I move that clause (b) of the definition of "out-of-province certificate" in subsection 22.15(1) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be amended by striking out "that is a party to the Agreement on Internal Trade."

We don't like the agreement.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? We'll just take a vote. All those in favour of the motion? Opposed? That does not carry.

Page 30 is in our package. This is also an NDP motion. Mr. Marchese.

1530

Mr. Rosario Marchese: I move that section 22.16 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out and the following substituted:

"Purpose

"22.16 The purpose of sections 22.15 to 22.23 is to eliminate or reduce measures established or implemented by the college that restrict or impair the ability of an individual to obtain a certificate of registration when the individual holds an equivalent out-of-province certificate."

I think it's obvious.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None. So we'll take a vote. All those in favour? Opposed? It does not carry.

Page 31: It's an NDP motion. Mr. Marchese.

Mr. Rosario Marchese: I move that section 22.17 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Discussion? None. We'll take a vote. All those in favour? Opposed? It does not carry.

Page 32: Mr. Bailey.

Mr. Robert Bailey: I move that paragraph 2 of subsection 22.18(5) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out and the following substituted:

"2. If the condition set out in paragraph 2 of subsection (6) is met,

"i. provide a certificate, letter or other evidence from the body or individual that granted the out-of-province certificate, confirming that it is in good standing, and

"ii. provide a certificate, letter or other evidence from any body or individual in any jurisdiction in which the applicant trained for or practised the profession, con-

firming that the applicant is or was in good standing in that jurisdiction.”

The rationale behind this amendment is to protect the public. The college needs to get a full picture about an applicant. This includes obtaining a certificate of good standing from the regulatory authority in any jurisdiction where the applicant has practised or trained. Limiting the college to one regulatory authority could result in missing something significant in the applicant’s history and possibly jeopardizing public safety. This would help understand a doctor’s performance prior to the current one they’re residing in.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: We believe that this is already addressed, or it’s addressed more directly by the government motion that relates to this subsection. That’s going to reflect Ontario’s obligations under the AIT. The information that would be captured under (2)(ii) can already be requested under the good-character provision in an existing provision, which is, for people’s information, subclause 22.18(5)(1)(v). We agree with the intent; we think it’s already covered off.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? So we’ll take a vote. All those in favour of the motion? Opposed? That does not carry.

We’ll go to page 33. It’s a government motion. Mr. Flynn.

Mr. Kevin Daniel Flynn: Here again, we’re in a similar circumstance where I believe Mr. Marchese has brought forward a motion that is, for all intents and purposes, from what I can see, the same motion. We’d be quite happy to move ours. We’d be quite happy to support Mr. Marchese’s. It’s entirely up to him.

Mr. Rosario Marchese: I’m getting tired. You go ahead.

Mr. Kevin Daniel Flynn: You’re tired? Give the throat a rest. I’ll do it, then.

I move that paragraph 2 of subsection 22.18(5) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out and the following substituted:

“2. If the condition set out in paragraph 2 of subsection (6) is met, provide a certificate, letter or other evidence from every body or individual from whom the applicant currently holds an out-of-province certificate, confirming that the out-of-province certificate is in good standing.”

It’s a technical amendment, basically. It clarifies that the colleges are permitted to request evidence of good standing from any of the provinces and territories where an individual currently is certified within the country. It rectifies a drafting inconsistency between the language in this section and the relevant section of the bill.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? So we’ll take a vote. All those in favour of the motion? Opposed? That carries.

On page 34: Mr. Marchese.

Mr. Rosario Marchese: Withdraw.

The Chair (Mr. Lorenzo Berardinetti): Withdrawn? Okay, withdrawn.

We’ll go to page 35. It’s an NDP motion.

Mr. Rosario Marchese: I move that section 22.18 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? We’ll take a vote. All those in favour? Opposed? That does not carry.

We’ll go to page 36. This is a PC motion. Mr. Bailey.

Mr. Robert Bailey: I move that paragraph 1 of subsection 22.18(7) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out and the following substituted:

“1. Refusing to issue a certificate of registration to the applicant on the basis of any registration requirement that is prescribed as a non-exemptible requirement under clause 95(1)(d).

