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**Official Report
of Debates
(Hansard)**

Monday 21 March 2016

**Journal
des débats
(Hansard)**

Lundi 21 mars 2016

**Standing Committee on
Social Policy**

Supporting Ontario's
First Responders Act
(Posttraumatic Stress
Disorder), 2016

**Comité permanent de
la politique sociale**

Loi de 2016 d'appui
aux premiers intervenants
de l'Ontario (état de stress
post-traumatique)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Monday 21 March 2016

Lundi 21 mars 2016

The committee met at 1402 in room 151.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, committee members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Ms. Cheri DiNovo: Yes, Mr. Koch. I would like to nominate Cindy Forster.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being none, I declare Ms. Forster duly elected as Acting Chair of the committee.

**SUPPORTING ONTARIO'S
FIRST RESPONDERS ACT
(POSTTRAUMATIC STRESS
DISORDER), 2016**

**LOI DE 2016 D'APPUI
AUX PREMIERS INTERVENANTS
DE L'ONTARIO (ÉTAT DE STRESS
POST-TRAUMATIQUE)**

Consideration of the following bill:

Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder / Projet de loi 163, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail et la Loi sur le ministère du Travail relativement à l'état de stress post-traumatique.

The Acting Chair (Ms. Cindy Forster): Good afternoon, committee members. As ordered by the House on Wednesday, March 2, 2016, we are assembled here for clause-by-clause consideration of Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to post-traumatic stress disorder. Simone Bittman from legislative counsel is here to assist us with our work. The committee is authorized to sit today from 2 p.m. to 6 p.m. A meeting has also been scheduled for tomorrow from 4 p.m. to 6 p.m., should the committee require more time to complete the clause-by-clause study of this bill.

A copy of the numbered amendments received at last Wednesday's noon deadline is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions from committee members at this point before we start? Seeing none, are there any

general comments or debate on this bill before we actually start clause-by-clause? All right.

On section 1, there is no amendment—

Interjection.

The Acting Chair (Ms. Cindy Forster): Oh, there is one amendment now.

Section 1: There is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 1 of the bill be struck out and the following substituted:

"1. Subsection 13(4) of the Workplace Safety and Insurance Act, 1997 is repealed."

Just a little bit of rationale behind this: This is really the repeal setting up the other amendments that we're going to propose that we feel are more inclusive of more workers.

The Acting Chair (Ms. Cindy Forster): Any debate or comments on this amendment? Ms. McGarry.

Mrs. Kathryn McGarry: I've studied the recommendations that have come forward, and I'm going to recommend voting against this motion simply because Bill 163 already addresses PTSD for certain workers only and is limited to presuming work-relatedness for certain workers to represent first responders. All other workers in other occupations that have WSIB coverage that are not included in the proposal would continue to be able to bring forward claims for PTSD, and they would be adjudicated under the WSIB's current process.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo.

Ms. Cheri DiNovo: As we proceed through amendments and the debate continues, simply to say that we feel that the presumptive aspect of this legislation really should be extended to all first responders, and by first responders—we'll go through the list.

I'm fine with the vote, but I want a recorded one, if I could.

The Acting Chair (Ms. Cindy Forster): Any further comments or debate?

Mrs. Kathryn McGarry: Sorry, I just have one other—I'm sorry.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to reiterate the fact that research shows that first responders are twice as likely as the general population to suffer from PTSD.

The Acting Chair (Ms. Cindy Forster): Thank you. A recorded vote has been requested, so that's how we will proceed.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): I declare the motion lost.

That is the only amendment in section 1. So shall section 1, as amended—no, there is not an amendment. Shall section 1 carry? Carried.

We'll move on to section 2. There is a government motion, subsection 14(1). Ms. McGarry?

Mrs. Kathryn McGarry: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definitions:

“‘ambulance service’ has the same meaning as in subsection 1(1) of the Ambulance Act;

“‘ambulance service manager’ means a worker employed in an ambulance service who manages or supervises one or more paramedics and whose duties include providing direct support to paramedics dispatched by a communications officer on a request for ambulance services;”

The Acting Chair (Ms. Cindy Forster): Any debate or comments on this amendment? Ms. DiNovo.

Ms. Cheri DiNovo: Yes. You'll see, as we work through this and the various amendments that we've proposed, that we're fine with this. We don't think it's as comprehensive as the amendments we're going to be putting forward, but we're fine. I mean, substantively, what we're arguing from our side is that there are a number of first responders, not just the ones initially listed, that need to be covered to keep everyone safe. So we will be arguing that on an ongoing basis, but we're fine voting for this.

1410

The Acting Chair (Ms. Cindy Forster): Any other comments? Ms. McGarry.

Mrs. Kathryn McGarry: I appreciate that from MPP DiNovo because, if adopted, this particular motion would provide that those employed by ambulance services in managerial or supervisory functions as paramedic chiefs, commanders or deputy chiefs and who may from time to time be on scene at traumatic events would be covered. It really clarifies the definition in such a way that a group intended to be included in its entirety will now be included. I'm going to vote in favour of the motion.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I would just say that I hope that Ms. McGarry, as we proceed through this, is as generous as we in the New Democratic Party plan to be in terms of inclusivity. We are voting for your amendments; we hope you vote for some of ours. Let the vote proceed.

The Acting Chair (Ms. Cindy Forster): Thank you, Ms. DiNovo.

Is everyone ready to vote? All in favour of the amendment, raise your hands. All opposed? It's carried.

