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ISSN 1180-4386

**Legislative Assembly  
of Ontario**  
Second Session, 41<sup>st</sup> Parliament

**Assemblée législative  
de l'Ontario**  
Deuxième session, 41<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Tuesday 6 December 2016**

**Journal  
des débats  
(Hansard)**

**Mardi 6 décembre 2016**

**Standing Committee on  
Finance and Economic Affairs**

Building Ontario Up  
for Everyone Act  
(Budget Measures), 2016

**Comité permanent des finances  
et des affaires économiques**

Loi de 2016 visant à favoriser  
l'essor de l'Ontario pour tous  
(mesures budgétaires)

Chair: Peter Z. Milczyn  
Clerk: Eric Rennie

Président : Peter Z. Milczyn  
Greffier : Eric Rennie

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Published by the Legislative Assembly of Ontario



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Publié par l'Assemblée législative de l'Ontario

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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS

Tuesday 6 December 2016

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES

Mardi 6 décembre 2016

*The committee met at 0900 in room 151.*BUILDING ONTARIO UP  
FOR EVERYONE ACT  
(BUDGET MEASURES), 2016LOI DE 2016 VISANT À FAVORISER  
L'ESSOR DE L'ONTARIO POUR TOUS  
(MESURES BUDGÉTAIRES)

Consideration of the following bill:

Bill 70, An Act to implement Budget measures and to enact and amend various statutes / Projet de loi 70, Loi visant à mettre en oeuvre les mesures budgétaires et à édicter et à modifier diverses lois.

**The Vice-Chair (Ms. Ann Hoggarth):** Good morning. As per the order of the House dated November 30, 2016, we are assembled here for clause-by-clause consideration of Bill 70, An Act to implement Budget measures and to enact and amend various statutes.

The committee is authorized to sit all day today, from 9 a.m. to 10:15 a.m. and from 3 p.m. to 6 p.m. Committee members will know that at 4 p.m. today, I'm required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 70 and any amendments thereto. As per the order of the House, a 20-minute waiting period will not be permitted. From that point forward, those amendments which have not yet been moved shall be deemed to have been moved and I will take the vote on them consecutively.

Julia Hood from legislative counsel is here to assist us with our work, should we have any questions for her.

A copy of the numbered amendments filed before the deadline is on your desk. The amendments have been numbered in the order in which the sections and schedules appear in the bill.

Are there any questions before we start? MPP Fedeli.

**Mr. Victor Fedeli:** Thank you, Madam Chair. May we be permitted to have a few opening comments?

**Ms. Ann Hoggarth:** I'm just going to get to that.

**Mr. Victor Fedeli:** Okay.

**The Vice-Chair (Ms. Ann Hoggarth):** As you will notice, Bill 70 is comprised of three sections and 26 schedules. In order to deal with the bill in an orderly fashion, I'm going to suggest that we postpone the three sections in order to dispose of the schedules first. Is there

unanimous consent to stand down the sections and deal with the schedules first?

**Mr. Yvan Baker:** Chair?

**Ms. Ann Hoggarth:** Yes, MPP Baker.

**Mr. Yvan Baker:** When you're done your opening remarks, could I call for a recess?

**Ms. Ann Hoggarth:** Only if the committee agrees to it. Okay?

Before we begin schedule 1, I will allow each party to make some brief comments on the bill as a whole. Afterwards, debate should be limited to the section or amendment under consideration.

Are there any comments? MPP Fedeli.

**Mr. Victor Fedeli:** I don't have any formal comments written, but I just have an expression of concern. We listened to the fall economic statement, which we would have hoped would have dealt with, in my words, the dire financial straits that the province of Ontario is in today. While, thankfully, the Financial Accountability Officer issued a commentary—first of all, a report beforehand, before the fall economic statement came out—that outlined just how dire things are, the fall economic statement came out and the Financial Accountability Officer was compelled to issue an almost identical report in the form of a commentary that he did only a week or so beforehand, because we're not dealing with the issues at hand here. We're not dealing with our debt and our deficit. Instead, we're given what I term, and many term, an omnibus bill. What that means, of course, is that instead of a finance bill, we're given a bill that has 27 acts in it, many unrelated to finance. The Municipal Act is here, and how we're going to elect regional representatives. It's all squeezed into this package.

And then, instead of giving us the proper amount of time to debate it, we're truncated. One day, it's, "All right, we don't want to hear from you anymore. We're stopping debate." So at 4 o'clock on Tuesday of last week, as we were just beginning, we had to then speak on time allocation, which is a fancy way of saying you're allocating our time or you're cutting off our time, and we can't talk about it anymore. We then have a vote, and the decision of the government is that we're coming to this committee. The deadline for requests to appear to the committee was 1 o'clock last Thursday, and the committee starts debating at 1 o'clock on Thursday.

There was no time for people, many people, who wanted to present, first of all, their thoughts to us so we

could debate it in the Legislature, and then to prepare their package to either be here Thursday at 1 o'clock—a day's notice is all they had—and they could also have written submissions by Thursday. Now, at least they gave them till 6 o'clock on Thursday, so they had that whole day to think their thoughts through and either get here or send them to us.

So I just have to pose to the government: Why? Why would you consider doing this bill and squeezing everything into it, all unrelated; and then, secondly, giving the deputants, the people, the stakeholders—the public and the seniors and the families—no time to come here to do that, and then pack a day full with those who could make it here, generally from the GTHA? There was just no time. Now we're cramming into committee the next day, and we'll have a vote and it'll be all over before we break.

**0910**

So, Chair, I just want to register my objection. I do find it objectionable that this whole thing has happened—you could actually call it in minutes. It's not even days, it's minutes. When you put the amount of time that we were given to debate this and have deputants, it can be categorized in only minutes.

I appreciate the opportunity to express that. Thank you very much, Chair.

**The Vice-Chair (Ms. Ann Hoggarth):** Thank you, MPP Fedeli. MPP Fife?

**Ms. Catherine Fife:** Thank you, Chair, and thanks for the opportunity to give an overall impression of Bill 70. I think that the concerns that my fellow finance critic has raised are valid, but also it's the crafting of this bill that is of great concern to New Democrats and to our allies in the labour movement, in that you have two schedules contained within a finance bill which will undermine and compromise worker safety in the province of Ontario in very tangible ways.

Also, process matters. In a democracy where I feel that there is a slippage, if you will, around trust in this province and in this government, you have a piece of legislation that was crafted without consultation with the very stakeholders that it directly affects. It runs counter to everything that we value in a democracy; especially in a democracy where the government has promised to be open, transparent and collaborative.

Schedules 16 and 17—16 in particular we feel is incredibly regressive. We are not moving worker safety and job safety forward in the province of Ontario; we're taking a giant step back, which is why we will be trying to pull schedule 16 from this bill. There is no good rationale for it to be in this piece of legislation. And schedule 17 of Bill 70 also—there were almost 2,000 people on the front lawn of Queen's Park last Wednesday showing their discontent and their concerns with this piece of legislation, and those voices are not reflected in this piece of legislation.

Also of great concern is that the way that the bill is crafted—which has become a trend of this government—is to push everything back down to regulation. So even

though you have a law that says that you believe in worker safety, the regulations are left open for interpretation and are not part of the debate. It's not part of the discourse. We've had so little time. I had one hour, period, on this piece of legislation. Only two other members had a chance to speak to it from the NDP—I'm not sure how many people from the PCs. The trend of pushing laws down to the regulations is of concern. The use of time allocation runs counter to everything that strengthens a democracy and, certainly, strengthens a bill. We're going to try to make this bill a better bill, but by just the premise of it, it is unsupportable.

Last week when the Ontario craft distillers came here, they had 78 minutes to appear before a finance committee—78 minutes. Other labour partners had less than two hours. We voted on a piece of legislation at noon, and we went to delegations at 1 o'clock. To say that this has been a disappointing process would be an understatement, but it speaks more to the principles and the values of this government, where you have a piece of legislation which is working against building Ontario up for everyone. That's the title of the bill, yet the bill does nothing to do that. In fact, it will hurt a whole segment of our skilled trades workers in the province of Ontario. I don't know how you expect to build Ontario up without the work of skilled trades in the province of Ontario.

So I'm looking forward to the debate and I wonder why the government will be asking for a recess right at the beginning, because this piece is time-allocated. We only have today to make this piece of legislation a better piece of legislation, so taking a recess doesn't seem like the best course of action. Thank you.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I just wanted to address some of the points that were raised by the opposition members. I'm really looking forward to moving forward on the amendments in this session of the committee and making use of the information and input we heard from stakeholders on this particular piece of legislation. The input that this committee has received was recent, but the input that the government received in putting this bill together is not recent. In fact, consultations have been extensive and long-standing on the various components of this piece of legislation.

I wanted to rebut the points of the opposition that there was a lack of consultation. There has been extensive consultation on this. That's the first point I would make. A good example of that is the—on the labour components of the bill that were referred to, we had the Dean report, we had the Bentley report. There has been extensive consultation over the better part of two years. That's just an example. I won't go through all the consultations, but that's an example.

The other point that was raised was the issue about this being an omnibus bill—that it contains components that aren't directly finance-related. I have to say that these are things that impact our economy. Things that impact our economy impact our finances. Therefore, I think it is finance-related to a great extent. The other

point I would make is that I find it surprising that a member of the opposition would raise that. When the PCs were in office, they were champions of omnibus legislation, so I find it a little surprising now that they're saying that this is something that they find objectionable.

The third thing I wanted to address was that this was rushed. It was the original intent of the government that this bill not be time-allocated, but we were delayed by an NDP procedural motion that was designed to delay the bill. So, to ensure that the bill could pass on an appropriate timeline, before the end of the session, the bill had to be time-allocated.

Those are important points for me to get on the record. I couldn't let those points go without rebutting them because I think people watching at home or people in this room could easily misunderstand what's happening if they didn't hear what I had to say on that.

Chair, I really look forward to moving forward on this piece of legislation with my colleagues from all sides and looking at the amendments.

I thank you very much for the time. I will not be requesting a recess.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Just a point of clarification to MPP Baker: The reason that we delayed one day is because we put forward an amendment to pull schedules 16 and 17, because they have no business in this bill. You know that. That's what we tried to do, and that's what we're going to try to do as well today.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I couldn't disagree more with MPP Fife. I'm just going to put that on the record. That was not—

**Ms. Catherine Fife:** It's a matter of fact.

**Mr. Yvan Baker:** Excuse me. It's not a matter of fact. The matter of fact is that this was done to delay the bill and to object to its movement forward through the legislative process, period. No matter what the rationale is that they put forward, the outcome of that—and they knew the outcome of that—would be to delay the bill and result in the government being in a position where, to move the bill forward in a time frame that was appropriate, we had to time-allocate. So the rationale is one thing—and I disagree on that rationale. But regardless of the rationale, the reality is that it delayed the bill. That's the effect that it had, and the NDP would have known that when they put the motion forward.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** I just want to take objection to one of the comments from MPP Baker, where he said that all of the acts are to do with the finances of the province of Ontario. The one that we're going to be dealing with, schedule 15, the Municipal Act: I can tell you that as a former mayor—and many of us here are former mayors and councillors. First of all, there is a bill right now in the Legislature dealing with the Municipal Act. I can't even begin to imagine why this isn't a part of that. Perhaps it was an oversight or a mistake of this government.

