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Official Report of Debates (Hansard)

Thursday 1 December 2016

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Jeudi 1^{er} décembre 2016

**Standing Committee on
Finance and Economic Affairs**

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

Pre-budget consultations

Consultations prébudgétaires

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

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
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LEGISLATIVE ASSEMBLY OF ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

Thursday 1 December 2016

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**Jeudi 1^{er} décembre 2016

The committee met at 0900 in room 151.

PRE-BUDGET CONSULTATIONS

The Chair (Mr. Peter Z. Milczyn): Good morning, everyone. I'm calling this meeting to order, to begin our pre-budget consultations. Each witness will receive up to 10 minutes for their presentation, followed by five minutes of questioning from the committee. The first round of questioning will begin with the official opposition.

Are there any questions before we begin?

**ONTARIO COMMUNITY SUPPORT
ASSOCIATION**

The Chair (Mr. Peter Z. Milczyn): I'll call up our first witness: Mr. Patrick Boily. At the start of your presentation, please state your name for the official record so that Hansard can record it.

Mr. Patrick Boily: I'd like to start by thanking the committee for having us today to present on issues facing the not-for-profit home and community care sector. My name is Patrick Boily. I'm the manager for policy and stakeholder engagement with the Ontario Community Support Association.

OCSA represents over 270 not-for-profit agencies across the province that provide compassionate, high-quality home care and community support services to over one million Ontarians.

You are no doubt familiar with organizations in your ridings that provide health and wellness services to seniors and people with disabilities—services such as in-home nursing and personal support, Meals on Wheels, Alzheimer day programs, transportation to medical appointments, or supportive housing.

Each year, our sector delivers over three million meals, provides over two million rides to medical appointments and provides services to nearly a quarter of a million clients in adult day programs. Our members deliver over 25 services that are cost-effective and have system-wide impacts.

A day spent in the hospital costs, on average, \$450; a day in long-term care costs approximately \$150; and, on average, a day in the home or community setting costs only \$45.

Our services postpone or prevent the need for more expensive types of care by delaying or preventing

admissions into long-term care, reducing emergency department visits and shortening hospital stays.

Additionally, the not-for-profit home care and community support services sector leverages the services of more than 100,000 volunteers, who provide three million service hours that have an estimated value of \$80 million a year.

Our sector faces many financial challenges, including a lack of sustainable base funding for providers and insufficient investment in training for staff. In the 2017 budget, OCSA asks that three issues be prioritized:

(1) That the savings from the integration of CCAC services into LHINs—a projected 5% to 8% savings in administrative costs—be reinvested into the base budgets of home and community support services agencies to shore up service access and support ongoing staffing needs.

(2) That the increases in community health funds be continued and that a portion be designated to provide enhanced training for home and community care staff to meet the needs of a patients-first approach.

(3) That targeted program funding from the upcoming provincial dementia strategy be designated to the home and community care sector for programs such as adult day services and respite to support family and caregivers of people living with dementia.

OCSA applauds the government's investments in home and community care services over the past years. These investments have allowed for the expansion of much-needed services. However, the vast majority of the home and community support sector has gone several years, some up to seven years, without an increase to base funding. This has restricted the capacity of our agencies to innovate or create efficiencies by investing in new technology, to retain staff or to improve training.

OCSA supports the province's vision of shifting more care and more complex clients for services into the community. However, in order to do this properly, adequate funding must follow these shifts in policy.

A recent example of this shift is the regulatory change that allowed community support services to deliver personal support services to lower-acuity patients in order to enable the CCACs to focus on higher-acuity clients. This lack in base funding increases has forced our members to either increase client fees or reduce access to service. These organizations are the bedrock of home and community care; unless they receive adequate funding, a truly patients-first approach to health care cannot be achieved.

So far, only three of 14 LHINs have recognized the impact this has had on our members and allocated a base increase of 1% over recent years. Just last week, Minister Hoskins acknowledged the impact that a lack of base funding can have on health care providers and announced a 2% base funding increase for hospitals. We ask that the same consideration be given to the home and community support sector.

Under Bill 41, it is expected that integrating CCACs into LHINs will result in savings of 5% to 8% in administrative costs. Based on Auditor General figures, administrative costs at the LHINs and CCACs are an estimated \$280 million. This could result in savings of \$14.1 million to \$22.4 million. While this amount is a modest amount within a health budget of \$52 billion, it could go a long way and have a significant impact when invested in our sector. As an example, a 1% base funding increase for community support services sector providers in the South West LHIN in 2015-16 cost just under \$1.5 million.