The next amendment is an NDP amendment under subsection 14(1). Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definitions:

“‘child protection worker’ has the same meaning as in subsection 37(1) of the Child and Family Services Act;

“‘developmental services worker’ means a person who provides supports or services listed in subsection 4(1) of the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 to a person who has a developmental disability for the purposes of that act;

“‘nurse’ means a member of the College of Nurses of Ontario;”

Again, as you move through, you'll see this is simply for definitions—

Interjection.

Ms. Cheri DiNovo: Oh, sorry. There's a second page here.

“‘security professional’ means a security guard for the purposes of the Private Security and Investigative Services Act, 2005 and includes privately contracted security guards who are contracted to work in correctional institutions, places of secure custody or places of secure temporary detention and security guards in hospitals who regularly provide close assistance to first responders or perform similar duties in stressful and traumatic situations;”

Again, it's simply to clarify definitions as we move forward—housekeeping.

The Acting Chair (Ms. Cindy Forster): Thank you. Any comments?

Mrs. Kathryn McGarry: I appreciate the comments in terms of expanding what we've got here, but I really wanted to reiterate that the intent of Bill 163 is to cover first responders and certain workers who arrive and assist at the scene of an emergency and are thus most likely to be regularly exposed.

I want to just reiterate that it is regular exposure to traumatic events that really is backed up by the research that suggests that first responders are twice as likely as the general population to experience trauma due to the nature of their work. It's an accumulative issue.

It doesn't necessarily mean that nurses, child protection workers, developmental service workers and others who play an integral role in our health care service may not be. They may have an incident in which they are definitely exposed to a traumatic event, but generally speaking, in the course of their day-to-day work, they can pinpoint that one incident that may cause them to have symptoms and experience PTSD in the future, and they're able to use that claim and are much more easily able to identify that one incident. So this particular wording, I think, isn't necessary because those workers are already covered by their WSIB. As I said, I just

wanted to reiterate the fact that it's an accumulative exposure that we're trying to cover in this particular legislation.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I have the greatest of respect for Ms. McGarry and, of course, for this bill, but I have to differ on this, of course, because I would say that it is, in fact, a cumulative exposure.

Nurses, for one group, and we'll speak more about this in future amendments, are regularly exposed, many of them, to traumatic experiences. Of course, it's not every day, and neither is it every day for first responders. Quite frankly, it doesn't detract from first responders, in the classic sense, in any way to extend coverage to others in a presumptive sense. It simply recognizes the danger, the traumatic nature of their work. It's never every day. It is always cumulative, or can be cumulative.

Certainly, I think to defend not including groups like nurses, developmental workers and others as we will proceed really is precluding this bill from being as strong as it could be.

But suffice it to say I'd like a recorded vote.

The Acting Chair (Ms. Cindy Forster): Mrs. Martow?

Mrs. Gila Martow: Thank you very much. I want to make just two quick points. One is that we heard during the deputations how difficult it is to submit requests to the Workplace Safety and Insurance Board and that's part of the reason why we're all here, I believe.

The other is that I think we have to remember what happens to the patients and the injured parties after the first responders do their job. That is, they are brought to hospitals and then they're given over to nurses to take care of them. So it's actually often the same situation that could be causing post-traumatic stress disorder in both the first responders and the nurses.

The Acting Chair (Ms. Cindy Forster): Thank you. Are we ready to vote? A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to the fourth amendment, which is an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: Yes, now we move into the worker-by-worker category.

I move that the definition of "correctional services officer" in subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"correctional services officer" means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, and includes a bailiff, probation officer and parole officer;"

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: To expand on this, people might raise their eyebrows at "bailiff," for example, but we have to remember that these are the folk who are transporting offenders to and from facilities. They also do—this is really important and I don't think the general public recognizes this—double duty as members of emergency response teams when there are codes in correctional facilities. So, when a riot breaks out, the bailiffs go in. This is not recognized normally by the general public, but it is recognized by corrections officers and their unions, and certainly it's recognized by bailiffs who have to do the job.

Also, of course, and I don't think it takes much of a stretch of the imagination to understand, probation officers and parole officers deal often with violent offenders in their offices with much less security around them than is existent in the normal prison system, which is debatably not great. But they still have to deal with the same clientele. That's the critical thing here. So trauma is possible. It is possible, and it's not once in a lifetime. It does happen.

So, again, it takes nothing away from first responders to include them too.

The Acting Chair (Ms. Cindy Forster): Further debate? Are we ready to vote?

Ms. Cheri DiNovo: Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to amendment number 5. It's a government amendment. Mrs. McGarry?

Mrs. Kathryn McGarry: I move that the definition of "member of a First Nations emergency response team" in subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"member of an emergency response team" means a person who provides first aid or medical assistance in an emergency, either as a volunteer or for a nominal consideration, honorarium or training or activity allowance, and who is dispatched by a communications officer to provide the assistance, but does not include an emer-

agency medical attendant, a firefighter, a paramedic or a police officer;”

1420

The Acting Chair (Ms. Cindy Forster): Any discussion? Ms. DiNovo?

Ms. Cheri DiNovo: See? We’re incredibly generous and reasonable in the New Democratic Party. We think this is a good amendment and we’re going to support it. In fact, we’ll do more than that. Our next amendment, number 6, covers the same kind of ground, so I’d suggest that it’s redundant. We’re going to withdraw it. We’re going to vote for this.

Again, I would just ask that members of the Liberal Party who are here don’t just do what they’re told but actually look at our amendments and read them the same way we have, and I have, and make their own decisions.

Yes, we’re going to vote for this. It’s good.

The Acting Chair (Ms. Cindy Forster): Any further discussion on this amendment? Are you ready to vote?