Nonetheless, schedule 15 is the Municipal Act of 2001, where they're talking about substituting a para-

graph: "Subject to paragraph 2.1, the head of council shall be elected by general vote, in accordance with the Municipal Elections Act, 1996, or shall be appointed by the members of council." It goes on and on about how you appoint the head of council. I can't, for the life of me—again, as a former mayor, municipal politician and, now, MPP—understand how a change in the Municipal Act on how you appoint the head of council has anything to do with the finances of the province of Ontario; and, secondly, why it isn't in the bill, which is also being debated as we speak, on the changes in the Municipal Act. So I would take exception to that comment.

**0920**

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Clearly, there is going to be a lot of tension and conflict in this committee. The reason that we put forward the amendment with regard to the timing of Bill 70 is that we took it out to consult with stakeholders, which the government failed to do at the very beginning. We wanted to hear from the skilled trades, the electricians and the contractors. That's part of the process.

But, then, we did not, of course, time-allocate the debate; the government did. We did not time-allocate the delegations that only had an afternoon to appear before this committee, with less than two hours' notice. We did not limit clause-by-clause; you time-allocated clause-by-clause. So the contention from this government that this is a normal bill that has followed a normal process is completely false. We've never seen a piece of legislation move this fast through this House. It moved so fast that the Clerk had to write out, in handwriting, the names of the delegations that appeared here last Thursday. In four years, I have never seen that. In four years, we've never seen a handwritten delegation list of people appearing.

As far as credibility, we have the Hansard on our side; we have the House proceedings on our side. Why this government is rushing this harmful piece of legislation through this House in the last week of the sitting is beyond me. That's why there were almost 2,000 people out on the front lawn. They feel betrayed by this government.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I look forward to moving forward with the amendments, so I suggest that we move forward, Chair.

**The Chair (Mr. Peter Z. Milczyn):** On schedule 1, section 1, there are no amendments proposed. Is there any discussion? Seeing none, shall schedule 1, section 1, carry? All in favour? Opposed? That is carried.

On schedule 1, section 2, there is an amendment that was tabled. Ms. Fife.

**Ms. Catherine Fife:** I move that section 1 of the bill be amended by adding the following subsection:

"(2) Despite subsection (1), schedule 16 is not part of the enactment. It constitutes notice of a future bill."

We want this piece of the schedule removed.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife, the Clerk advises me that you read the wrong motion.

**Ms. Catherine Fife:** Oh, that's the wrong one.

**The Chair (Mr. Peter Z. Milczyn):** It's motion number 3—

**Ms. Catherine Fife:** Motion number 3?

**The Chair (Mr. Peter Z. Milczyn):** —that relates to this section. Motions 1 and 2 were stood down and will be dealt with at the end.

**Ms. Catherine Fife:** That's right. Sorry, my apologies.

I move that subsection 2(11) of schedule 1 to the bill, which amends subsection 17(3) of the Alcohol and Gaming Regulation and Public Protection Act, 1996, be amended by adding the following clause:

“(b.1) by adding the following clause:

“(c.1) if the purchase is of all or part of the first 5,000 litres sold, through the spirit manufacturer's stores, of its spirits;”

Can I speak to it?

**The Chair (Mr. Peter Z. Milczyn):** Yes.

**Ms. Catherine Fife:** Okay. Obviously, we heard extensive feedback on the lack of imposing a graduated taxation scheme for craft distillers across Ontario. The story is quite interesting, actually. This group of some 16 craft distillers, under the leadership of Ontario Craft Distillers Association, worked for two years with the Premier's advisory committee and under the supervision of Ed Clark, and was working towards a graduated taxation schedule for craft distillers. This is not unlike the model that was used with the craft breweries, which proved to be very successful, and some Ontario wines, as well. I think that the Ontario craft distillers really took this government at their word and thought this is obviously a growing and emerging industry and sector.

There are some very popular ones here in Toronto. I toured one in Ayr on Friday. Mr. Clark has some in his area. These are local, small businesses that are following their dream of crafting spirits—and it is a craft. It's actually gaining great notoriety and popularity across Ontario but also in foreign jurisdictions, Europe and the States.

These are, as I said, small or medium-sized businesses and we heard, actually, that many of them hire younger people in their twenties. For many of these young business owners, this is their dream, to become a craft distiller and partner with local farmers in the agricultural sector and create good jobs. So when they were working with Mr. Clark on the Premier's advisory council, they really felt that they were being listened to. They call what is contained in Bill 70 a complete betrayal. They have said that they were blindsided. Some have declared that they will shut their doors and close down their businesses as of January 31. Not to put a pun on it, but it was not in the spirit of the conversations over the last two years. A lot of time and a lot of energy went into trying to educate the government, which is why consultation is so important, and yet that did not happen.

We're trying to make the case that you want to give these small Ontario craft distillers a fighting chance to be successful, so don't come in at a 61.5% taxation rate.

Have a graduated taxation rate. You heard from the president of the Ontario Craft Distillers Association. This proposal will maybe save him \$1.80 per bottle and that is not a collaborative partnership solution towards (1) staying in business or (2), growing a business. We have a proven track record in the province of Ontario, which took a long time, to find a good exemption rate. After consultation with the craft distillers, if that first 5,000 litres have a reduced taxation rate or no taxation, you're signalling to them, in truth, that you are interested in them being successful in the province of Ontario.

The finance minister was quoted as saying last week that you're giving them the chance to give away 1,250 litres of alcohol free on a promotional basis. Some of these craft distillers don't even produce that much. That's not helpful and that certainly was not part of the conversation that they had with Mr. Ed Clark. Of course, we wouldn't know those conversations because those distillers had to sign a non-disclosure agreement not to talk to MPPs. We only found out after the fact. That's how things are running in the province of Ontario here at Queen's Park.

This would go a long way to rebuild some trust with Ontario craft distillers. It would go a long way to signal that one of those four pillars that the government talks about around the economy—that you do in fact support small and medium-sized businesses and that you recognize that some of the grain farmers in the province of Ontario grow some of the best grains in the world, creating the best spirits in the world—and I think would go a long way to rebuild trust with the distillers in Ontario. Thank you, Chair.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** So just to recap, schedule 1 would amend the Alcohol and Gaming Regulation and Public Protection Act, 1996, in two significant ways. The first thing it would do is it would impose a new tax on the sale of spirits at distillery on-site stores. In other words, these are stores that are owned and operated by distillers at their manufacturing sites. This would be starting on July 1, 2017. This tax would replace the current LCBO mark-up and commission system, resulting in a greater share of the sales revenue remaining with distillers.

**0930**

The second thing it would do is introduce a phased increase to the existing tax that applies to privately owned and operated winery retail stores when they choose to locate within the shopping area of a grocery store and have the grocer sell the product as an agent for them. The amendment proposed in this motion would add a new exemption from the proposed spirits tax “if the purchase is of all or part of the first 5,000 litres sold through the spirit manufacturer's stores.”

The proposed spirits taxes are consumer taxes, so the exemption proposed in this motion would provide a different tax treatment for different consumers, depending on whether the distiller had already sold the 5,000 litres of spirits. Consumers have to be able to understand and know their tax liability. They would actually have to

know whether 5,000 litres had been sold or not to know what the price of the product would be. A tax exemption on the first 5,000 litres of spirits sold by the manufacturer at its on-site store would set a precedent for similar requests from beer and wine manufacturers whose products are not subject to such an exemption, and it would obviously impact provincial revenue. In light of these reasons, my view is that this amendment is not appropriate.

I was speaking in my opening remarks about the importance of supporting and growing the economy and that's something that's a priority for me, my colleagues here and, I know, for the minister and our entire government. That includes the rapidly growing craft distillery sector. That's why the government listened to Ontario distillers and introduced legislation that, if passed, would remove the LCBO markup and commission structure at on-site distiller retail stores. The new tax structure would see distilleries taxed in a similar way as breweries and wineries, and would result in improved sales margins for distillers at their on-site locations.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. So schedule 1, section 2, on the amendment: All those in favour? Opposed? The amendment fails.

Shall schedule 1, section 2, carry? All those in favour? Opposed? That carries.

There are no amendments tabled to schedule 1, section 3. Shall schedule 1, section 3, be carried? All those in favour? Opposed? That carries.

On schedule 1, section 4, there was an amendment tabled. Mr. Fedeli?

**Mr. Victor Fedeli:** Schedule 1, clause 2(11)(b.1)—

**The Chair (Mr. Peter Z. Milczyn):** This is motion number 4, Mr. Fedeli.

**Mr. Victor Fedeli:** Oh, thank you. Let's try that again.

I move that subsection 18.1(5.1) of the Alcohol and Gaming Regulation and Public Protection Act, 1996, as set out in subsection 4(3) of schedule 1 to the bill, be struck out and the following substituted:

“Spirits manufacturer

“(5.1) A spirits manufacturer and its affiliates are not subject to tax under this act on a maximum of 1,250 litres of spirits that is sold by any of them in Ontario during a 12-month period that begins on July 1 in a year, if the sale takes place in a store that the manufacturer or affiliate, as the case may be, owns and operates and where it is authorized under the Liquor Control Act to sell its spirits.”

**The Chair (Mr. Peter Z. Milczyn):** Mr. Clark?

**Mr. Steve Clark:** Thanks, Chair. I just want to pick up on some of the things that Ms. Fife had brought up earlier today. As most members know, after Mr. Hudak resigned, I reintroduced his Free My Rye Act, which would change significantly the graduated markup that distillers would have. For those that aren't familiar with the bill, it would provide a 10% markup on the first 50,000 litres, 20% between 50,000 and 100,000 litres, and 40% for 100,000 litres to 625,000 litres.

As Ms. Fife said earlier, the Craft Distillers' Association have invested two years in a process with this government. It essentially puts their industry in doubt. The situation, as I see it: This government has poured two years of discussions on a graduated tax down the drain, and the whole industry is questioning the government's commitment to them.

We've seen in this province real emerging craft beer and small winery businesses. We've all sat back as members. I would say that the majority of the 107 members have patted themselves on the back or patted the government on the back for making that commitment to grow the craft beer and small wineries.

To make a decision like this government has made after investing all of this time with the distillers—no one seems to understand why the government is moving in this direction. What this amendment tries to do is capture the 1,250 litres that the government has tagged—and Mr. Baker mentioned the volume today—and to deal with it in a far better manner than the government is proposing.