In surveys with our membership, wages continue to be the top challenge cited by our members. Over the past few years, the province has focused on wage enhancements for personal support workers. OCSA fully supports this initiative benefiting some of the system's lowest-paid workers. However, this increase has created compensation compression within the sector and wage discrepancy for other positions. Coupled with the lack of base funding increases, funding shortfalls are eroding our sector's ability to attract and retain needed personnel. Our members find themselves at a significant competitive disadvantage in the recruitment and retention of qualified health human resources, given the wage and benefit discrepancies.

The key to our sector's long-term success is continued capacity-building within it. Our clients also deserve and expect the highest-quality care provided by a skilled and professional workforce. For these reasons, we recommend that the ministry build the cost of staff training into base funding.

It is unrealistic to expect a skilled and robust workforce in the home and community care sector without consistent training and development. Currently, comprehensive training options are available on the market, but providers' ability to pay for training is dependent on their year-end surpluses.

Last year, the administrative rollout of the \$10-million personal support worker training fund fell extremely behind schedule, resulting in organizations having no time to complete approved training or leaving them in a deficit position.

Because a well-trained workforce is far from optional, this is not a sustainable model. It can be effectively and efficiently addressed through building predictable, sustainable funding designated for worker training into organizations' base funding.

As the Ministry of Health and Long-Term Care develops a dementia strategy for the province, it is imperative that funding support both people living with dementia and their caregivers. Caregivers risk burning

out and becoming unable to care for their loved ones without respite and other supports. Currently, many adult day programs have wait-lists due to funding shortfalls. The question of how best to support those who care for people with dementia is one that needs to be addressed now.

In Ontario, caregivers are experiencing distress at much higher rates than even just a couple of years ago. In their 2016 Measuring Up report, Health Quality Ontario tracked an increase in caregiver distress from 21% in 2010-11 to 35% in 2014-15. This is a 40% increase in just four years.

In addition, the 2015 HQO report, The Reality of Caring, identified that "Nearly half ... of patients with Alzheimer's disease or other dementias had caregivers who were distressed." In a survey of our members, 82% of respondents identified that funding and resources were inadequate to prevent caregiver burnout.

This is why any dementia strategy that is developed must include funding for services such as adult day programs for those living with dementia and other respite and training services for their caregivers.

In conclusion, I would like to thank members for their time and leave them with a reminder that a sustainable health care system is dependent on a strong and healthy home and community care sector.

As the province's demographics shift, we know how important it is that the health system provides care in the most effective and appropriate place for each client, and we are grateful for the government's leadership in encouraging the crucial shift towards the provision of more care at home and in the community. OCSA members are eager to take on this challenge. We ask simply for the support we need to do so.

Thank you for your time. OCSA will also be submitting a written submission that explains our positions in greater detail.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Boily. Mr. Barrett, you have up to five minutes.

Mr. Toby Barrett: Thank you very much for presenting on behalf of the Ontario Community Support Association. Certainly in my travels—I think everyone supports home care and everyone supports community care and certainly talks in those terms. The funding, the structure, much of it is based around very large institutional buildings and large institutions, if you will, and structures almost put in place 100 years ago, and change is difficult.

0910

You are sending a brief to the committee. Would you also be able to provide any research or literature reviews or any studies that have been done on the value of home care and the drawbacks, perhaps—any kind of objective research?

Mr. Patrick Boily: Yes, we can submit that as part of the brief as well. There's a research network that's based out of Ryerson University that does a lot of research around home and community care that has good research. Those are some resources that I'm happy to share with everyone here.

Mr. Toby Barrett: Okay. Mr. Fedeli?

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

Mr. Victor Fedeli: Thank you very much, Chair. Welcome, Patrick. I've got a question, and a request in a moment. You talked about the fact that you've got 270 not-for-profits that you represent. Can you just give us an idea of some of the types of these, to give us the scope of what your association and group covers?

Mr. Patrick Boily: Yes. Our association actually represents a broad variety of organizations. Some of them can be small, community-based Meals on Wheels organizations that do small things. Some of them are national, not-for-profit in scope that do home care, such as Saint Elizabeth and organizations like that. We've also got some members that are assisted living spaces, attendant care—so adults with disabilities who have been living in place—Cheshire Homes. Those are the three main buckets of services—those that would provide community support services, and organizations that do transportation services.

We really do have a breadth of organizations—some of them are as small as two staff members that are really volunteer-dependent, to these national organizations.