All in favour, please raise your hand. Opposed? That amendment is carried.

We’ll move on to amendment 6. Ms. DiNovo?

Ms. Cheri DiNovo: That’s the one I would move to retract because it covers some of the same ground.

The Acting Chair (Ms. Cindy Forster): It’s withdrawn.

Now we’ll move on to amendment 7, which is the government amendment. Ms. McGarry?

Mrs. Kathryn McGarry: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definition:

“‘worker involved in dispatch’ means a communications officer, a worker whose duties include the dispatch of firefighters and police officers, or a worker who receives emergency calls that initiate the dispatch of ambulance services, firefighters and police officers;”

The Acting Chair (Ms. Cindy Forster): Any discussion on this amendment? Mr. Coe?

Mr. Lorne Coe: This is an amendment that I’ll be supporting because it does respond directly to the delegations we received from all emergency services. It’s a good amendment.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: Yes, I agree. We’re going to be voting for it. We wish it was a little bit more comprehensive. Our amendment number 20, which, when we get there—I’m not putting words in your mouth—might be ruled out of order, may be redundant, but is a bit more specific. At any rate, we will vote for it.

The Acting Chair (Ms. Cindy Forster): Anyone else? Everyone’s ready to vote?

All in favour of the amendment, raise your hands. Opposed? That amendment is carried.

We’ll now move on to amendment number 8, which is an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out

in section 2 of the bill, be amended by striking out the portion before paragraph 1 and substituting the following:

“(2) This section applies with respect to the following workers, whether the workers work full-time or part-time:”

This is kind of a housekeeping amendment. In the original bill, Bill 163, firefighters are specified as part-time, and not in the other areas is it specified part-time. We just think that language might help to cover folks who are part-time, in all the categories.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry?

Mrs. Kathryn McGarry: I appreciate the comments. I know you thought a lot about this. But as it stands, Bill 163 would apply to those listed workers regardless of their status as part-time or full-time workers. So I’m going to vote against it simply because it’s already covered.

The Acting Chair (Ms. Cindy Forster): Anyone else? Are you ready to vote?

All in favour of the amendment, raise your hands. Opposed? The motion is lost.

We move on to NDP amendment number 9.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

“5.1 Other workers who provide police services or support the work of persons who provide police services, including workers who provide investigative support, workers in forensics, garage staff, and civilian members of or employees of a police force.”

Again, this was actually not only supported and suggested by the workers themselves who are covered in this amendment, but also by the police themselves, who recognize that the people in forensics—these are people who will go out to a crime scene and clean up the body and the traces of blood. This is a phenomenally traumatic job to do. The garage staff have to do the same with cars. This is what we’re asking them to do. They really are front-line workers, of course, civilian members who are part and parcel, who haven’t gone through police college and aren’t part of the force per se, but still do some of the work. Even the first responders themselves recognize that these people should be covered because of the traumatic nature of the work they do.

To Ms. McGarry’s point earlier that these are folks who do it day in and day out: These are folks who definitely do it day in, day out. They’re part of the crime scene unit. That’s why we’re putting this forward.

The Acting Chair (Ms. Cindy Forster): Further debate on this amendment? Ms. McGarry?

Mrs. Kathryn McGarry: I appreciate the comments. I think when you look at the intent of the bill, 163 already goes past the former Bill 2 that we had been discussing and that was only talking about police, firefighters and paramedics. This already includes a number of other folks in the bill.

I'm going to recommend voting against it, simply because it's the first responders who are twice as likely, as a general population, to have the cumulative effect of PTSD. The other workers who may be exposed are more easily able to pinpoint those particular incidences that they've run across in their work and are still able to apply for WSIB coverage for those particular events.

The Acting Chair (Ms. Cindy Forster): Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I thank the member for recognizing the former bill that was tabled five times over eight years. The very first iteration of that bill, by the way, was all workers. We narrowed it down with the hopes of this moment happening, of finally getting it to committee and getting it made law, and with the further hope that, at this point, amendments would be able to be made to include other workers. That was always the intent, that it should go to committee and include other workers, from the very beginning. So I'll say that.

The other thing I would say is that I cannot imagine a crime scene with a traumatic event where the forensics team are not there every single time. Every time the detectives would be there—let's say members of the police force—so would the forensics team. Wherever those first responders are present, so are these first responders present. I don't know how you can separate them out, quite frankly.

Again, recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Are you ready to vote?

Mrs. Gila Martow: I have a quick comment.

The Acting Chair (Ms. Cindy Forster): Ms. Martow.

Mrs. Gila Martow: I just want to reiterate what I said before, that we have to realize that a lot of times it's the exact same emergency situation. It's the same unfortunate victim of a homicide, say, or a tragic accident, falling from a building, and to have some workers working on the scene who are going to be covered by this bill whereas other people who are working on the exact same scene aren't covered—I think that's the issue for me.

The Acting Chair (Ms. Cindy Forster): Further debate? You're ready to vote?

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 10 in your book. The government: Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 6 of subsection 14(2) of the Workplace Safety and Insurance

Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"6. Members of an emergency response team."

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: Absolutely, we support this. We just wish it was more specific and mentioned the individual workers. But we hope that WSIB takes this in stride and recognizes what those members of the emergency response team really are and extends the definition de facto in practice.

We're going to vote for it.

The Acting Chair (Ms. Cindy Forster): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: Thank you. I appreciate that. I just wanted to put on the record that this motion changes Bill 163 to the broader emergency response teams so it ensures that emergency response teams in the north are covered by Bill 163.