I would have loved, Chair, to have the Free My Rye Act incorporated into Bill 70. I would have been here passionately asking all parties to support it, but that's not the case. I think the whole small distillery grain-to-glass movement has really been betrayed by this government.

So I ask the members of this government to support this amendment, to give the industry some semblance of support during the discussions of Bill 70. Thank you, Chair.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Thanks very much. Just as a recap again, the amendment proposed in schedule 1 to subsection 18(5.1) would provide distillers and their affiliates with an exemption from tax on a maximum of 1,250 litres of spirits that they distribute each year without charge.

So in situations where manufacturers distribute their product without charge—promotional distributions—they are deemed in the AGRPPA to be purchasers liable to tax. The motion would repeal this exemption from tax on promotional distribution and replace it with an exemption for manufacturers on a maximum of 1,250 litres of spirits that they sell in a year. The exemption purports to apply to manufacturers, but spirits manufacturers are not subject to the tax when there is not a promotional distribution. The tax is a consumer tax. So the amendment is technically incorrect.

The promotional distribution exemption proposed in schedule 1 is similar to that provided to beer and wine manufacturers. So, in light of these reasons I'm not supporting the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Thank you. We will support this amendment from the PCs because what the distillers have said to us is that they're looking for a buffer to protect them and their current industry from this government. We offered the 5,000-litre buffer to help them deal with the 61.5% tax rate, but we will support 1,250 litres because this is an industry that has been very clear about the obstacles that they face.

I think last week when Minister Sousa stood in the House and took credit for the success that they have—that was when Mr. Charles Benoit came to speak to us, from the Ontario Craft Distillers Association. He took great exception to that. He gave the very reasons why they have been able to survive. That has been a small manufacturing industry that has started to develop stills in the province of Ontario, which has become very popular. The cost of those stills has gone from half a million dollars to \$50,000, which has allowed craft distillers to actually start up their businesses.

Also, the local food movement is incredibly popular, so these partnerships with farmers—some of them are investors in these small craft distillers.

They're struggling to be competitive. They're struggling to survive. Even allowing them a 1,250-litre tax exemption would signal that the government is not working against the craft distillers in the province of Ontario, which isn't really too much to ask. The province of Ontario cannot lose any more jobs. Can we at least agree on that? The NDP will be supporting this motion.

0940

**The Chair (Mr. Peter Z. Milczyn):** On the amendment: All those in favour of the amendment? Opposed? The amendment is not carried.

Shall schedule 1, section 4, be carried? All those in favour? Opposed? That is carried.

There were no amendments tabled to schedule 1, sections 5 and 6, so I would suggest to the committee that we vote on them together. Shall schedule 1, sections 5 and 6, be carried? All in favour? Opposed? Those two sections are carried.

On schedule 1, section 7, there is PC motion number 5. Mr. Fedeli.

**Mr. Victor Fedeli:** I move that subsections 7(1) and (2) of schedule 1 to the bill be struck out.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** Our caucus does not support these new tax increases. Our motion, if passed, would remove all of the new tax increases on wine that are being imposed by this government, which incidentally said that there would be no new taxes in this fall economic statement. This is one of the many that have happened. We believe in making life easier for consumers, so we cannot support any new taxes.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** This component of Bill 70 enacts one part of a larger package of reforms that enable wine to be sold in grocery stores. In order to do this for wine boutiques, where the government is providing opportunity for off-site winery retail stores, like the Wine Rack or the Wine Shop or others, to move inside grocery stores' sales areas and share checkouts with the grocer, a new tax structure is necessary. Nothing will change for winery retail stores that are not located inside a grocery store or on product in the LCBO.

As well, consumer prices remain subject to uniform pricing regulations, where a product sold in Ontario must have the same all-in price as listed in the LCBO, no

matter which retail channel it is sold through or in what part of the province.

There is total consensus amongst government and the stakeholders, including the owners of the winery retail stores, on this change in the tax rates.

**The Chair (Mr. Peter Z. Milczyn):** If there's no further discussion then, on the amendment: All those in favour? Opposed? The amendment is lost.

Shall schedule 1, section 7, be carried? All in favour? Opposed? That is carried.

There were—

**Ms. Ann Hoggarth:** Chair?

**The Chair (Mr. Peter Z. Milczyn):** Yes, Ms. Hoggarth?

**Ms. Ann Hoggarth:** Would we be able to bundle the ones there are no amendments to?

**The Chair (Mr. Peter Z. Milczyn):** I'm getting to that.

**Ms. Ann Hoggarth:** Thank you.

**The Chair (Mr. Peter Z. Milczyn):** There were no amendments tabled for schedule 1, sections 8 through 13, inclusive. With the committee's agreement, we'll vote on them together.

Schedule 1, sections 8 through 13, inclusive: Shall they be carried? All in favour? Opposed? They are carried.

In schedule 2, there were no amendments—

*Interjection.*

**The Chair (Mr. Peter Z. Milczyn):** Sorry, I'm getting ahead of myself.

Shall schedule 1 be carried? All those in favour? Opposed? Carried.

There were no amendments tabled to the sections in schedule 2, so can we vote together on sections 1 through 3? All right. Schedule 2, sections 1 through 3, inclusive: Shall they be carried? All those in favour? Opposed? Carried.

Shall schedule 2 be carried? All those in favour? Opposed? Carried.

There were no amendments tabled in schedule 3 to sections 1 through 11, inclusive. With the committee's agreement, we'll vote on those together. Shall schedule 3, sections 1 through 11, inclusive, be carried? All in favour? Opposed? That is carried.

Shall schedule 3 be carried? All in favour? Opposed? That is carried.

In schedule 4, there were no amendments tabled to sections 1 and 2. With the committee's agreement, we'll vote on those together. Shall schedule 4, sections 1 and 2, be carried? All in favour? Opposed? They are carried.

Shall schedule 4 be carried? All in favour? Opposed? That's carried.

In schedule 5, sections 1 through 9, inclusive, there were no amendments tabled. Again, with the committee's agreement, we'll vote on those together. Shall schedule 5, sections 1 through 9, inclusive, be carried? All in favour? Opposed? Carried.

Shall schedule 5 be carried? All in favour? Opposed? Carried.

In schedule 6, for sections 1 through 11, inclusive, there were no amendments tabled. With the committee's agreement, once again, we'll vote on them together. Shall schedule 6, sections 1 through 11, inclusive, be carried? All in favour? Opposed? They are carried.

Shall schedule 6 be carried? All in favour? Opposed? It's carried.

In schedule 7, for sections 1 through 3, there were no amendments tabled. Again, we'll try and vote on them together. Shall schedule 7, sections 1 through 3, inclusive, be carried? All in favour? Opposed? Carried.

Shall schedule 7 be carried? All in favour? Opposed? That is carried.

In schedule 8, sections 1 through 24, there were no amendments tabled. Shall schedule 8, sections 1 to 24, inclusive, be carried? All in favour? Opposed? They are carried.

Shall schedule 8 carry? All in favour? Opposed? Carried.

In schedule 9, sections 1 through 8, inclusive, there were no amendments tabled. Shall schedule 9, sections 1 through 8, inclusive, be carried? All in favour? Opposed? That is carried.

Shall schedule 9 carry? All in favour? Opposed? Carried.

Schedule 10, sections 1 to 3, inclusive: No amendments were tabled. Shall schedule 10, sections 1 to 3, be carried? All in favour? Opposed? They are carried.

Shall schedule 10 be carried? All in favour? Opposed? That is carried.

Schedule 11, sections 1 through 7, inclusive: There were no amendments tabled. Shall schedule 11, sections 1 through 7, inclusive, be carried? All in favour? Opposed? That is carried.

Shall schedule 11 be carried? All in favour? Opposed? That is carried.

Schedule 12, sections 1 to 3, inclusive: There were no amendments tabled. Shall schedule 12, sections 1 to 3, inclusive, be carried? All in favour? Opposed? They are carried.

Shall schedule 12 be carried? All in favour? Opposed? That schedule is carried.

Schedule 13: Mr. Fedeli, you tabled a notice on schedule 13.

**0950**

**Mr. Victor Fedeli:** What portion do you want me to read?

**The Chair (Mr. Peter Z. Milczyn):** You can speak to the notice because it's not an amendment.

**Mr. Toby Barrett:** Which page are we on? Sorry.

**The Chair (Mr. Peter Z. Milczyn):** It is schedule 13. It's after motion number 5.

**Mr. Victor Fedeli:** So our notice: What we're saying, basically, is that we do not support the new tax increases that are included in schedule 13, section 1, subsections 2(1) and (2) of the Land Transfer Tax Act. This is the section that we're referring to.

To us, this is yet another increased tax and a tax grab by the government, a significant new tax that does abso-

lutely nothing to support housing affordability. This is why we will be supporting the recommendation to vote against section 1 of schedule 13.

How does that sound? That's the technical way of doing it, if I understand.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I think that there's a misunderstanding on the side of the PCs, or maybe it's just a mischaracterization. The land transfer tax is calculated based on marginal tax rates applied to the value of the consideration of the conveyance of land.

Section 1 of schedule 13 proposes changes to land transfer tax rates, effective January 1, 2017, which would have the following effect—I'm just summarizing here: The tax rate on the portion of the value of the consideration that exceeds \$2 million for the conveyance of one or two single-family residences—for example, a house or condo—will increase from 2% to 2.5%. The tax rate on the portion of the value of the consideration that exceeds \$400,000 for the conveyance will increase from 1.5% to 2%.

The proposed changes to the rates would apply to sales of land or conveyances of land in Ontario that occur on or after January 1, 2017, unless the agreement of purchase and sale for the land was entered into on or before November 14, 2016.

Voting down section 1 would result in the current land transfer tax rates continuing to apply to sales of land that occur on or after January 1, 2017. If section 1 is voted down, the amendments proposed under sections 2, 3, 5, 6 and 7 of schedule 13 would no longer function properly, as they are consequential amendments that flow from the amendments proposed under section 1.

Chair, I can speak for my community in Etobicoke Centre as a great example, and there are many across Ontario, where people have benefited from recent increases in the value of their homes, but young families, first-time homebuyers, are struggling to get into the housing market. To help young families, what the province is proposing is to double the maximum refund for first-time homebuyers from \$2,000 to \$4,000 starting on January 1. This means no land transfer tax will be payable on the first \$368,000 of the cost of your first home. More than half of first-time homebuyers in Ontario would pay no land transfer tax due to the refund.

I should also say that land transfer tax rates have not increased since 1989. What we're proposing is to modernize land transfer tax rates to reflect the current real estate market in Ontario. The new rates will only apply to homes that cost more than \$2 million, and with the doubling of the first-time homebuyer refund, over half of people buying their first home will pay no land transfer tax at all.

What's important to note here—people really need to understand this—is that we're proposing to use the revenue generated from the marginal increases to fund the enhancements to the first-time homebuyer refund. That's really, really important. To provide the relief to first-time homebuyers, to young families, revenue is

being generated from these marginal increases. It allows us to do this. Voting against this section, as has been proposed by the official opposition, would remove these benefits for first-time homebuyers.