Mr. Victor Fedeli: I didn't hear enough names. Is VON—

Mr. Patrick Boily: Yes, VON would be a member.

Mr. Victor Fedeli: I didn't know that.

Mr. Patrick Boily: VON would be a member.

Mr. Victor Fedeli: That's what I'm looking for. Just give me names so I get a feel.

Mr. Patrick Boily: VON would be one of our members. London Meals on Wheels would be a member. Caledon Community Services would be one of them.

We have a list broken down by LHIN that I could share with the committee as well, if that would be of interest to the committee, as part of the—

Mr. Victor Fedeli: Yes, I wouldn't mind that. I represent Nipissing, which is in northern Ontario, and I'm just trying to get a feel—we had the Alzheimer Society in last week, last Friday, on the day that I'm home, and it was a very compelling presentation they made. They talked about health caregiver distress; they talked about that at length. It was truly compelling. Is that one of the groups that is part of your—

Mr. Patrick Boily: Some of the Alzheimer societies are members of the association. Not all regional chapters are, because it's a chapter-by-chapter decision, but some of the Alzheimer societies in the province are members as well.

Mr. Victor Fedeli: Okay. Good.

Mr. Toby Barrett: Just a brief one: I see your association, and next up is Home Care Ontario. What other associations are there that cover this area?

Mr. Patrick Boily: There's Home Care Ontario that does it as well. Also, some of our members are palliative care providers, so there are members who are members of our association and the Ontario Palliative Care Association. So we share members with them as well.

Mr. Toby Barrett: Basically those three.

Mr. Victor Fedeli: Chair, how much time is there?

Interjection.

Mr. Victor Fedeli: I'm doing a paper, an analysis, on the aging community. I'm looking at it more from the financial aspect. Do you have any data that you can share with us in terms of the increasing age, population, the gaps—anything at all that you can help me with?

Mr. Patrick Boily: I could point you to some resources. As an association ourselves, we don't produce any raw data, but we do use some different sources for data. I'd be happy to share what we have and what we use when we look at different numbers with you to help you out.

Mr. Victor Fedeli: Would you mind sharing that with the committee?

Mr. Patrick Boily: Yes, I could do it with the committee as well.

Mr. Victor Fedeli: Specifically put something—if you don't mind—in response to MPP Fedeli's demographic request: Here are the links that we have. Would you mind doing that? I would deeply appreciate that. It will help all of us in the end, once the analysis is done. It might take another half a year or a year to get it done.

Mr. Patrick Boily: Perfect.

Mr. Victor Fedeli: Thank you.

The Chair (Mr. Peter Z. Milczyn): You have 15 seconds left.

Mr. Victor Fedeli: Well, thank you very kindly, and I'll share your comments with our Alzheimer Society in North Bay.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, Mr. Boily. I know you did mention that you're going to have written submissions. You can add Mr. Fedeli's request into that. You have until January 20 to submit them.

Mr. Patrick Boily: Thank you.

HOME CARE ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witnesses are here, I believe: Ms. VanderBent and Ms. Reno. Again, you have up to 10 minutes for your presentation, followed by five minutes of questioning. In this case, it will be from the NDP. If you could state your names for the official record as you begin, please.

Ms. Sue VanderBent: Thank you. Good morning, everyone. My name is Sue VanderBent, and I am the CEO of Home Care Ontario. With me this morning is my colleague Christine Reno, vice-president, operations, CBI We Care, one of the largest home care organizations in Ontario and Canada, and past chair of the board of Home Care Ontario.

Our pre-budget submission is entitled The Road Home, because that's where most Ontarians want to live, want to receive care and want to spend their last days.

Home Care Ontario commends the government for being a strong advocate of home care and introducing legislation to enable necessary reforms to improve access to home care. We would like to thank the government for the investments that have been made over the past years to home care.

Members of Home Care Ontario are eager to share innovative practices and welcome the opportunity to work with LHINs and be measured on the outcomes achieved for patient care. With the anticipated passage of Bill 41, LHINs will have the opportunity to work directly with existing front-line home care providers. That's a good thing because they really haven't had that opportunity, and they will now with Bill 41.

As the voice of home care in Ontario, our association represents member home care organizations, both for-profit and not-for-profit, and they deliver all front-line home care: nursing, therapy and personal support to Ontarians in their homes and communities across all parts of this large and diverse province. I think you're going to hear some congruence with my colleague Patrick's submission from OCSA because we share members and we have a lot of alignment with their thoughts.