The Acting Chair (Ms. Cindy Forster): Are you ready to vote? All in favour of the amendment, raise your hands. All opposed? That amendment is carried.

We move on to number 11, which is an NDP amendment. Ms. DiNovo?

1430

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"6.1 Nurses."

I don't know how much more—

The Acting Chair (Ms. Cindy Forster): Debate?

Ms. Cheri DiNovo: Can I go on to debate? I don't know how much more succinct one can be.

Again, just to Ms. Martow's point, exactly the same traumatic event follows through from the first responder to the other first responder, the nursing staff.

I would argue that here's our moment, folks. Really, it's taken eight years to get to this point. Here's our moment to actually give this bill more teeth than it had when we walked into this room, and to actually extend this to folk who really need it, as have other provinces; as has Manitoba, for example. So I would just say, why would you vote against the nurses?

Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Mrs. Martow?

Mrs. Gila Martow: My concern, when I'm looking at all the different professions that are covered and those that are not covered, is that we're going to see a lot more gender imbalance in terms of who's covered, because I really feel that the female professions disproportionately are not covered. Again, to picture a team of professionals working to try to save somebody's life while there's a few dead family members nearby that can't be moved or covered because evidence has to be collected, and to see over and over, if studies are done, because they will be done—to see that men are being covered if they're in more a more male-dominated profession of first

responding, whereas other teams of nurses who have to deal with just as horrific events aren't.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: Great point. You see the Progressive Conservatives in action here. I couldn't have said it better myself. So this helps correct, also, the gender imbalance of the bill, because if you actually look, through a gender lens, at who's covered in this bill and who's not, if you included nurses, you would right that wrong; without nurses, you don't. End of story.

The Acting Chair (Ms. Cindy Forster): Mrs. McGarry?

Mrs. Kathryn McGarry: It's important to know that nurses do play a very important role, and it's important to remember too that they're covered for PTSD through the WSIB, should they face any traumatic situations.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: It must be noted for the record: No, they're not, presumptively. What we're talking about here is presumptive legislation. What we're talking about here is seeing post-traumatic stress disorder as a workplace injury. You don't have to prove that you came down with PTSD from your workplace. That's the difference. This automatically excludes nurses.

The Acting Chair (Ms. Cindy Forster): Any further debate?

Ms. Cheri DiNovo: Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been called.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 12, an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"8.1 Other front-line health care workers in acute health care settings, such as hospitals, who regularly provide close assistance to first responders or perform similar duties in stressful and traumatic situations."

The Acting Chair (Ms. Cindy Forster): Debate?

Ms. Cheri DiNovo: Yes, I actually had somebody in my office on Friday in my constituency who works—I won't disclose the institution. Suffice to say that his job was as an orderly in a forensics unit with people who had been sent there by the court system. I don't want to give something too specific away here. He dealt with people

who suffered from psychosis on a regular basis, where staff were regularly attacked, where they needed—just like corrections officers often do—to hold people down and to restrain people. That was part of his daily existence. Yet he's not a nurse; he's an orderly, but he is front-line health care. Again, we see multiple incidences of this kind of occurrence.

I would simply reiterate: Here's our historic chance to broaden the spectrum and to include workers who really need to be included, where trauma is part of their day-to-day. Certainly, his was a story that fills the bill. So I would just urge my friends across the aisle here to not vote as they were told, but to vote with their hearts on this, as I hope they did—well, I suspect they didn't on nurses. But here's another chance to make it right.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: The intent of Bill 163 is to cover certain workers: the first responders who arrive and assist at the scene of an emergency. They're likely to be regularly exposed to these kinds of traumatic events and stressors due to the nature of their work. I believe that this bill has been strengthened through the public process. We've added some more definitions and included a broader range of workers than when we started with Bill 163. So I'm going to recommend voting against this motion.

The Acting Chair (Ms. Cindy Forster): Further debate?

Ms. Cheri DiNovo: His suggestion, and I thought it was a good one, is, anybody who responds to a code blue in a medical institution—and that's not only nurses, which we just voted down, but it can be a range of people who are just on hand. That code blue is, by definition, trauma. So again, multiple exposure to trauma means much more possibility of coming down with post-traumatic stress disorder.

Again, here's a chance to just broaden the bill. It doesn't cost police, fire, paramedics or corrections officers anything to do this.

The Acting Chair (Ms. Cindy Forster): Further debate? Ready for the question?

Ms. Cheri DiNovo: Recorded vote.

The Acting Chair (Ms. Cindy Forster): Recorded vote.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 13, which is a government amendment. Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 9 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“9. Ambulance service managers.”

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we’re going to support this. We have nothing against this, but the question is, why not staff on forensic units; why not porters? Why limit it just to ambulance service managers? Again, I think those who are subjected to trauma every day in the course of their work would be a little upset that one of their number is recognized and they aren’t. It’s either a workplace injury or it’s not.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry—

Ms. Cheri DiNovo: Recorded vote.

The Acting Chair (Ms. Cindy Forster): Oh, Mr. Coe, did you have a comment?

Mr. Lorne Coe: Yes, I did. Thank you. It’s unclear to me why this is replacing “communications officers.” Perhaps the mover can bring some clarity to this, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I’d be happy to do that. “Ambulance service managers” includes all individuals who are employed in managerial and supervisory functions as paramedic chiefs and commanders or deputy chiefs, because from time to time they’re needing to come out to respond to traumatic events as part of their responsibilities. That’s why I’m just clarifying that.

Mr. Lorne Coe: Thank you for that clarification.

The Acting Chair (Ms. Cindy Forster): You’re ready to vote?