These are just some of the points I wanted to make sure were clear to the committee.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** Speaking of mischaracterization, as MPP Baker suggested, he has completely mischaracterized. We are not dealing with the enhancement to the new benefits that he's talking about. We are talking about what he has admitted to be a new tax. We're dealing with—if he just pays attention carefully—section 1, subsection 2(1) and 2(2) of that tax. This is to stop the \$105 million of new taxes from coming in to the government. This has absolutely nothing to do with the other side of the land transfer tax, so I don't appreciate the mischaracterization of MPP Baker. We are talking about the tax grab that this government is just about to implement.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Chair, if we want to offer relief to first-time homebuyers, then the increase in the land transfer tax on homes exceeding \$2 million in value is needed to help fund that relief. That's what I meant by that. So it is needed. Taking that out would mean it wouldn't have that available to fund the relief of first-time homebuyers.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** Again, this has nothing to do with the relief. They're not linked in any way, shape or form. We're talking here about them increasing the tax on houses over \$400,000. That's what they're doing here. Let's be clear about this: They are adding tax to houses over \$400,000, plain and simple. If they want to use that to pay for this, that's their option. There are certainly many other options, but increasing taxes always seems to be the default, the go-to, with this government. Can't figure out what to do? Raise taxes. So they're not linked. I believe that that is a total falsehood.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** This will be my last comment. I think they are linked because, in aggregate, the changes proposed to the land transfer tax are revenue-neutral. That's important to note. The land transfer tax increases in certain categories are being used to fund the land transfer tax relief for first-time homebuyers. So they are linked because the money is needed for that purpose.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** Chair, my final comment would be that, again, this is a tax grab. Technically, they're not linked here. If you remove this tax grab right now, you can still go ahead with the land transfer tax rebate to families. They're not legally linked here.

**The Chair (Mr. Peter Z. Milczyn):** No further comment? Then, shall schedule 13, section 1, carry? All in favour?

**Mr. Yvan Baker:** Sorry, we're voting on—

**The Chair (Mr. Peter Z. Milczyn):** We're voting on schedule 13, section 1.

**Mr. Victor Fedeli:** Oh, I thought we were voting on my motion.

**The Chair (Mr. Peter Z. Milczyn):** No. You've given notice; it's not a motion. You've given notice that you intend to vote against the section. So we're voting on the section.

Schedule 13, section 1: All in favour? Opposed? That carries.

There were no motions or notices tabled for schedule 13, sections 2 and 3, so we will vote on those together. Schedule 13, sections 2 and 3: Shall they be carried? All in favour? Opposed? They carry.

Mr. Fedeli, you gave notice on schedule 13, section 4.  
**1000**

**Mr. Victor Fedeli:** Thank you, Chair. Schedule 13, section 4 (sections 5.0.1 and 5.0.2 of the Land Transfer Tax Act): We will be voting against that section of schedule 13. Again, because this government has passed through and, quite frankly, rushed through and time-allocated this omnibus bill, they're ramming through a number of changes without proper analysis and any consultation.

This will be another exercise in creating red tape. You've got this government that will be collecting data and, quite frankly, they have not described what data they're going to collect and what they're going to use it for. We feel that this will severely impact transactions across the province and add yet another level of red tape to the real estate sector.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** When I came into office, one of the things that I heard from a lot of my constituents in Etobicoke Centre, and what I believe in—based on my past experience as someone who's worked in business and helped advise companies on how to best invest and manage their resources and money—is that you want to make decisions based on evidence. We know that a lot of young people, a lot of them in my riding, are struggling to enter the housing market. We know a lot of people in general are struggling to enter the housing market, not necessarily young people and not necessarily just the first-time homebuyer.

Section 4 of schedule 13 would allow the minister to collect information about purchasers and the property being purchased in real estate transactions—so collecting additional information—and the information collected would be prescribed by regulation and could include information such as residency, citizenship, the type of property and the intended use of the property.

The information will be used for program administration and to assist in getting a better understanding of our housing market. It's really about gathering information so we can be smarter about what's happening in a housing market and be more knowledgeable about it, and have the evidence that we need to make informed decisions to help do everything we can to help people who are struggling to enter the housing market.

Voting against section 4 would actually remove the authority to collect any additional information. It would

basically not allow us to pursue the evidence that is needed to make evidence-based decisions on this issue.

I know that we heard from a number of folks who came forward to this committee, who testified to their support for this measure, for the fact that the government was going to collect this type of information, because they thought it was a thoughtful approach to informing future decisions on this issue. Because we heard from so many people who supported that collection of information and because I think it's part of what's required to make evidence-based decisions, I think section 4 of schedule 13 is important.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** I'm quite surprised that the government now wants to collect evidence. When we were debating Bill 70 in the Legislature, they didn't want to. When it was time-allocated, it was clear they did not want to hear any evidence from MPPs. It was very clear when they time-allocated and came to committee—at 11:45 in the morning, the motion passes; at 1 o'clock, you are to have your information ready and be here to present. It's pretty clear that they didn't want to collect any evidence from the deputants who had to be here with only a couple of hours' notice.

**The Chair (Mr. Peter Z. Milczyn):** No further discussion? Just to be clear, there is no amendment. We will be voting on schedule 13, section 4. All those in favour of schedule 13, section 4? All those opposed? The section carries.

There were no amendments tabled for schedule 13, sections 5 to 10 inclusive. We'll vote on them together. All those in favour of schedule 13, sections 5 to 10, inclusive? Opposed? Those sections carry.

Now, on schedule 13: Shall schedule 13 be carried? All in favour? Opposed? Schedule 13 carries.

There were no amendments tabled to schedule 14, sections 1 to 6. So on schedule 14, sections 1 to 6, inclusive: All those in favour? Opposed? They carry.

Now, on schedule 14: All those in favour? Opposed? Schedule 14 carries.

There were no amendments tabled to schedule 15, sections 1 through 13, inclusive. We'll vote on those together.

Shall—

**Mr. Lou Rinaldi:** Chair?

**The Chair (Mr. Peter Z. Milczyn):** Yes, Mr. Rinaldi?

**Mr. Lou Rinaldi:** What section are we dealing with?

**The Chair (Mr. Peter Z. Milczyn):** We are now on schedule 15, sections 1 to 13, and there were no amendments tabled.

**Mr. Lou Rinaldi:** Thank you.

**Mr. Peter Z. Milczyn:** On schedule 15, sections 1 to 13, inclusive: Shall they be carried? All those in favour? Opposed? Those sections are carried.

Now, on schedule 15: Shall schedule 15 be carried? All in favour? Opposed? Schedule 15 carries.

Now, on schedule 16, there were no amendments tabled to schedule 16, sections 1 to 4, inclusive. We'll

vote on those together. Shall schedule 16, sections 1 to 4, inclusive, be carried? All in favour? Opposed? Those sections carry.

There was an amendment tabled to schedule 16, section 5. This is motion number 6. Ms. Fife?

**Ms. Catherine Fife:** I move that section 5 of schedule 16 be struck out and the following substituted:

“Commencement

“5. This schedule comes into force on a day to be named by a stand-alone act of the Legislature.”

This is one of our attempts to address the inconsistency of schedule 16 being contained within Bill 70. We are now seeking to have commencement of schedule 16 delayed/removed from the rest of the bill until a later date, as a stand-alone act of the Legislature. This is our attempt to have the schedule consulted on and debated separate from the omnibus budget bill. This, obviously, will provide more time for us to re-examine how flawed schedule 16 is as it is currently crafted.

Many of you will have heard from the skilled trades in your ridings on schedule 16. Our view is that the changes that are contemplated in this schedule are regressive; they are unnecessary and they are universally rejected by labour, who, as we have made it very clear, were not consulted, which was a major recommendation of the Dean report.

The government will say that they have consulted enough, but when you cite a report that recommends that you consult with stakeholders—in this case, the skilled trades and labour—and you fail to do the actual work of consulting, then it means nothing. The changes contemplated in schedule 16 are absolutely not the result of the expert panel on health and safety, whose members are adamant that any move toward accreditation was to be done with employers and labour, which it was not.

When we took this bill back out to our labour partners, they definitely cited these health and safety systems that are contained within schedule 16 that the Minister of Labour talked about in the House. He said that there are jurisdictions, like Nova Scotia, Alberta, and BC, I think, where these health and safety systems have been brought into play and they have improved health and safety. So there are inconsistencies in that statement alone. We believe that any legislation should rely on evidence. The independent investigators who have been studying workplace safety draw a direct connection between the number of workplace inspections and the safety of those workplaces, so when you have a direct correlation between oversight and accountability on safety in the workplace, that creates safe workplaces.

**1010**

When we were having our briefing on this particular schedule, I raised the issue, in the only time that I had to debate Bill 70, that the Ministry of Labour has, in their own data in their last annual report, cited the fact that they have neither decreased workplace accidents nor increased them. And this is held up as a sign of success, that the ministry is really championing the status quo, so I can understand why the Ministry of Labour is looking for a quick fix.

We see schedule 16 very clearly taking workplace oversight and putting it in the purview of the private sector. This government has a long-standing track record of relying on the private sector, moving towards privatization and accelerating the privatization of public services. Workplace safety should never be left up to the private sector. We have enough evidence to counter that; we just don't have enough evidence so that this government is willing to listen on this particular file.

The misplacement of schedule 16 in Bill 70 raises a lot of questions. This is supposed to be a money bill, right? MPP Baker mentioned this at the beginning of his comments. What's interesting is that the jurisdictions that the Minister of Finance referenced saved money by moving to health and safety systems.

That would be our concern: Instead of doing the hard work with employers, ensuring that those inspectors are trained and have the qualifications to go to workplaces and to ensure that every worker is safe—I mean, that's where the investment needs to happen. If you look at the track record that we have thus far in the province of Ontario and you look at the money that has gone into the Ministry of Labour and where that money has been invested by the Chief Prevention Officer, whose responsibility it is to ensure that policies and legislation are put in place, we see this very clearly as opening the door to outsourcing workplace safety in Ontario.

That would be one of our primary concerns. It is also the concern of those who are on the front line. As a mother who has a son who is entering the trades, that is unacceptable—completely and utterly unacceptable. So we obviously want this section pulled, but we have moved this particular motion as a stopgap for the moment right now.

And just by way of clarification, it is about timing: When we return at 3 o'clock, we only have an hour and 15 minutes to finish clause-by-clause. Is that correct, Chair?

**The Chair (Mr. Peter Z. Milczyn):** We have an hour for debate, and at 4 o'clock we just move to votes.

**Ms. Catherine Fife:** So there's one more hour of debate on Bill 70. But this government's not rushing it, so that's okay—

**The Chair (Mr. Peter Z. Milczyn):** Thank you, Ms. Fife.

Just before we recess, committee members, I'm ruling on motion number 6 by Ms. Fife: An amendment intended to alter the commencement clause of a bill, making it conditional, is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it. Therefore, I rule this motion out of order.