Home care providers are accountable for direct care at the front line and responsible for clinical expertise and evidence-based practice, risk, performance, quality management and the achievements of patient outcomes. They are in the home with the person and the family at the bedside, and that is really a key role in the health care system of Ontario.

Really, home care is a success story. Treatments and plans that would have required a hospital stay just a few years ago are now successfully managed at home. Families are increasingly confident about home as the place to receive care, society in general is more receptive to the idea of home care, and technology is becoming more enabling.

The investments by government have helped to increase the numbers of home care that are being given to people. Last year, 729,000 Ontarians received home care services, an increase of more than 115,000 people in five years. The number of hospital referrals to home care has increased 17% since 2008. But in the same time frame, there has been an increase of 95% more home care acuity, and by that I mean that we are looking after people who are much sicker than they were five or even 10 years ago. Now we are looking after very, very sick people at home.

The policy shift is working because that's what a progressive health care system does: It really tries to deliver care in the home. More people know about it. Actually, in a recent Nanos poll there was strong support for an increase in personal taxes to pay for home care. So that tells you something.

We know that home care costs the government less than the fee for a day in a hospital or long-term care. Caring for a terminally ill patient at home is estimated to cost 10 times less than providing care in a hospital. It's probably the better place to provide that kind of care. It's one of the least expensive forms of home care and health care, largely because of the family contribution.

This morning, we are pleased to offer some pre-budget recommendations and advice to support the government's agenda of putting patients first.

In crafting your budget, the association advises that government carefully consider the increasing complexity

of care needs at home and the increasing numbers of people receiving home care services. It's vital that the goal of serving more people be balanced in light of the growing complexity.

On the funding side, most people do not know that the proportional spending on the publicly funded home care system in relation to the overall health care expenditure has hovered around 5% of Ontario's total health care budget since 1999.

0920

As the total budgets for health care in Ontario have increased to over \$51 billion, home care funding has also grown, but never to more than around 5% of the total. The result is that despite an intentional shift to support home care—by successive provincial governments, I must say—the sector's proportional share of the overall health care budget has remained stagnant for the past 16 years. We keep trying to get ahead, but we know and government knows that this is hard.

We have not had enough input to keep pace with the aging population, the increased chronicity and the complexity of care required. We know that home care funding has not kept pace with the consumer price index in Ontario, which has increased 9.1% in the past five years. Wage restraint has meant that front-line home care providers have not received an increase in bill rates to offset operating costs, education and wage increases during this period of 9% inflation.

PSW wage enhancement, introduced in 2014, while very, very welcome—and we thank you for it—has actually had the effect of driving down the overall front-line home care provider bill rate, because many of the non-statutory overhead costs were not included in the funding. Those are really, really important costs to understand.

So actually, Ontario's home care system is struggling, as front-line home care providers try to keep pace with care needs, funder demands and extreme economic pressures.

Home Care Ontario believes that, using projections from Ontario's 2016 budget of a total health care budget of \$51.8 billion, the investment in home care should increase to \$3.1 billion per year, an increase of approximately \$600 million in 2017, or 6% of the budget. This increase would break this historic 5% funding barrier. This level of commitment is essential to deliver safe care at home and deflect, and continue to deflect, the inappropriate use of institutional-based resources, such as hospital or long-term care.

Accordingly, Home Care Ontario asks that the government break the 5% home care funding barrier by increasing the spend on home care to 6% of the total health care budget in 2017, an estimated increase of \$600 million to the sector.

The funding would enable:

—additional services at home, specifically for people with palliative and dementia support needs;

—enhanced technology and improved connectivity in order to support home care and connect it to the rest of the health care team;

—increased respite services to support family caregivers who provide most of the family care at home;

—the means to undertake a “rate refresh” for the provision of services to address staff compensation and offset the inflationary pressures of the past five years; and

—the development and implementation of a comprehensive and robust health human resource strategy for the sector.

In addition to my funding request, I would be remiss in my submission this morning if I did not say a few final words about the special policy and funding levers that we need to put into place to support Ontario families who care for their loved ones.

We know that approximately eight million Ontarians provide care to a chronically ill, disabled or aging family member each year. While family members typically take this responsibility willingly, they need to be better informed and supported. Family and friends assume an estimated 80% of the care that’s provided to the ill, frail and dying at home. Home Care Ontario polling data suggests that families are already privately purchasing 20 million hours of care annually.

These facts indicate that, despite measures already taken by government, there must be more investment in hours of home care respite and financial recognition of the contributions of families who purchase private care.