Recorded vote.

Ayes

Anderson, Coe, Colle, DiNovo, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): That amendment is carried.

The next is PC amendment number 14. I would like to rule on the admissibility of this amendment. As this amendment proposes to accomplish the same things as a previous motion that was already considered by the committee, this motion is ruled out of order.

Now we’ll move on to amendment 15, which is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

“9.1 Child protection workers.”

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, this is our attempt to broaden with this historic opportunity to include those

who do encounter trauma as part of their day-to-day reality, and PTSD, therefore, as a workplace injury.

1440

Let’s point this out: At least one child protection worker is involved when a child dies. I can’t imagine a more traumatic incident than a child’s death, and you have child protection workers involved in those deaths. That is their job. That is traumatic by the very nature of the work they do. Three quarters of CAS workers reported witnessing horrors against children and being called in to traumatic situations.

Again, nothing detracts from the coverage for first responders as defined in the bill. It just extends, as a workplace injury, to another class of workers who no one could argue do not see trauma in the day-to-day fulfilling of their duties.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry?

Mrs. Kathryn McGarry: Certainly, others can be involved. Any other worker can be involved in witnessing a traumatic event. That’s why those workers are able to bring forward a claim for PTSD under the WSIA. This would be considered under the Workplace Safety and Insurance Board adjudicative process for traumatic mental stress claims.

Again, it’s much easier to identify a particular incident if it’s not a repeated, day-to-day exposure as part of the first responders’ roles.

I’m going to vote against it.

The Acting Chair (Ms. Cindy Forster): Ms. Martow?

Mrs. Gila Martow: Yesterday—I don’t know if people saw it in the news—there was a horrific story out of the US. Some woman put her child in an oven. It was on, and the child suffered severe burns. Burns, actually, can look a lot worse after the first hour or two, as the days go on.

This child is obviously going to be treated in hospital. I’m just thinking that it’s tragic for the child. It’s not equally tragic but pretty tough on the people who have to take care of that child’s burns in the following weeks. I think we have to keep that in mind.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I just wanted to refresh people’s memories about the very philosophy behind this bill in the first place. That is that what was happening before Bill 163 came into existence—or before our bill came and was tabled eight years ago, and five times after that—was that workers would have to go to WSIB and prove that they came down with post-traumatic stress disorder from their job. Now, this is virtually impossible to do, especially if you suffer from PTSD.

I’ll give you an example. Usually, when somebody suffers from PTSD—as we’ve heard in debate and over and over again in hearings here—there are many steps that happen before the diagnosis. There’s all sorts of trauma involved in those steps, usually things like alcoholism, divorce, losing time off work, all those things.

All the claims adjudicator has to do—I'm not blaming them; in fact, they've called for this bill over the years—is say, "Well, it's your divorce that caused your PTSD, or it's the fact that you lost your house, or the fact that you're an alcoholic or have a drug problem. That's what your PTSD stems from."

In anyone's life, never mind somebody who suffers from PTSD, there are many small traumas. I mean, this is a normal human life. All they need to do to deny coverage is to point to something else. That's why this bill exists in the first place. That's why we want to recognize those who deal with trauma on their day-to-day, so that they don't have to be re-traumatized in the process of getting coverage.

Certainly, I would argue that wherever a child dies, a child protection worker is there. That's traumatic.

So again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Any further debate? We are ready to vote.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to NDP amendment 16: Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"9.2 Developmental services workers."

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo?

Ms. Cheri DiNovo: Yes. Again, it's developmental service workers, who work, many of them, in group situations, many in institutions. Many have reported being assaulted on the job as something that comes with the territory of the job. There was one who came before us who talked about being strangled in a kitchen.

Again, you're dealing with folk who often have brain damage or developmental issues, and restraint is often involved. We wish it weren't, but it is.

Again, here's our historic moment to extend to them, and if the answer is that they're already covered, I go back to my previous comments: No, they are not. They have to prove they came down with PTSD from their workplace—virtually impossible to do, or certainly re-traumatizing to do. Here's our chance to do the right thing.

The Acting Chair (Ms. Cindy Forster): Ms. Martow.

Mrs. Gila Martow: My colleague beside me just said almost what I wanted to say, which is that this is a mental health challenge, and we want people to get better. Just

because you're suffering from post-traumatic stress doesn't mean you're going to suffer the rest of your life. You're going to be fragile. You can be re-traumatized more easily, but there are people who do find ways of dealing and coping better. When they are put through a rigorous WSIB panel and years and years go by, they're actually being made more ill and there's less of a chance that they can get better.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo.

Ms. Cheri DiNovo: I would point out, because the elephant in the room when we talk about these things is always money, that what we're doing is really affording dignity to workers. We're not saving governments or anybody else or employers any more money by re-traumatizing those with PTSD who have to go through the rigmarole that's just been described. In fact, the aim should always be—because this is not necessarily, we hope, very often a terminal disease—to get them back to work as quickly as possible. That's what they want. They want treatment in an efficacious manner to get back to work. So by broadening the definitions, it does not mean broadening the cost to anybody. It simply means extending dignity to all of those we ask to work in traumatic situations.

Again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to reiterate, Chair, that motion 3 mentioned developmental services workers and we defeated that. So I'm going to vote against this to maintain that consistency. They're already covered under WSIB.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been called.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): That amendment is lost.

We move on to amendment number 17, an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"9.3 Security professionals."