The NDP did put in a notice of opposition to schedule 16. I guess we could vote on schedule 16, section 5.

**Ms. Catherine Fife:** I'd like a recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** You want a recorded vote on schedule 16, section 5?

**Mr. Yvan Baker:** Chair?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Just for clarification: The motion brought forward by the NDP is ruled out of order? Is that correct?

**The Chair (Mr. Peter Z. Milczyn):** Yes.

**Mr. Yvan Baker:** Okay. So debate is finished on that, I presume? Am I understanding it correctly?

**The Chair (Mr. Peter Z. Milczyn):** Unless people want to continue speaking to it.

**Mr. Yvan Baker:** Okay. I'd like to say a few words on it.

**The Chair (Mr. Peter Z. Milczyn):** Certainly.

**Mr. Victor Fedeli:** Point of order.

**The Chair (Mr. Peter Z. Milczyn):** Yes?

**Mr. Victor Fedeli:** How can you speak to a motion that was ruled out of order?

**The Chair (Mr. Peter Z. Milczyn):** You can speak to the section. In any case, members, it now being 10:15, we will recess until 3 p.m.

*The committee recessed from 1015 to 1500.*

**The Chair (Mr. Peter Z. Milczyn):** Good afternoon. As per the order of the House dated November 30, 2016, we're assembled for clause-by-clause consideration of Bill 70, An Act to implement Budget measures and to enact and amend various statutes.

The committee is authorized to sit this afternoon until 6 p.m. Committee members will know that at 4 p.m. today, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 70 and any amendments thereto. As per the order of the House, a 20-minute waiting period will not be permitted. From that point forward, those amendments which have not yet been moved shall be deemed to have been moved, and I will take the vote on them consecutively.

Julia Hood from the legislative counsel is here to assist us with our work, should we have any questions for her.

Are there any questions, or are we ready to proceed? Very well.

In this morning's session, at the end, we were about to vote on schedule 16, section 5. Shall schedule 16, section 5—

**Ms. Catherine Fife:** Chair, I did ask for a recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** Yes, you did, Ms. Fife. Recorded vote: Shall schedule 16, section 5, be carried?

#### Ayes

Baker, Hoggarth, Martins, Rinaldi.

#### Nays

Fife.

**The Chair (Mr. Peter Z. Milczyn):** That is carried.

The NDP has given notice of their intent to oppose schedule 16. Ms. Fife?

**Ms. Catherine Fife:** For the one hour and 10 minutes that we've had to debate these amendments, we've been very clear about our concerns around schedule 16. The government has articulated a position, we feel, that puts worker safety at risk.

As mentioned earlier, schedule 16 also quite blatantly opens the door to the privatization of health and safety in the province of Ontario, and cites the promotion of health and safety systems, which, as referenced this morning, have proven to not improve health and safety in the other jurisdictions that the minister quoted last week.

Most importantly, process does matter. And when this government moved ahead, against the recommendations of the expert panel, and did not include labour at the table as these systems were debated within the cabinet—internally only—they went against the direct expert panel advice, which is that in order to improve worker safety in the province of Ontario, both the employer and your labour partners actually have to be at the table and part of the consultation process. We find the fact that the government has included schedule 16 in this bill, Bill 70, as an omnibus bill, reprehensible. We have tried to pull it out on two occasions, and so we will be voting against the entire section, schedule 16, because it should not be there.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Baker.

**Mr. Yvan Baker:** Thanks very much, Chair. First of all, I just want to go back to something I said last week, and most of the members of the committee who are here would have heard me, but it's important that folks, and those folks who are watching at home and who may read the transcript of this debate, understand that health and safety is really important to all of us here on this side and to the minister and the rest of our caucus. So when we think about this particular section, that's first and foremost in our minds, Chair.

I think I told the story last week a number of times to a number of those who came to speak about this section, about my own personal story and how I've experienced working on a site as a labourer, and the importance of health and safety protections for workers. I value that because I experienced that first-hand, but I also experienced in a later time in my life someone getting killed on a work site. I just know how important this is and I know that the minister feels the same way. That's first and foremost.

The second thing I would say is that I think it's important, too, for folks to know that through the Dean report, through the Bentley report, the government has really spent a lot of time consulting with the trades on health and safety issues and on other issues for a long time, so I don't think it's accurate to say that they were not consulted. They have been consulted for quite some time. That's the other thing I want to say.

The third thing I will say is that the idea here of this legislation is that it enables the creation of an accreditation system, but the specifics are not in the legislation,

and so what the government is proposing through this is that those specifics would be developed in consultation with all of the relevant stakeholders, the relevant trades etc. I think that's another important thing to note, that those consultation processes have happened in the past and they will happen in the future.

The other thing I'll mention is that in the legislation, those amendments would not impact the discretion to visit any workplace. I know there has been a lot of talk about inspections, and there's no suggestion in this legislation that those inspections would not continue.

Chair, I just wanted to make sure those things were clear and on the record.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife?

**Ms. Catherine Fife:** Thank you, Chair. Mr. Baker just articulated a number of things which directly lead to the concerns that we have; mainly that a lot of the details, of course, around the safety legislation, or the safety direction that the legislation needs to go in, have been left to regulation. This is a whole new trend, that this government has pushed down accountability and responsibility and openness and transparency into the regs, which leaves us, as MPPs, out of the equation and, for us, undermines democracy.

Also, I want to remind Mr. Baker that the Ministry of Labour issued a memo on the same day that Bill 70 was released, indicating to stakeholders that they would soon not have to deal with the burden of workplace inspections. This was the language from the ministry: the "burden."

It's interesting that we have moved to a personal place on this, and it is very personal—workplace safety is personal. When I had the hour lead, and only three members were allowed to speak to this piece of legislation because it was limited, I talked in the House about Nick Lalonde, the 23-year-old young man who fell to his death on King Street, in my riding, in the first year that I was elected. There was no workplace inspection on that building. He had no working-at-heights training. He was not in a harness. Every time I go by that building, I think about that 23-year-old young man, who had a child, who was in a relationship, whose mother and family mourn him every single day.

**1510**

We know that more workplace inspections keep workplaces safer. The evidence is there. The research is well-documented. There's a direct correlation between the accountability of the employer—when employers are held accountable, workplaces are safer. So we do not see this workplace health and safety system as a solution to an ongoing problem of worker safety in the province of Ontario.

Finally, this notion that the government consulted with the trades on this is—I was corrected this morning by one of the organizers of the demonstration that happened last Wednesday. I had quoted 2,000 skilled trades workers; in fact, 5,000 skilled trades workers were on the front lawn at Queen's Park. They were not here to say how supportive they are of this new direction that the government is

going in. They were not here to say that they really appreciated being consulted, because they were left out of this equation. That is why schedule 16 is so flawed. Politics aside—I don't fully understand the politics of this government. I don't understand why you would drop a major, substantive change to the Labour Relations Act into a finance bill like this. You have to know that there are serious trust issues here. That's why people showed up on the front lawn that day.

So whatever you are selling, we are not buying, and neither are the people who are directly affected by schedule 16.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I really try hard not to sell; I just try hard to speak from fact and experience and use the best judgment I can.

I'd say a few things, and one is that we're all committed to worker safety. I think the disagreement here is how to make sure we achieve that goal, that objective. I think the goal of an accreditation system—again, details to be designed through consultation—is, from my perspective, that we're ensuring that those inspections that are so important and that are so valuable are directed, focused and prioritized on those work sites with those companies that need it most. It would allow us, if properly designed, to ensure that those inspection resources that ultimately help protect people are going to where those workers need the protection the most and where they would be most at risk. Really, that's how I see why this has value. This is designed to protect workers and their safety. Again, the details of this need to be designed and resolved, and that has to be done in collaboration with the various stakeholders, with labour and others who are committed and strong partners for safe workplaces.

I think there was a mention of the working-at-heights programs, and there has been a lot of good work done in the prevention area to make sure that we protect workers there. Prevention works, and the proactive inspections are a huge part of this.

I would simply say that, again, we share an objective, which is to protect the health and safety of workers. This is designed to make sure those inspection resources and other tools that are at our disposal are going to where they're needed most.

**The Chair (Mr. Peter Z. Milczyn):** Okay—

**Ms. Catherine Fife:** Recorded vote, please.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

Mr. Fedeli, you wish to speak?

**Mr. Victor Fedeli:** I just want to continue to remind the government in the room that the Ontario PC caucus will be voting against Bill 70 in its entirety, as we do not support the economic policies of this government.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested. Shall schedule 16 be carried?

## Nays

Fife.

**The Chair (Mr. Peter Z. Milczyn):** That is carried.

In schedule 17, there were no amendments tabled to sections 1 through 10, so I will put the vote on those sections together. Shall schedule 17, sections 1 through 10, inclusive, be carried? All those in favour? Opposed? They are carried.

On schedule 17, section 11, there are several amendments that were tabled—four, in fact. Mr. Baker? These would be amendments 7, 8, 9 and 10.

**Mr. Yvan Baker:** I move that clause 59.1(3)(c) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 11 of schedule 17 to the bill, be struck out and the following substituted:

“(c) if the contravention involves an individual performing work or engaging in the practice of a compulsory trade, whether there is a risk of harm to that individual, to other workers or to the public.”

May I speak to the motion?

**The Chair (Mr. Peter Z. Milczyn):** Yes.

**Mr. Yvan Baker:** This amendment would strike the text in the bill about the location of the workers, as the concern should extend the risk of harm in respect of workers without any form of geographic or temporal restriction. This amendment would strengthen the legislation to look at safety in general, without the need to consider any of these restrictions to safety. Again, as I spoke earlier, our goal is the protection of workers and this proposal is consistent with that objective.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Fedeli.

**Mr. Victor Fedeli:** The fact that the government is bringing this amendment—and not just this one; 10 amendments to their own bill. If anything that we have said doesn't enforce the fact that not only is this bill flawed and rushed, not only did we not have time to debate it, not only did the government bring in time allocation to truncate the debate, not only did they bring a motion to vote on the time allocation and give potential deputants an hour, two at the most, to rush here that very day and make a presentation, the government themselves have 10 amendments to their own bill. It's rushed that badly; that it wasn't written to their own satisfaction, that they need to amend it 10 times. If nothing tells the people that this thing is rushed all the way through and just force-fed and rammed through, the fact that they have these amendments should sing to that.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** We took some of these changes back to some stakeholders, and one fellow from the electrical trade called this the-lipstick-on-a-pig amendment. What he meant by that is that, really, this change just collapses a subcategory involving the administrative penalties for individuals who contravene section 4 around scopes of practice. Quite honestly, it's a tightening of the language.

## Ayes

Baker, Hoggarth, Martins, Rinaldi.