The government must, where possible, think for the future and support the current private purchase of care from reputable home care service provider organizations, such as those registered with Home Care Ontario, to mitigate the risks inherent in the underground delivery system, including loss of tax revenue and potential health system misuse. Families should not be left to search for their own options. We do need to support them, even when the publicly funded system is stretched and they reach out to purchase care privately.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. VanderBent. That has been 10 minutes.

I’ll just make note for the committee: There are 28 minutes left on the bell. We should adjourn five minutes before, just to give everybody time to get up for the vote that occurs.

Ms. Fife, you have five minutes.

Ms. Catherine Fife: Thank you very much, Sue and Christine, for being here. I appreciate it. That’s the first time I’ve ever heard about the underground care concept, and I’ve been on this committee for five years. So thank you for raising that issue at this committee. I’m probably going to follow up with you about that.

On wage restraint: You make a very compelling case, obviously, for wages to be improved for front-line-care operators. Have you noticed over the years, though, how wages have increased for the executive and the administrative and the higher-up bureaucrats in CCACs and LHINs?

Interjections.

Ms. Catherine Fife: Could you guys take that somewhere else, please? Jeez.

Please go ahead.

Ms. Christine Reno: Yes, in fact, we welcomed the Auditor General’s report because what that did for us is that—it was in the sector—it was able to highlight that 40 cents on the dollar was not making it past the administrative part of the CCACs.

Ms. Catherine Fife: It’s a huge problem.

Ms. Christine Reno: If you put \$100 million of funding in, only \$60 million gets to the front line.

Ms. Catherine Fife: Yes, it was a shock.

Also, the good news is that on your \$600-million ask, yesterday’s Auditor General’s report—I don’t know if you’ve had a chance to fully review it, but one of her recommendations says—is that Ontario has 4,100 ALC patients in hospital waiting for a bed elsewhere, either in long-term or home care. The auditor estimates that this is costing Ontario \$376 million per year and hospitals could have treated 37,000 more patients if ALC patients weren’t waiting in the hospital.

So this really is about reorganizing and reprioritizing home care. The economic case is there, but the resources also have to be there in the community.

There are concerns about Bill 41—we have them—that the CCACs will just be absorbed by the LHINs but you still have the same bureaucracy and you still have those same systems where the money is at the top and not at the front line. Do you want to comment on that at all? We have to get this right.

Ms. Christine Reno: Our understanding of the agenda is that it’s a transition and a transformation. That is our understanding at the moment. We are continuing to work—and we work with OCSA, as well, and Home Care Ontario—to look at this.

We expect significant change in the structure—because, to your point, that’s exactly what has to happen. It can’t just be a moving over and the same costs stay. We expect there to be a transformation so that more of the funding will make it to the front line. That is our expectation.

Ms. Catherine Fife: But you did also say in your presentation that LHINs have traditionally not had this very direct relationship with front-line care. We have noticed—like in Kitchener-Waterloo, for instance—the for-profit operators who are delivering home care have increased drastically. This is somewhat of a concern for us, because we do want to make sure that the LHIN is going to be able to seamlessly transition into a more efficient model. Do you share those concerns?

Ms. Christine Reno: Our expectation is that there will be transformation of the structure, and that there will be economies and efficiencies actualized.

Ms. Catherine Fife: Can we just agree, though, that those economies and those efficiencies will not be realized if 40% of the money is still going to administration, bureaucracy and profit?

Ms. Sue VanderBent: Well, I think we have a home care system that’s based on quality outcomes—we want that to be the main goal. The home care system is very efficient at this point, with the exception of the large cost of administration.

0930

Ms. Catherine Fife: Administration, okay. Thank you for saying that.

The other piece is around training that the former delegation made—I hear this all the time. Those quality outcomes that you referenced that we're trying to achieve, which we have not fully accomplished—training is a big piece of that. So going forward, the former ask was to at least include training in front-line care operators so that they can deliver quality care. You would echo those as well?

Ms. Christine Reno: Absolutely.

Ms. Sue VanderBent: We would agree with that.

Ms. Catherine Fife: Thank you very much for being here.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. You have until January 20 to provide us with any written materials.

Ms. Sue VanderBent: Thank you very much.

Ms. Christine Reno: I think we can also provide more of the research and information and data and numbers that you're looking for. Home Care Ontario also has vast amount of that information, if you'd like.

COLLEGES ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next presenter is Ms. Linda Franklin.

I'll just make note to members of the committee that I think we can do this round of presentation and questions and still have enough time to get upstairs to vote.