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we're dealing with folk who often are paid minimum wage. We witnessed in an incident not too long ago when a machete-wielding individual down on Bay Street in a hotel was brought

down, restrained by a security person, working probably for not much money, who risked his life and limb to do that. Security personnel are called security personnel for a reason: That's what they do. They guard businesses and folks' security, and just because they may not be necessarily unionized or because they don't earn very much money—in fact, I would argue that because they don't earn very much money, they should also be covered here. Again, it's a large portion of the employment field and the aim is to get them up, working and treated and back to work—virtually impossible.

I wonder how that security guard who tackled that machete-wielding individual is doing right now. I wonder if he's off and having to fend for himself. He is being paid for either way by your tax dollars. He's either on EI, he's on ODSP or he's getting treatment through emergency wards. Who knows what his story now is, but his story would have been much more dignified, he would have been dealt with with dignity, if we had simply got him treatment, got him coverage, and got him back to work.

Again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: Again, motion 3 was talking about security professionals and that vote was defeated. I made some comments, again, that any other worker can pinpoint an incident much more directly than first responders because of the cumulative aspect of what first responders do each and every day. That security professional may already be covered under WSIB, so I'm going to vote against this motion.

1450

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I keep hearing the same thing and I'll keep saying the same thing: only if they prove they came down with PTSD from their job, which is virtually impossible to do.

Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): We're ready to vote.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): We move on to amendment 18, a PC amendment. Ms. Martow?

Mrs. Gila Martow: I move that paragraph 10 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding "bailiffs, probation officers and parole officers" at the end.

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: We support this. This is very similar to the amendment that we put forward earlier. I'd just point out to folk who don't know what these people do for a living that bailiffs are actually often part of the emergency response team. They transport prisoners. They deal with the same clientele that our corrections officers deal with. They deserve the same kind of coverage.

The Acting Chair (Ms. Cindy Forster): Ms. Martow?

Mrs. Gila Martow: I think that it's pretty self-explanatory. I think that what we're coming up against in general with the amendments that we're seeing today is with respect to how people may be covered under WSIB, but it doesn't mean that they have coverage. I guess that's the challenge of the spirit of the law versus the letter of the law. We're trying to bring in the spirit.

The Acting Chair (Ms. Cindy Forster): You're ready to vote? A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): This amendment is lost.

We move on to amendment 19, but I have to rule on that one, again, as to its admissibility. As this amendment proposes to accomplish the same thing as a previous motion already considered by the committee, this motion is ruled out of order.

Then we will move on to amendment number 19, which is a—or is it?

Mr. Granville Anderson: Twenty.

The Acting Chair (Ms. Cindy Forster): Thank you. Number 20, which is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I expected this one to be ruled out of order, but hey, I'll go through it again.

I move that paragraph 12 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"12. Workers whose duties include communicating with workers described in paragraphs 1 to 11 or with the public, including intake officers and dispatchers."

It spells out communications workers in a little bit more detail, but there was a government motion that was earlier passed.

The Acting Chair (Ms. Cindy Forster): It wasn't ruled out of order because it was somewhat different than the earlier amendment.

Ms. Cheri DiNovo: Somewhat different? Okay.

The Acting Chair (Ms. Cindy Forster): Is there any debate on this amendment?

Mrs. Kathryn McGarry: I appreciate that. I remember the reference when we were dealing with motion 7. I'm going to vote against the motion. I believe that motion 7 was much clearer than this one and gets the same intent.

The Acting Chair (Ms. Cindy Forster): Any further debate? We're going to vote on the motion. All in favour? All opposed? The amendment is lost.

We're moving on to amendment 21, which is a government amendment. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 12 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"12. Workers involved in dispatch."

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: This is the one I was referencing, which is why I thought the previous one—anyway, it doesn't matter. We just preferred ours because it was more specific and those dispatchers who were not specifically mentioned actually asked us to specifically mention them. So we preferred our amendment that was just defeated, but we will be voting for this.

The Acting Chair (Ms. Cindy Forster): Any further debate? Are we ready to vote?

All in favour of the amendment, raise your hands. Opposed? This motion is carried.

The next is motion number 22, which is a PC motion. Ms. Martow?

Mrs. Gila Martow: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"13. Any other workers responsible for the protection and preservation of life, property or the environment in the early stages of an emergency, either as a volunteer or otherwise."

The Chair (Mr. Peter Tabuns): Debate?

Mrs. Gila Martow: Again, I think this is trying to focus on the spirit of what we're trying to achieve here, which is that all professionals who have to deal with a crisis situation that is horrific should be covered under this new legislation, as opposed to us picking and choosing who's covered or not covered, even though they may have been working on the same emergency situation.

The Chair (Mr. Peter Tabuns): Thank you. Ms. DiNovo.

Ms. Cheri DiNovo: Again, I point out that the first iteration of this bill, some eight years ago when I first tabled it, was for all workers. The law in Manitoba is for all workers. Here's our historic chance to add to this.

I think this is a terrific amendment and I'm absolutely going to vote for it. I'm just wondering why my Progressive Conservative colleagues voted against the development workers and the other categories when, really, this

includes the other categories. But all is well. We will be supporting it—and a recorded vote.

The Chair (Mr. Peter Tabuns): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: Just quickly: Research shows us that first responders have twice the rate of PTSD symptoms as other workers. Other workers are able to apply for coverage under WSIB for PTSD symptoms, and it's much easier to pinpoint one particular incident if there's not a lot of trauma that that particular worker faces in their day-to-day duties. So I'll be recommending voting against this recommendation.

The Chair (Mr. Peter Tabuns): Further debate? Mr. Coe.