“1.1 Imposing terms, conditions or limitations on the applicant’s certificate of registration if, in the opinion of the registration committee, such action is necessary to protect the public interest as a result of,

“i. complaints, or criminal, disciplinary or other proceedings, against the applicant in any jurisdiction whether in or outside Canada, relating to the applicant’s competency, conduct or character, or

“ii. any other information that comes to the attention of the registration committee relating to the applicant’s competency, conduct or character.”

The rationale behind this, Chair and committee, is giving them a reason to say no and to impose conditions on anyone that does qualify. This would clarify that the college would have the ability to continue and have discussions that, one, refuse registration where applicants do not meet the non-exemptible requirements of registration regulation. Example: to practise with decency, integrity and honesty or in accordance with the law. Two, it would also impose terms, conditions and limitations based on any information that comes to the registration committee’s attention, not just information regarding proceedings. Example: A quality assessment review is not a proceeding, but can provide relevant information about an applicant.

These are all indications from the doctors themselves, the medical community—concerns they had, things they’d like to see in this bill.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: We won’t be supporting it from this side. We understand what’s being attempted here, but were it to pass, it runs contrary to the intent of the overall bill.

Interjection.

Mr. Kevin Daniel Flynn: It runs contrary to the overall intent of the bill.

Mr. Rosario Marchese: Contrary?

Mr. Kevin Daniel Flynn: As—

Mr. Rosario Marchese: As mine?

Mr. Kevin Daniel Flynn: As most of yours do, except for the good ones that we supported.

Mr. Rosario Marchese: I was just going to say that we support this amendment. Our amendment has an additional component, which was other regulatory processes that would involve other provinces. It's all connected to the quality assessment program that everybody is involved in. But clearly, the government is saying that both the Conservative motion and mine are contrary to the good principles of this bill, so they're going to oppose both of them.

Mr. Robert Bailey: Recorded vote.

Ayes

Bailey, Marchese.

Nays

Aggelonitis, Flynn, Lalonde, Levac, Zimmer.

The Chair (Mr. Lorenzo Berardinetti): That does not carry. We'll go to page 37. This is—

Mr. Rosario Marchese: It's my motion, right?

The Chair (Mr. Lorenzo Berardinetti): NDP motion.

Mr. Rosario Marchese: I will withdraw it because the government has already stated its intention to defeat it.

The Chair (Mr. Lorenzo Berardinetti): We'll move to page 38. This is also an NDP motion.

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Mr. Rosario Marchese: I move that section 22.19 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? We'll take a vote. All those in favour of the motion? Opposed? That does not carry.

We'll go to page 39. This is an NDP motion.

Mr. Rosario Marchese: I move that subsection 22.20(1) of the bill be amended by adding "and" at the end of clause (a) and by striking out clause (b).

That has to do with reconciling—that's not the one?

The Chair (Mr. Lorenzo Berardinetti): I think we're on page 39.

Mr. Rosario Marchese: I'm getting tired. You're wearing me out.

Mr. Kevin Daniel Flynn: I'm not sure which one we're on either.

The Chair (Mr. Lorenzo Berardinetti): Page 39 of our package. Do you have page 39?

Mr. Rosario Marchese: I move that subsection—

The Chair (Mr. Lorenzo Berardinetti): One moment; I want to make sure that everyone's got this one. In our package, page 39: It's an NDP motion and it's regarding subsection 33(5) of the bill. Do you not have that one there?

Mr. Rosario Marchese: The new package, page 39.

Mr. Jean-Marc Lalonde: We have page 39. The previous one you called, we didn't have.

Mr. Rosario Marchese: I read something different.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Does everyone have it?

Mr. Kevin Daniel Flynn: Yes, I think so.

Mr. Rosario Marchese: You're voting against it anyway. All you have to do is just say, "I'm voting against."

Mr. Kevin Daniel Flynn: Hey, we might surprise you. What if we liked it and we missed it.

Mr. Rosario Marchese: You wouldn't have missed it.

I move that subsection 22.20(2) of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be amended by striking out "to establish such occupational standards" and substituting "to establish or maintain such occupational standards".