Ms. Franklin, you have up to 10 minutes, and if you could please provide your name officially for the record.

Ms. Linda Franklin: Thanks. It's Linda Franklin. I'm the president and CEO of Colleges Ontario. Thanks so much for this opportunity to speak to you today about Ontario colleges' recommendations for the 2017 budget.

As I'm sure you know, 2017 also marks a milestone in Ontario: It's the 50th anniversary of the college system created by the Honourable William G. Davis. It's a tremendous opportunity to celebrate the accomplishments of the college system and our graduates across the province and throughout the world. You'll be hearing a lot more about this anniversary as we head into 2017, but I hope you'll be in the legislature this afternoon for the debate on the motion to make the week of April 3 Colleges Week to start those celebrations in your communities.

It's also, I think, a time to look forward to the future. I think, if we think about how rapidly our world is evolving, it isn't an understatement to say that strengthening the career-focused programs at Ontario colleges must be a priority. I don't think 50 years ago anybody anticipated the huge and important shift in the economy that would make college education so important to the prosperity of the province.

Today, though, our programs are threatened by underfunding that has reached a really critical stage. Without a significant, long-term investment in colleges, many of our institutions, particularly those mid-sized, small and

rural, will not be equipped to educate the workforce of the future.

As we know, we're all in a new age. The World Economic Forum calls it the "fourth industrial revolution." Much as water, steam power, electric power and electronics changed our society in the past, the digital revolution is completely changing our world today at a greatly accelerated rate and leaving people behind. On the one hand, the opportunities for entrepreneurs are enormous and greater than ever—robotics, new breakthroughs in digital technology, artificial intelligence and countless other innovations are making these sorts of advancements possible and making many people capable of delivering more and more advantage to society. At the same time, though, there's a lot of anxiety about the elimination of jobs and the upheaval through our workforce. Young people entering the workforce are worried about job churn and the growth of precarious employment, and our youth unemployment rate remains stubbornly high, even as the Ontario unemployment rate is coming down.

Among those who are already in the workforce, there's also great anxiety as growing numbers of people who have spent years in well-paying careers are now unemployed, or underemployed to make ends meet. The impact of this anxiety is not just in Ontario or Canada; it can be seen through the world. It was key to the Brexit vote in the UK, and growing fears about the economy and jobs were central to Donald Trump's victory last month in the US. We can't ignore what we're seeing or the fact that similar anxieties and fears are all over Ontario, particularly in our small and rural communities.

In this new age, we have to do more than create new jobs. Ontario needs a comprehensive strategy to create high-wage careers that provide people with a real future all across the province. To do that, we have to boost productivity, and that means a more highly skilled and qualified workforce.

The government is taking some really important steps in this direction. We applaud the measures to improve student assistance so that more students are encouraged to pursue post-secondary education from all walks of life, no matter their income levels. This is a very critical piece of making sure that economic recovery benefits everyone.

There's more that needs to be done, though, and that work has to start with support for our colleges. The most urgent priority, as I've said, is the chronic underfunding of college education. At a time when college education is more important than ever, the reality is that funding for college programs has continued to drop over the years in real dollars. It's largely because the government has only been funding enrolment increases, while cost pressures created by inflation have gone ignored. This can't continue.

In our smaller and rural communities, even in our mid-sized communities, there is stagnant and declining enrolment because of the current realities of demography. It's nobody's fault, but for the next 10 years, we're facing a big demographic shift, and it's putting many of the programs vital to our long-term prosperity in jeopardy.

We recently had a conversation with one of our colleges, who hired, as their CFO, an efficiency expert. Six months into the job, he said to us, “I can’t think of another single thing to do at this college.”

Several of our colleges have been through rescue programs with the provincial government. A number of them still can’t balance their budgets. This is a crisis.

In the 2017 budget, the Ontario government must make a meaningful commitment to long-term sustainability of college education in the province. Our recommendation is that we start by building inflation protection into college operating grants.

Colleges have identified and acted on every opportunity they can find to create efficiencies and share services, everything from bargaining together to shared library services to a joint pension plan. But over the years, it’s just no longer enough to keep many of our institutions healthy.

With enrolments trending down because of demography, and cost pressures rising, there simply isn’t enough money being invested in our institutions today. We’ve done our best to maintain cost pressures down. We’ve met the government’s requirement over the past few years for zero increases in salary. In fact, I think we’re the only part of the public sector that managed to achieve that.