Mr. Lorne Coe: This request originates with the Ontario Association of Paramedic Chiefs. What we heard in testimony is that first response teams are comprised of volunteers who are trained to provide immediate intervention and treatment, particularly in those communities that are 20 minutes or more distant from the nearest staffed ambulance service. This is the context for the amendment. I think it's a strong amendment that adds value to the bill.

The Chair (Mr. Peter Tabuns): Further debate? There being none, a recorded vote was requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go to PC motion number 23, Ms. Martow?

Mrs. Gila Martow: I move that clause 14(3)(b) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by striking out "a psychiatrist or psychologist" and substituting "a psychiatrist, psychologist or, in remote areas only, physician."

If I could just comment on that, I think that sometimes we do have to consider monetary needs when we are changing legislation and the costs of that. If somebody is in a remote area without access to a psychiatrist or psychologist, if we're going to have to fly into remote areas, I think that physicians in those areas are already probably doing a lot of mental health assessment and mental health counselling and treatment. I think we have to recognize that the big city of Toronto, where we have all these specialists at our disposal, isn't what it's like up north.

The Chair (Mr. Peter Tabuns): Further debate? Ms. DiNovo and then Ms. McGarry.

Ms. Cheri DiNovo: We're going to vote for this, but you'll see in the next amendment, when we get to it, that we have similar language, except we leave out "in remote areas." I don't know about your experience with specialists in the city of Toronto, but I can tell you that the

waiting list for psychiatrists and psychologists here to get an assessment for PTSD can be a long, long, long time, and certainly to get treatment can be even longer.

The fact that there are some physicians, as Ms. Martow was saying, who regularly do this assessment as part of their day-to-day practice should be recognized and should be honoured. They're doing the work and they should be included on the list of professionals who can render a diagnosis.

1500

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: PTSD, as we all know, is a very complex condition, and requiring a diagnosis from a specialist who is trained in mental health disorders would ensure a consistent approach to the diagnosis. I think that's very important.

Now, the WSIB has already indicated that if new legislation is passed to expand the benefits for PTSD—the presumptive PTSD diagnosis—it would work to expand the province-wide network of experts who are specialized in the assessment of PTSD to support more timely access.

The Chair (Mr. Peter Tabuns): Thank you. Is there further debate on this?

There being none, are you ready for the vote? All those in favour? All those opposed? It is lost.

We go then to NDP motion number 24. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsections 14(3) and (4) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“Entitlement to benefits

“(3) A worker is entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker's employment if,

“(a) the worker is a worker listed in subsection (2) or was a listed worker for at least one day;”—we've gone through those.

“(b) the worker is or was diagnosed with posttraumatic stress disorder by a physician, psychiatrist or psychologist;”—language I've referenced—“and

“(c) for a worker who,

“(i) ceases to be a listed worker on or after the day on which section 2 of the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016 comes into force, the diagnosis is made no later than”—and I'm going to emphasize this—“five years after the day on which the worker ceases to be a listed worker, or

“(ii) ceased to be a listed worker before the day on which section 2 of the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016 comes into force, the diagnosis is made no later than five years after the day on which section 2 of the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016 comes into force.”

The Chair (Mr. Peter Tabuns): Thank you. Commentary? Ms. DiNovo.

Ms. Cheri DiNovo: As it reads now, it's 24 months. Almost every first responder we spoke to and heard from

said that it is imperative to extend that length of time. It can take 24 months just to go to a psychologist or psychiatrist and figure out what's going on. It can take a long time to go through the process to get a diagnosis. It can take a while to even want to do that.

So we really have to look after our first responders. I can tell you that there are many cases that all of us went over in the debate in the House where they were quite a bit past that 24-month period before it was recognized what was actually going on with them. We just think we owe it to our first responders to extend that to a reasonable length of time.

The Chair (Mr. Peter Tabuns): Any further commentary?

Mrs. Kathryn McGarry: Thank you, Chair. I appreciate the comments.

I just wanted to look at research, and research shows us that the majority of those who are suffering from PTSD symptoms have an onset within the 24 months—really, the first 12 months. This proposed legislation went a year beyond the usual, which is within the first 12 months, to be 24 months.

I really wanted to point out, too, that for cases of delayed symptoms of PTSD onset, it is still possible for the worker to bring forward a claim to WSIB to be adjudicated for a claim.

I'm going to recommend voting against this.

The Chair (Mr. Peter Tabuns): Okay. Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Recorded vote, please.

The Chair (Mr. Peter Tabuns): A recorded vote has been requested. We'll go by recorded vote.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go then to NDP motion number 25. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(7) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out.

The Chair (Mr. Peter Tabuns): Debate?

Ms. Cheri DiNovo: Okay. This is, again, a critical one. I'm really quite upset that the government's sticking to that 24 months, but this is even more egregious. This would actually limit the recognition of claims. I can tell you that almost everyone we talked about whose case we debated in the House—I can tell you names that are familiar to all of us, people like Norm Traversy and others who have been on media over and over again, talking about their cases and the lack of coverage of their cases—have had claims denied by WSIB. This, in essence, is making the government be worse than WSIB

as saying, “Too late. You can’t have your claim adjudicated now because it has already been rejected.”

That’s saying no to every file in my office, quite frankly, Mr. Chair. They were here, and they came forward to us to ask for this legislation eight years ago and continuing because their claims were rejected by WSIB—most of them. Again, I find this incredibly egregious.