Slight difference.

The Chair (Mr. Lorenzo Berardinetti): Discussion? None? We'll take a vote. All those in favour? Opposed? It's not carried.

Mr. Rosario Marchese: See what I mean?

The Chair (Mr. Lorenzo Berardinetti): Page 40 of our package. This is an NDP motion: Mr. Marchese.

Mr. Rosario Marchese: I move that section 22.22 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Discussion? None? We'll take a vote.

Mr. Rosario Marchese: This has to do with the reconciling differences—

The Chair (Mr. Lorenzo Berardinetti): Any other discussion?

Mr. Rosario Marchese: —which we oppose.

The Chair (Mr. Lorenzo Berardinetti): Okay. So we'll take a vote. All those in favour of the motion? Opposed? It does not carry.

Page 41, NDP motion: Mr. Marchese.

Mr. Rosario Marchese: I move that section 22.23 of schedule 2 to the Regulated Health Professions Act, 1991, as set out in subsection 33(5) of the bill, be struck out.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? We'll take a vote. Shall the motion carry? All in favour? Opposed? That does not carry.

The next question is shall section 33, as amended, carry? All those in favour? Opposed? That carries.

Shall section 34 carry? All those in favour? Opposed? Carried.

We'll go to section 35, and on page 42 of our package there's a government motion: Mr. Flynn.

Mr. Kevin Daniel Flynn: I move that clause 17(3)(b) of the Trades Qualification and Apprenticeship Act, as set out in subsection 35(1) of the bill, be struck out and the following substituted:

"(b) the other province or territory and the trade for which the document was issued in that province or territory are prescribed for the purpose of this clause."

This section allows for the identification of an authorizing certificate that otherwise would not be captured under the definition we had previously. These are the trades that were grandfathered for labour mobility under the Ontario-Quebec construction agreement. What this does now is it takes the Trades Qualification and Apprenticeship Act and the college of trades and includes both.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? None? So we'll take a vote. All those in favour of the motion? Opposed? That carries.

We'll go to page 43. This is also a government motion. Mr. Flynn.

Mr. Kevin Daniel Flynn: I move that section 27 of the Trades Qualification and Apprenticeship Act, as set out in subsection 35(2) of the bill, be struck out and the following substituted:

“Regulations by minister

“27. The minister may make regulations for the purpose of clause 17(3)(b), prescribing one or more provinces or territories of Canada and, for each province or territory so prescribed, prescribing one or more trades that are practised in that province or territory.”

This amendment follows from the proposed amendment in 35; that was motion 42. It gives the minister the appropriate regulation authority to give effect to that clause.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Further discussion? None? So we'll take a vote. All those in favour of the motion? Opposed? That carries.

Now, on the next page, there's a notice from the NDP. Mr. Marchese, did you want—

Mr. Rosario Marchese: I'll be voting against.

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you. So then I'll put the question. Shall section 35, as

amended, carry? All those in favour? Opposed? That carries.

Section 36: There's a government motion on page 44.

Mr. Kevin Daniel Flynn: I move that section 36 of the bill be struck out and the following substituted:

“Commencement

“36. This act comes into force on the day it receives royal assent.”

The amendment would change the commencement date, which was previously envisioned as August 1, 2009. The act would now come into force immediately upon the bill receiving royal assent.

Mr. Rosario Marchese: I'm against it.

The Chair (Mr. Lorenzo Berardinetti): All right. Any discussion? None? We'll take the vote. All those in favour of the motion? Opposed?

Mr. Rosario Marchese: The NDP opposes.

The Chair (Mr. Lorenzo Berardinetti): That carries.

Shall section 36, as amended, carry? All those in favour? Opposed? Carried.

Shall section 37 carry? All those in favour? Opposed? That carries.

Shall table 1 carry? All those in favour? Opposed? Carried.

Shall the title of the bill carry? All those in favour? Opposed? That carries.

Shall Bill 175, as amended, carry? All those in favour? Opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? Opposed? That carries.

I think that we're finished. We are adjourned. Thank you.

The committee adjourned at 1544.

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