Unfortunately, going forward, you can see what those cost pressures do. We’re expecting a very tough bargaining round in the next go-round. On average, college and university inflation runs at about 4%, largely because of salary settlements. Government can’t stand a long-term strike in the college system. It puts young people at risk. So those settlements end up coming mostly from negotiations through binding arbitration.

All these realities have been recognized and addressed for the public school system over the past 10 years. The public school system has kept up with inflation over the past 10 years. Even in last year’s budget, government fees have been indexed to inflation, recognizing that you need more money in the system to pay for services that the public requires. It’s time to do the same for colleges.

Moving to another issue, the budget also has to ensure that people from all walks of life—now that we have net free tuition, more and more people have access to education, but some of our more marginalized groups really need help when they get to our institutions. It’s not enough to give them access; you have to really work hard on their success once they arrive.

As Minister Matthews said on Monday in a speech, we have to do a better job if we’re going to build a fair society.

To reach greater numbers of people, the budget should also include increased funding for students with disabilities. If you’re identified with a disability right now in K-to-12, you get funding of about \$4,000 a student, and it stays with you through your K-to-12 education. The minute you go to post-secondary education, that funding drops off the face of the earth at the very same time that your parents don’t know what you’re doing or anything about your achievements because of

privacy laws. Those two things create a tremendous challenge for many of our students in the greatest need, and they need to be addressed.

New investments are also needed to deliver college education to indigenous learners. It’s the fastest-growing population in Canada, yet its post-secondary attainment rate is still well below the rest of the population. Many colleges in Ontario—and some of you represent colleges that are doing this—have terrific relationships with indigenous communities, are doing great work in this area, and are achieving great things. In fact, the number of indigenous students in colleges pretty much matches their percentage of the population. So we can do more and we should be doing more.

The government’s commitment to expand workplace experience opportunities for post-secondary students is another really important initiative, but there needs to be improved funding to achieve this because we really have to convince more employers to step up, and we probably have to look at more simulations to make sure every student has access to that.

Last but not least, certainly, are two other things we would ask you to look at in our budget submission. One is apprenticeship reform. We have been talking about this forever. It really needs to change, and we’d really like you to look at some of our recommendations. They don’t cost much money. It’s really about transparency and access of opportunity.

Finally, our college system can play a greater role in our efforts to reduce carbon emissions. Investments in building renovations, new programs that provide people with skills and expertise in this area, and community engagement with businesses will help achieve these goals.

Because the college system works so well together as a system, a relatively small investment in colleges doing this could mean that colleges can lead this initiative for the province and make a difference right across the province all at one time.

Thank you very much for the opportunity to present our recommendations today. I look forward to your questions.

The Chair (Mr. Peter Z. Milczyn): Thank you. Mr. Dong, you have up to five minutes.

Mr. Han Dong: Good morning, Linda.

Ms. Linda Franklin: Good morning.

Mr. Han Dong: It was great to hear the presentation. It’s good to see you again.

0940

You mentioned the new OSAP that’s going to increase access to college and also increase access to college, especially for under-represented students. How do you see that will improve the number of graduates—

Ms. Linda Franklin: Coming through the system.

Mr. Han Dong: Coming through the system, yes.

Ms. Linda Franklin: It will take a little while, just like Second Career. Second Career ran for a few months, and it took a while for people to understand and get in their heads, “I can do this; I can get there.”

This will take a little while too, but the reality is, every time we talk to young people about the barriers to post-secondary education, they always say, “It’s financial.” And it shouldn’t be in college; college is cheap. You can work at a relatively low-paying job and afford college. So it’s not just about tuition. There’s something more complicated going on, and we think it’s partly, “I’m worried about debt because I’ve seen it in my family. I’m not really sure about the ROI of this. Will I ever make up the money?”

I think it’s a complicated financial question, and I think this is a very elegant solution to that. When students see a bill—and many of our colleges are piloting with the government to try to do this. You see a bill, and instead of seeing, “Oh, my God, here’s everything I owe. How will I ever pay that?”, you’re going to see what you actually owe after OSAP and grants and all sorts of other things are attached. Those bills will be unbelievably reduced. For students in college whose family income is \$80,000 or less, it will be virtually free for them. I think that removes a ton of barriers all at once that we maybe don’t even understand all at once. So I do believe it will make a big difference in accessibility.

Mr. Han Dong: In your view, how are the colleges going to work with—I know you’re working with employers and other employment service providers. What can we do to improve the access to jobs for our graduates? Is there anything that we can do to help them set a goal even before graduation?