Also, part of it is caused by his or her employer’s decisions. Now let’s think about that for a minute. I get that being fired might be traumatic—not what we’re talking about when we’re talking about post-traumatic stress disorder. I understand the government’s intent there. However, there are cases of workplace harassment. There have been cases, again, in my files, of particular women who have experienced traumatic incidents with co-workers, some of them—often most traumatic, I don’t have to point to recent court cases to say—by those they report to, those who have power over them in the workplace and who are the cause, including rape, including assault and other situations.

We need to cover those first responders as well. Again, to eliminate these two big groups of first responders really does damage to the very heart of this bill. I’ve had first responders calling me about this after reading it carefully and just being outraged by it because they thought that, finally, they would be able to go back to WSIB and get the coverage they deserve, and maybe they won’t.

So, definitely, recorded vote on this one.

The Chair (Mr. Peter Tabuns): Thank you, Ms. DiNovo. Any further debate?

There being none, are we ready to go to the vote? A recorded vote was requested.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to NDP motion 26. Ms. DiNovo.

Ms. Cheri DiNovo: Okay. This is where we try to make it right.

I move that subsection 14(9) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“Refiling of claims

“(9) If a worker filed a claim in respect of post-traumatic stress disorder and the claim was denied by the board or by the appeals tribunal, the worker may refile the claim under this section.”

Again, we just want to allow all those stories, all those cases that the government was very willing to parade as part of the debate in the House, that those people be covered, that they be able to refile, because many of them

are still suffering from post-traumatic stress disorder and never got the dignity that they should have received.

Again, there’s a lot of strong feeling, I have to tell the government, from our first responders as covered in the bill—not even extending the bill but covered by the bill—who have been denied and who thought that they would finally see justice with the passage of this bill.

And a recorded vote, of course.

The Chair (Mr. Peter Tabuns): Okay. Mrs. McGarry.

Mrs. Kathryn McGarry: I appreciate the comments, but I’m going to recommend voting against the motion because the bill allows for claims and appeals that are pending as of the date that the bill would come into force to be considered under the presumptions. But it’s important to note that a listed worker could file a new claim if they obtain a new diagnosis.

The Chair (Mr. Peter Tabuns): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I just want to point out, too, that first responders may not be aware that in the government’s budget they’re also proposing reducing premiums for employers, and I want to point that out. So at the same time that they’re restricting the coverage in this bill that could have been here, they are also reducing premiums for employers. So one has to ask oneself whose side they’re on.

1510

Also, to repeat, jurisdictions that have brought in post-traumatic stress disorder as a presumptive coverage, as workplace injury, have not seen a spike in claims—again, the elephant in the room about costs. So we wonder at the kind of double standard that’s going on on the government side here.

Recorded vote, please, Chair.

The Chair (Mr. Peter Tabuns): Any further debate? There being none, we’ll go to the vote. A recorded vote was requested.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We are now going to vote on the section as a whole, as amended. Any debate? Ms. DiNovo?

Ms. Cheri DiNovo: Obviously, in the New Democratic Party we really want to see this passed and in operation as quickly as possible. We’re not going to delay this in any way. I just want to express our concern that it doesn’t do what it could have done. We will be voting for it.

The Chair (Mr. Peter Tabuns): Ms. Martow?

Mrs. Gila Martow: I just want to comment once again that I really feel that we need to focus more, not just with this bill, but with bills in general, on the spirit

and what the intentions are and really stay focused on that. I'm glad that at least we're making some progress, but I think this bill could have done a lot more.

The Chair (Mr. Peter Tabuns): There being no further debate, we're ready to go to the vote.

All those in favour of section 2, as amended, please show. All those opposed? It is carried.

We now go to section 3. We have NDP amendment 27. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 9.1(1) of the Ministry of Labour Act, as set out in section 3 of the bill, be amended by adding "and to such workers" after "to the minister".

The Chair (Mr. Peter Tabuns): Any debate?

Ms. Cheri DiNovo: With this amendment, we're just hoping that reports are made available to the workers. That's what we're really asking for here. We think it's a good thing. We think that the Ministry of Labour should be asking for protocols and policies from employers. We just want to make sure that those protocols and policies are made public, particularly to those they affect—particularly to the workers themselves. That's what this does.

I have to point this out: We have voted for many—or I have voted for many government motions, but they have never voted for one of ours. Maybe they can turn the tide on this one, Chair.

The Chair (Mr. Peter Tabuns): Optimism never dies.

Ms. Martow?

Mrs. Gila Martow: Again, I would just talk about the spirit of what we're trying to achieve here. Since there's no magic pill to cure post-traumatic stress—it's just a question of if individuals can cope better or not—we want to focus on prevention, and I think this amendment would help focus a bit more on prevention.

Ms. Cheri DiNovo: Recorded vote, please.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: Certainly, I appreciate support for prevention. We know that preventing PTSD in the first place is very important. That's why this bill does point to prevention and will give the Minister of Labour, if this bill is passed, the authority to request prevention plans from employers. The minister certainly intends to direct employers to provide information on their plans to prevent PTSD. As I said, we know it's important in the first place. The minister would also specify that this information would be provided within 12 months, once this legislation passes.

The Chair (Mr. Peter Tabuns): No further debate? A recorded vote was requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We now go to the vote on section 3 as a whole. It has not been amended. There being no debate, all those in favour of section 3 being carried? All those opposed? It is carried.

We go to section 4. There have been no amendments. Is there any debate? There being none, shall section 4 carry? Carried.

Section 5: There are no amendments. No debate? Shall section 5 carry? It is carried.

We go to the title. There have been no amendments. Shall the title of the bill carry? Carried.

Shall Bill 163, as amended, carry? Carried.

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

That, I believe, is it. With that, we are adjourned.

The committee adjourned at 1515.

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