I was going to make the same point as my finance counterpart, that you wouldn't have to bring an amendment like this, especially when you're talking around scopes of practice, to a finance committee meeting if you had done the consultation at the beginning part.

We just recommend that the schedule be removed and it be reconsidered. It shouldn't be in here. Schedule 17 should not be part of Bill 70.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** It's interesting, if you listen to this debate and you step back. On the one hand, I hear the official opposition saying that it's not a good thing that the government is bringing amendments to the bill, but then, on the other hand, they are consistently advocating for changes. There have been many suggestions that we haven't consulted, that we haven't listened. I think the fact that the government is willing to amend its own piece of legislation is a sign that we are listening and we're trying to get it right.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

1520

**Ms. Catherine Fife:** Thank you, Chair. No, what we're saying is that you've got it wrong, it's still wrong and it doesn't need to be in here; and that if you had done the consultation at the beginning part, tightening up language around scopes of practice, which is a huge issue in the sector, you wouldn't have to deal with this.

Because the government has brought forward 10 amendments on schedule 17, this would be the best time ever to pull it—to pull it out of Bill 70, deal with it separately and get it right. That would be a signal, actually, to the entire skilled trades sector and to workers across the province that the government understands there are serious concerns that are still outstanding.

In the bulk of these amendments, you're just tinkering around the edges, really, and going through the motions. I don't say that lightly; I truly believe that. You've just made the case, by bringing forward these amendments, that the schedule is flawed. So pull it, and let's deal with it separately.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Barrett.

**Mr. Toby Barrett:** I just had an editing point. I'll mention it maybe after this debate is finished. Did you have something further?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I was just going to say that if the argument that is being brought forward against this entire section—first of all, the arguments being brought forward are not about this particular amendment or this motion, they're about the entire section. When it comes to this particular amendment, if the greatest argument against this amendment is that the opposition members don't like the section, then I propose we still pass the amendment.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Barrett, you had some—

**Mr. Toby Barrett:** Yes, I guess it's just a bit of a detail, an editing point. On page 7, we had the phrase “engaging in the practice of a compulsory trade,” and on

page 8, “engaging in the practice of a compulsory trade.” Now, the amendment on page 14 says “engaging in the practice of the trade.” Should that be “compulsory trade,” or does this include compulsory and voluntary trades?

I just raise it as a point of editing. Maybe legislative counsel—

**The Chair (Mr. Peter Z. Milczyn):** Well, number 14 isn't before us yet, so we can't really debate it. But I guess government members can take that point and consider it.

**Mr. Toby Barrett:** I think my purpose is to just let people know ahead of time, in case there was a word missing. That's just an editing thing.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Seeing no further discussion on the motion, all those in favour of this amendment to schedule 17, section 11? Opposed? That is carried.

Mr. Baker: motion number 8, an amendment to schedule 17, section 11.

**Mr. Yvan Baker:** I move that clause 59.2(10)(a) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 11 of schedule 17 to the bill, be amended by striking out “and” at the end of subclause (ii), striking out subclause (iii) and substituting the following:

“(iii) if the contravention involves an individual performing work or engaging in the practice of a compulsory trade, whether there is a risk of harm to that individual, to other workers or to the public,

“(iv) the objects of the college, as set out in subsection 11(1); and”.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Chair, this amendment would strike the text in the bill about the location of workers as the concern should extend the risk of harm in respect of workers without any form of geographic or temporal restriction. Again, this amendment would strengthen the legislation to look at safety in general, without the need to consider any restriction to safety. We have that shared objective of protecting workers, and this proposal is designed to ensure that we do that.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. If there's no further discussion, we'll vote on the amendment. On the amendment to schedule 17, section 11, motion number 8: All those in favour? Opposed? That amendment is carried.

An additional amendment to schedule 17, section 11: motion number 9. Mr. Baker?

**Mr. Yvan Baker:** Thanks, Chair. I move that clause 59.2(10)(b) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 11 of schedule 17 to the bill, be struck out and the following substituted:

“(b) may consider other factors it considers relevant, having regard to the public interest.”

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** This proposed motion would provide that, in addition to the factors that must be considered by the OLRB in conducting a review of a notice of contravention issued by the Ontario College of Trades,

as set out in clause (a) of subsection 59.2(10), the OLRB may also consider other factors it considers relevant, explicitly having regard to the public interest.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Well, again, I mean, the fact that the government had to bring in an amendment to change this particular schedule to include “having regard to the public interest” is a sad commentary. It’s like bringing in a budget bill that says that this is a bill that will build Ontario up for everyone; it’s like remembering the fact that we’re here for everyone. Once again, because the skilled trades had not been consulted and could not bring their lived experience and information that they see each and every day in the workplace, the government is having to bring amendments to a flawed schedule which should not be part of Bill 70.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Chair, I mean, I just have to come back and say, again, that there were two years of consultation, through Mr. Dean and through Mr. Bentley, with the people Ms. Fife is referring to. So to say that there was not consultation, I don’t think, is in any way accurate and fair to the work that Mr. Dean and Mr. Bentley did and the teams of people behind them. We heard a number of folks come forward to testify to this committee about that extensive consultation. So I wanted to get back to that. I think it’s important that these amendments—this bill was not brought out of the blue; this is something that was consulted on for two years through Mr. Dean and Mr. Bentley.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Gates.

**Mr. Wayne Gates:** Yes. It’s interesting you talk about consultation. There were 5,000 people on the lawn just a few days ago. You obviously didn’t talk to those trades, and you certainly didn’t talk to their leadership, because it was the leadership that organized the rally to come here to Queen’s Park to send the Liberal government a clear message that 16 and 17 in Bill 70 should be pulled out.

The fact that you’re putting amendments together to kind of look like, “Oh, yeah, well, we’re listening to you,” is, quite frankly, disgraceful to the trades and to every single worker in the province of Ontario around health and safety. I don’t know what you did for a living, but have you ever walked somebody out of a plant that was killed in a plant? Have you ever done that? You ever know what that’s like? Well, you should find out what it’s like. I’ve done it, and it’s not pretty. It shouldn’t happen in the province of Ontario. Weakening labour laws and going after our skilled trades is absolutely disgraceful. I don’t know how you sit over there and try to defend it.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I have witnessed someone get killed, yes.

**Mr. Wayne Gates:** Well, then you shouldn’t be changing it. You shouldn’t be doing anything to health and safety—

**The Chair (Mr. Peter Z. Milczyn):** Okay. Mr. Gates, Mr. Baker maybe has a further answer.

**Mr. Yvan Baker:** I just wanted to say that we’re not doing this to pretend that we’re listening; we’re doing this to listen and to get it the best we can. That’s what this motion is about.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Is there further debate on this amendment? Seeing none then, on the amendment to schedule 17, section 11, motion number 9: All those in favour? Opposed? The amendment is carried.

Again, on schedule 17, section 11, a further amendment: motion number 10. Mr. Baker.

**Mr. Yvan Baker:** Thank you, Chair. I move that subsection 59.2(11) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 11 of schedule 17 to the bill, be struck out and the following substituted:

“Ontario Labour Relations Board’s decision

“(11) Upon a review, the Ontario Labour Relations Board may, as appropriate under this act,

“(a) resolve the notice of contravention in the manner consented to by the parties;

“(b) rescind the notice of contravention;

“(c) affirm the notice of contravention; or

“(d) amend the notice of contravention by reducing the amount of the penalty if it is excessive in the circumstances.”

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**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** This amendment is really just making sure that we clarify the purview, the role, of the OLRB.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Fedeli?

**Mr. Victor Fedeli:** Thank you once again, Chair. I just want to reiterate the fact that this is yet another amendment that the government is bringing on their own motion. I’ve only been here five years, but I’ve never seen that kind of action. It tells us that, against Mr. Baker’s thoughts of “we didn’t just bring this out of the blue”—I would suggest the fact that they’re making 10 tweaks to their own bill tells us that it was indeed scrambled and put together.

Again, the PC caucus is voting against the entirety of Bill 70. We do not support the economic policies of the government.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Thank you. What, essentially, this amendment does is that it transfers or confers powers of enforcement to the OLRB, including reducing penalties if they are excessive. We don’t oppose the OLRB having the ability to enforce health and safety; in fact, it does have this power right now. But the compulsory trades asked for—and the government accepted—the role of the College of Trades in regulating compulsory certification. Once again, it just shows that this schedule, schedule 17, should not be part of Bill 70. It should be pulled. We should get this legislation right, right now, because it has been a long time since any government, really, has brought forward such a substantive change.

We call it “regressive,” but it is substantive, going forward.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Baker.

**Mr. Yvan Baker:** Thank you, Chair. I just wanted to mention quickly that this structure is consistent with other adjudicative bodies in Ontario.

**The Chair (Mr. Peter Z. Milczyn):** Seeing no further debate, on the amendment to schedule 17, section 11, motion number 10: All those in favour? Opposed? That is carried.

Shall schedule 17, section 11, as amended, be carried? All those in favour? Opposed? That is carried as amended.

On schedule 17, sections 12 and 13, there were no amendments tabled, so I’ll take the vote on those two sections together. Shall schedule 17, sections 12 and 13, be carried? All those in favour? Opposed? They are carried.

On schedule 17, section 14, there is a proposed amendment: motion number 11. Mr. Fedeli.

**Mr. Victor Fedeli:** I move that subsection 63.1(7) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in subsection 14(1) of schedule 17 to the bill, be amended by striking out “five” and substituting “seven”.

Chair, if passed, this motion would change the quorum for the appointments council from five to seven. Without a larger quorum, a majority vote could actually be three members of the committee, so this is our proposal.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Mr. Baker.

**Mr. Yvan Baker:** I would just say that keeping it at five allows us to—it is the majority of the members of that committee and allows maximum flexibility and responsiveness on the part of the committee.

**The Chair (Mr. Peter Z. Milczyn):** Further debate? No? Seeing no further debate on the proposed amendment, shall the amendment to schedule 17, subsection 14(1), motion number 11, be carried? All those in favour? Opposed? That is lost.

There are no further amendments to this section. Shall schedule 17, section 14, be carried? All those in—

**Ms. Catherine Fife:** Recorded vote, please.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

### Ayes

Baker, Hoggarth, Martins, Rinaldi, Vernile.

### Nays

Fife.

**The Chair (Mr. Peter Z. Milczyn):** That is carried.

On schedule 17, section 15, there is a proposed amendment: motion number 12. Mr. Baker.

**Mr. Yvan Baker:** I move that section 63.3 of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 15 of schedule 17 to the bill, be amended by adding the following subsection:

“Apprenticeship program

“(2.1) An apprenticeship program established by the college for a trade shall correspond to the scope of practice for that trade.”

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Thank you very much, Chair. This is just really about ensuring that the apprenticeship programs are aligned with the scope of practice for that trade for which they are preparing those individuals.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Well, this is interesting, this amendment, in that, of course, the Auditor General came out with a report last Wednesday and gave us a scathing review, really, of the way that apprenticeships are operating in the province of Ontario—with only, I think, 40% of apprentices completing their training and their program. She cited a number of reasons why the program is failing.

What this motion, I think, is trying to do is the addition of apprenticeship programs and trying to connect it to the scope of practice. The problem is that the scope of practice is still in play and can be defined at a later time. There’s really a disconnect, as we see it, with trying to be clear about scope of practice and trying to be clear about the role of the apprentice and the responsibilities around apprenticeship, and yet leaving most of it down to regulation, to be defined at a later time.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I just think that we want to ensure that those people who take part in an apprenticeship are fully prepared and trained for the trade that they’re undertaking. That’s really where the focus is. That also actually ensures that we maximize health and safety as well.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Well, that response doesn’t really address the issue that I was trying to get to. What the auditor identified for us last week is that you have businesses that are taking in apprenticeship candidates, accepting the apprenticeship tax credit, and then letting them go very shortly after. Also, there were no inspections of those workplaces, there was no follow-up on the quality of the programming that the apprentice was receiving, and there was no guarantee of the training of the journeyman who was actually providing the training. The only time that the ministry was inspecting workplace apprenticeship placements was when someone had to complain. So it’s a complaints-driven process.

If you’ve talked to an apprentice who’s hoping to enter a trade, be it framing, drywalling or electrical, it takes a lot of courage to actually call the ministry and say—because first of all, getting an apprenticeship in the province of Ontario is so difficult, and the attempts to incentivise more apprenticeship placements have not been successful. The tax credit was thought to be a

mechanism to do so, but apparently, based on the Auditor General's report, it's just being manipulated. But for an apprentice to actually call and file a complaint, be it around safety or the quality of the instruction, is a huge undertaking. It takes a lot of courage to do that.

So once again, this entire schedule, schedule 17, should be dealt with separately. It's that important to get it right.

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**The Chair (Mr. Peter Z. Milczyn):** Thank you. Further debate? Seeing none, on schedule 17, section 15, the proposed amendment, motion number 12: All those in favour? Opposed? That is carried.

There are no further amendments proposed to this section. Shall schedule 17, section 15, as amended, be carried? All those in favour? Opposed? That is carried as amended.

Schedule 17, section 16: There is a proposed amendment, motion number 13. Mr. Baker.

**Mr. Yvan Baker:** I move that subsection 63.6(12) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 16 of schedule 17 to the bill, be amended by striking out "subsections (10) and (11)" at the end and substituting "subsections (3) and (11)".

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker?

**Mr. Yvan Baker:** This proposed motion would just ensure that we're referencing properly the subsections under which a classification panel makes determinations.

**The Chair (Mr. Peter Z. Milczyn):** Any further debate? Ms. Fife?

**Ms. Catherine Fife:** It does appear that the amendment to the selection panel for compulsory trade certification—it obviously now reports to the minister the findings of the following, and I think this is directly from the act:

"(3) The classification panel shall determine the following matters, as applicable:

"1. Whether a trade referred to it under section 63.4 should be classified as a voluntary trade or a compulsory trade"—I think this highlights the major concerns that people have around how these classifications will happen, how that determination will be made;

"2. Whether a compulsory trade referred to it under section 63.5 should be reclassified as a voluntary trade, or vice versa," and

"3. Whether or not engaging in any practices within the scope of practice of a compulsory trade, whether or not the practice was referred to the classification panel, should constitute engaging in the practice of the trade for the purposes of sections 2 and 4."

This is a more substantive amendment, I think, from the government side of the House. I think the discussion and the determination of how the minister will determine what is a voluntary trade and what is a compulsory trade goes to the heart of the concerns that the 5,000 workers had when they came to the front lawn of Queen's Park.

I think it's important to also point out that this amendment is another way in which self-regulation is taken away from the college and placed without clear definition

in the hands of the minister. I referenced earlier that there are some serious trust issues about how these decisions are going to be made and what's motivating these decisions, and consultation with the compulsory trades would have definitely cleared this up. That's why we want schedule 17 to be removed and reconsidered.

**The Chair (Mr. Peter Z. Milczyn):** Thank you. Any further debate? Seeing none, on schedule 17, section 16, the proposed amendment, motion number 13: All those in favour? Opposed? That is carried.

There is one additional proposed amendment to schedule 17, section 16: motion number 14. Mr. Baker.

**Mr. Yvan Baker:** I move that subsection 63.6(15) of the Ontario College of Trades and Apprenticeship Act, 2009, as set out in section 16 of schedule 17 to the bill, be struck out and the following substituted:

"Risk of harm

"(15) In addition to considering any criteria prescribed under subsection (14), a classification panel making a determination under subsection (3) shall consider whether there is a risk of harm to the individual performing the work or engaging in the practice of the trade, to other workers or to the public."

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Chair, this amendment would strike out the text in the bill about the location of workers, as the concern should extend the risk of harm in respect to workers without any form of geographic or temporal restriction.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** I'm not sure what the member means by "temporal restriction." Perhaps he can just clarify, because he said it a couple of times. Is this the mindset of the worker at the time?

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** What we're trying to do is make sure that the bill doesn't constrain the consideration of risk of harm too much, geographically or over time.

**Ms. Catherine Fife:** Or over time.

**Mr. Yvan Baker:** Over time. "Temporal" refers to time.

**Ms. Catherine Fife:** Okay. Our concern around this amendment, as with the other government motions, motions 7 to 10, is that this collapses the subsection, removing the phrase "or engaging in the practice of the trade, to other individuals at or near the site where the trade is being performed or practised."

This is not an unimportant omission, from the government side. I think it would be important for us to ask the compulsory trades if they would agree to the change. Do they think it makes sense for them? Would it apply in a lived-experience, real-world way? The way to find that out, of course, would be to pull section 17, take it back out and consult in a meaningful way, which was not done the first time.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** Chair, I'll just say again that this bill and the amendments that we brought forward are a reflection of and come out of two years of consultations

with the trades and with other important stakeholders, led by Mr. Dean and Mr. Bentley.

Again, there was extensive consultation done, and these are being brought forward after very thoughtful consideration and consultation.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Just for the record, just in case there's any question, our view is that the changes contemplated in schedule 16 are not the result of the expert panel on health and safety, one whose members are adamant that any move toward accreditation was to be done with employers and labour, which it was not.

We're sort of at a fork in the road here, I guess, in that the government insists that they can cite these two major reports, but contained within those reports, the substantive recommendations—all of the substantive recommendations—involve both the employer and the labour sector at the table, working together to improve not only the safety of workplaces, but the quality of the trades and the quality of the training. As we heard through the delegations, there is a direct correlation between the training that skilled trades workers receive and the safety of those workers, just as there is a direct correlation between the accountability of the employer around workplace inspections—the number of inspections and the quality of the training are direct factors in keeping workplaces safe.

So, once again, I think this points to the fact that schedule 17 is flawed.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** The reports that Ms. Fife spoke about actually aren't pertaining to this section. This is section 17. The references that Ms. Fife made were to schedule 16. Here we're referring to 17.

I will say again that what is being brought forward here is based on extensive consultation, through Mr. Dean and Mr. Bentley, for around two years, so extensive consultations have been done.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife.

**Ms. Catherine Fife:** Just to be clear, process matters. That's why I referenced those two reports. The same philosophy applies to schedule 16 as it does to 17, in that if you don't do your due diligence, if you push through and rush through a piece of substantive legislation which leaves so many questions left in the regulatory part, then you undermine the entire democratic process.

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I share the concerns of my fellow finance critic from the PC Party that there has been so little time invested in ensuring that schedules 16 and 17—because we are dealing with schedule 17—reflect what is actually needed to happen around the compulsory and voluntary trade discussion. When you leave out, really, what is evidence—because the people who actually are on the front line have the most experience and they have the best knowledge. They have more knowledge than all of us, who have spent very little time, I think, on construction sites.

So, to Mr. Baker's point, that's my point: In order to get it right, the process has to reflect the needs of the

people that we're supposed to be creating legislation for, which is not one group or another group; it's all workers in Ontario.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker.

**Mr. Yvan Baker:** I would just say that, to create legislation that is in the interest of workers in Ontario, you undertake a consultation process that is thorough and thoughtful and led by people who are thorough and thoughtful, like Mr. Dean and Mr. Bentley. Those consultations were undertaken by Mr. Dean and Mr. Bentley for over two years. So I think that that process was undertaken and that consultation was done.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Barrett.

**Mr. Toby Barrett:** Yes, I'll just raise my technical point again. I chatted with legislative counsel. Maybe this could be explained better, but we're no longer talking about a motion that's limited strictly the compulsory trades; this includes the voluntary trades as well. Do I have the proper interpretation?

**Ms. Julia Hood:** That's correct. The previous motion that you raised spoke of compulsory trades in a section that was specific to compulsory trades. This section isn't. It uses the more general term "trades" because it covers more than just compulsory trades. Previous references in the section are just to trades more generally.

**Mr. Toby Barrett:** Yes. So, more than compulsory trades—that would mean, by elimination, voluntary trades, or maybe there are other trades that—

**Ms. Julia Hood:** Yes. The provision is about classifying them one way or the other, so it's just a general catch-all of "trades."

**Mr. Toby Barrett:** Yes. Thank you.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife?

**Ms. Catherine Fife:** On that point—and thank you, Mr. Barrett, for raising it. Around the new qualifications around risk of harm, would this then not apply to voluntary trades? Is it just specifically to the compulsory trades, or is it just something that the government left out because it has been rushed so fast?

**Mr. Yvan Baker:** I don't know if that's a question to me or legal counsel.

**Ms. Catherine Fife:** Well, you're the government side of the House. Is it the intention of the government to purposely leave out the voluntary trades around risk of harm?

**Mr. Yvan Baker:** I'm just going to leave it as is. I don't want to get into a long debate about the legal interpretation. I think what I would say is that this is really about extending risk of harm and protecting workers. This ensures that we can do that for as many workers as possible.

**The Chair (Mr. Peter Z. Milczyn):** Ms. Fife?

**Ms. Catherine Fife:** I know that—

**Mr. Toby Barrett:** To your point—

**Ms. Catherine Fife:** Let me go first, and then you.

I know that you don't want to have a legal debate, but we are talking about laws here and legislation. That's why it's important to have some clarity. So this may be

an outstanding question; I don't know. Mr. Barrett wants to weigh in.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Barrett.

**Mr. Toby Barrett:** Just to that point—and maybe that was the reason I raised it back when we were on page 7. On page 7 and page 8, the motions there do not cover the voluntary trades.

**Ms. Catherine Fife:** It does not.

**Mr. Toby Barrett:** Yes. That's what I'm wondering about.

**Ms. Catherine Fife:** So I—do you have more?

**Mr. Toby Barrett:** No. I guess that's the wording.

**Ms. Catherine Fife:** So I guess that lends itself to more questions, right? If we are lowering the bar around risk of harm for voluntary trades, that's another question that would be answered if we were just specifically dealing with this section and it wasn't contained within an omnibus bill. Maybe it's just an error or omission from the government side; I'm not sure.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker?

**Mr. Yvan Baker:** Chair, I think this question is about the legal interpretation of what this would do. I think that would be best placed to the legal counsel, who can give you the independent legal assessment of that. If it's a question of the intentions of the government and why we're bringing it forward, then I've already spoken to that.

**Mr. Toby Barrett:** Chair, I don't mean to—sorry—

**The Chair (Mr. Peter Z. Milczyn):** Mr. Barrett.

**Ms. Catherine Fife:** No, go ahead.

**Mr. Toby Barrett:** I did raise it when we were discussing the motion on page 7. When we look at that motion, I didn't want to go backwards, but I was instructed to wait. But if we go backwards, obviously the motion on page 7 does not cover the voluntary trades. Is that correct? Maybe I should ask legal counsel; I'm sorry.

**Ms. Julia Hood:** Sure. The motion on page 7 amended a different section. If the subject matter of that section was compulsory trades, then referring to a compulsory trade there would be appropriate. This amendment is an amendment to section 63.6, which deals with both types of trades and the classification of them, so that's why the more general term is used for consistency throughout the provision. This isn't changing the language of those provisions as they already were in the bill. Those references to compulsory trades were "compulsory trades" in the original provisions in the bill. The reference here to just simply "trades," again, already is just a reference to a trade in the bill, so that's not being changed.

**The Chair (Mr. Peter Z. Milczyn):** Further debate? Ms. Fife.

**Ms. Catherine Fife:** Just for legislative counsel, then: The language is not changed, but is it the risk of harm that is changed—the classification?

**Ms. Julia Hood:** The words that are changed in this provision are—in the original bill, there was a reference to "other individuals at or near the site." That is being changed to "other workers." That is the change made,

essentially, by the motion. Everything else in the provision stays the same.

**Ms. Catherine Fife:** But that's an important omission. If you're taking out the phrase "or engaging in the practice" of the trade "to other individuals at or near the site where the trade is being performed or practised," that's actually a substantive change, then. That was removed from the original legislation, right?

**Ms. Julia Hood:** "Engaging in the practice of the trade" is still in there. It's the reference to "other individuals at or near the site."

**Ms. Catherine Fife:** "At or near the site where the trade is being"—

**Ms. Julia Hood:** It has been substituted with a reference to "other workers."

**Ms. Catherine Fife:** So I guess our question is not so much around language or the legislation; it's a political question around the intent of why that change was made. I have to say, I don't think that we have heard a response from the government side about that.

**The Chair (Mr. Peter Z. Milczyn):** Mr. Baker?

**Mr. Yvan Baker:** Again, I've spoken to this. The goal here is to extend the risk of harm in respect of workers without any form of geographic or temporal restriction. If I take a step back to answer a question around the intent, in your comments and in the previous motion—

**The Chair (Mr. Peter Z. Milczyn):** I apologize for interrupting you so loudly.

It is 4 p.m. Committee members, pursuant to the order of the House dated November 30, 2016, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 70 and any amendments thereto. No 20-minute waiting period is permitted. Committee members will know that, from this point forward, those amendments which have not yet been moved shall be deemed to have been moved, and I will take the vote on them consecutively.

**1600**

Members, before us right now is schedule 17, section 16, motion number 14—the amendment. All those in favour of the amendment? Opposed? The amendment is carried.

Shall schedule 17, section 16, as amended, be carried? All those in favour?

**Ms. Catherine Fife:** Recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** Recorded vote.

*Interjection.*

**The Chair (Mr. Peter Z. Milczyn):** The Clerk advises me that I've already called the question. So all those in favour? Opposed?

**Ms. Catherine Fife:** Opposed. There, I've recorded it.

**The Chair (Mr. Peter Z. Milczyn):** It is carried.

There are no amendments to schedule 17, section 17. Shall schedule 17, section 17, be carried?

**Ms. Catherine Fife:** Recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

**Ayes**

Baker, Hoggarth, Martins, Rinaldi, Vernile.

**Nays**

Fife.

**The Chair (Mr. Peter Z. Milczyn):** That is carried.

Schedule 17, section 18: There is an amendment to this section, motion number 15. On the proposed amendment, all those in favour? Opposed? The amendment is carried.

Shall schedule 17, section 18, as amended, be carried? All those in favour? Opposed? That is carried.

There are no proposed amendments to schedule 17, sections 19 through 23 inclusive. Shall schedule 17, sections 19 to 23 inclusive, be carried? All those in favour? Opposed? They are carried.

Schedule 17, section 24: There is a proposed amendment, motion number 16. Shall this amendment be carried? All those in favour? Opposed? The amendment is carried.

Shall schedule 17, section 24, as amended, be carried? All those in favour? Opposed? That is carried.

There are no amendments proposed to schedule 17, sections 25 to 27 inclusive. Shall schedule 17, sections 25 to 27 inclusive, be carried? All those in favour? Opposed? They are carried.

Schedule 17, section 28: There are a series of amendments. There is an amendment to schedule 17, subsection 28(5), motion number 17 in your books. On the amendment, all those in favour? Opposed? That is carried.

There is an amendment proposed to schedule 17, section 28, motion number 18 in your books. However, committee members, an amendment intended to alter the commencement clause of a bill, making it conditional, is out of order since it exceeds the scope of the bill and attempts to introduce a new question into it. I therefore rule this motion out of order.

There are no further amendments tabled. Shall schedule 17, section 28, as amended—

**Ms. Catherine Fife:** Recorded vote.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote is requested. Shall schedule 17, section 28, as amended, be carried?

**Ayes**

Baker, Hoggarth, Martins, Rinaldi, Vernile.

**Nays**

Fife.

**The Chair (Mr. Peter Z. Milczyn):** The section, as amended, is carried.

Schedule 17: The NDP has brought forward a notice of their opposition to it. Shall schedule 17, as amended—

**Ms. Catherine Fife:** Is this the full section?

**The Chair (Mr. Peter Z. Milczyn):** Yes.

**Ms. Catherine Fife:** I'd like a recorded vote, please.

**The Chair (Mr. Peter Z. Milczyn):** Recorded vote. Shall schedule 17, as amended, be carried?

**Ayes**

Baker, Hoggarth, Martins, Rinaldi, Vernile.

**Nays**

Fife.

**The Chair (Mr. Peter Z. Milczyn):** It's carried, as amended.

Schedule 18, sections 1 through 12 inclusive: There are no amendments. Shall schedule 18, sections 1 through 12 inclusive, be carried? All those in favour? Opposed? Sections 1 through 12 are carried.

Shall schedule 18 be carried? All those in favour? Opposed? Schedule 18 is carried.

Schedule 19, sections 1 through 7 inclusive: There are no amendments proposed. Shall schedule 19, sections 1 through 7 inclusive, be carried? All those in favour? Opposed? Sections 1 through 7 are carried.

Shall schedule 19 be carried? All those in favour? Opposed? Schedule 19 is carried.

Schedule 20, sections 1 and 2: There are no amendments proposed. Shall schedule 20, sections 1 and 2, be carried? All those in favour? Opposed? Sections 1 and 2 are carried.

Shall schedule 20 be carried? All those in favour? Opposed? Schedule 20 is carried.

Schedule 21, sections 1 to 5 inclusive: There are no amendments proposed. Shall schedule 21, sections 1 through 5 inclusive, be carried? All those in favour? Opposed? Sections 1 through 5 are carried.

Shall schedule 21 be carried? All those in favour? Opposed? Schedule 21 is carried.

Schedule 22, sections 1 and 2: There are no amendments proposed. Shall schedule 22, sections 1 and 2, be carried? All those in favour? Opposed? Sections 1 and 2 are carried.

Shall schedule 22 be carried? All those in favour? Opposed? Schedule 22 is carried.

Schedule 23, sections 1 and 2: There are no amendments proposed. Shall schedule 23, sections 1 and 2, be carried? All those in favour? Opposed? Sections 1 and 2 are carried.

Shall schedule 23 be carried? All those in favour? Opposed? Schedule 23 is carried.

Schedule 24, sections 1 through 6 inclusive: There are no amendments proposed. Shall schedule 24, sections 1 to 6 inclusive, be carried? All those in favour? Opposed? Sections 1 through 6 are carried.

Shall schedule 24 be carried? All those in favour? Opposed? Schedule 24 is carried.

Schedule 25, sections 1 to 6 inclusive: There are no amendments proposed. Shall schedule 25, sections 1 to 6 inclusive, be carried? All those in favour? Opposed? Sections 1 through 6 are carried.

Shall schedule 25 be carried? All those in favour? Opposed? Schedule 25 is carried.

Schedule 26, sections 1 through 10 inclusive: There are no amendments proposed. Shall schedule 26, sections 1 to 10 inclusive, be carried? All those in favour? Opposed? Sections 1 through 10 are carried.

Shall schedule 26 be carried? All those in favour? Opposed? Schedule 26 is carried.

Now, we're returning to section 1.

*Interjection.*

**The Chair (Mr. Peter Z. Milczyn):** Yes. So sections 1, 2 and 3 were stood down at the commencement of the meeting. There were amendments proposed.

Motion number 1 to subsection 1(2): As per O'Brien and Bosc, the enacting formula of a bill is not subject to the approval of the committee or the House, and therefore may neither be debated nor amended. I therefore rule this motion out of order.

On subsection 1(3), there was an amendment proposed. Again, committee members, as per O'Brien and Bosc, the enacting formula of a bill is not subject to the approval of the committee or the House, and therefore may neither be debated nor amended. I therefore rule this motion out of order.

Now, on section 1: Shall section 1 be carried? All those in favour? Opposed? That is carried.

Section 2: commencement. Shall section 2 be carried? All those in favour? Opposed? That is carried.

Section 3: short title. Shall section 3 be carried? All those in favour? Opposed? That is carried.

Shall the title of the bill be carried? All those in favour? Opposed? That is carried.

Shall Bill 70, as amended, be carried?

**Ms. Catherine Fife:** Recorded vote.

**Mr. Toby Barrett:** Recorded vote, please.

**The Chair (Mr. Peter Z. Milczyn):** A recorded vote has been requested.

#### Ayes

Baker, Hoggarth, Martins, Rinaldi, Vernile.

#### Nays

Barrett, Fedeli, Fife.

**The Chair (Mr. Peter Z. Milczyn):** That is carried.

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

That concludes our clause-by-clause review of Bill 70. Thank you to the members. There being no further business before the committee this afternoon, we are adjourned.

*The committee adjourned at 1613.*







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M<sup>me</sup> Nathalie Des Rosiers (Ottawa–Vanier L)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

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

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Wayne Gates (Niagara Falls ND)

**Clerk / Greffier**

Mr. Eric Rennie

**Staff / Personnel**

Ms. Julia Hood, legislative counsel