Ms. Linda Franklin: The good news, Han, is that we just finished a round of discussions on this year’s coming key performance indicators, and it looks like the college employment rate out of school will be about 90% this year.

Mr. Han Dong: Wow.

Ms. Linda Franklin: Not so bad. So the first thing I’d say is, “Go to college.”

The other thing is, as I say, we still bring students in who, when they graduate, have no network to help them. Their parents aren’t on the phone calling their friends and saying, “Is there a job? My son just graduated in this. Listen, my daughter has a degree or a diploma in that. Can you help? Do you have space in your place?”

For lots of families, this is the first generation that has gone to post-secondary, and they don’t have those networks. The government has been talking a lot—we all have—about experiential learning as partly a substitute for that: “If I can’t network when I get out, if employers can see me work through my time, that becomes my network. People become interested in me.”

It’s one of the reasons we think—in colleges right now, about 68% to 70% of our programs have experiential learning. We can get that to 100%, I think, with a relatively minor investment, and that will make a great deal of difference.

Mr. Han Dong: That’s great. Thank you, Chair. Thank you, Linda.

Ms. Linda Franklin: You’re welcome.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Franklin. You have until January 20 if you wish to provide some further written information to the committee.

Ms. Linda Franklin: Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Members of the committee, there is a vote in 10 minutes upstairs. I leave it up to your advice as to how you want to proceed. I don’t know how long that vote will take and I don’t know if we will then have enough time to proceed to the next witness and have a full round of questions before the 10:15 mark. Ms. Fife?

Ms. Catherine Fife: I think we should just continue through here. You have enough members in the House, don’t you?

Mr. Han Dong: Do you know?

Ms. Catherine Fife: Has your House leader—
Interjection.

Ms. Catherine Fife: We do; we have enough members in the House. My House leader—

The Chair (Mr. Peter Z. Milczyn): The standing orders are that committee should suspend to allow all members to go and vote.

Ms. Catherine Fife: Then it’s not up to us, right? So what time should we go, then?

The Chair (Mr. Peter Z. Milczyn): I was just asking whether—we have a decision to make whether we attempt to allow the next witness to complete after this vote and after we come back or whether you feel it would be better to try to reschedule the additional witnesses for this morning, later on in the process.

Ms. Catherine Fife: Well, they’re here today, so I think that—do we have to end at 10:15 if we go to do the vote?

The Chair (Mr. Peter Z. Milczyn): Yes, we have to end at 10:15.

Ms. Catherine Fife: We’ll have to reschedule, then.

Mr. Yvan Baker: Is there an option, Chair—I’m just trying to explore options. One option would be to shorten the time we have for questions. Is that an option?

The Chair (Mr. Peter Z. Milczyn): Well, that would be up to the official opposition, whether they agree to that, because they’re the next ones doing questioning. If they’re willing to give up their time to question or shorten it.

Mr. Toby Barrett: We have a deal.

Ms. Catherine Fife: That’s fine.

The Chair (Mr. Peter Z. Milczyn): All right. What I would suggest we do now is recess until after the vote. I would encourage every member to come down to the room immediately after the vote.

I would ask our witness to be patient. We will be back immediately after the vote.

We’re recessed for about 15 minutes.

The committee recessed from 0945 to 0959.

The Chair (Mr. Peter Z. Milczyn): I’ll reconvene the meeting this morning for pre-budget consultations.

ONTARIO CONVENIENCE STORES ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Mr. Bryans, you’re our next witness. You will have up to 10 minutes

for your presentation, followed by up to five minutes of questions from the official opposition. If you could please state your name for the official record.

Mr. Dave Bryans: Good morning, everyone. I'm Dave Bryans. I'm the CEO of the Ontario Convenience Stores Association. It is great to have this opportunity again to present to this committee. I believe this is the second time this year that I've presented to this committee.

Today I'm going to touch on one issue that you're all familiar with, and that's contraband tobacco. I'm also going to present a budget proposal for the establishment of a new mandatory age verification training program that we call "Smart Age." This program takes inspiration from the Smart Serve model and proposes to not only alleviate the regulatory strain that small business members are under but to help increase public confidence in the recent government decision to allow new age-restricted products such as e-cigarettes and also, potentially, marijuana in the marketplace.

Before continuing, however, I'd like to remind the committee of the OCSA's importance to the Ontario economy and highlight some of the strain our channel is currently under. There are currently just under 9,000 convenience stores in the province. When I took this role over 13 years ago, there were almost 11,000. We interact with 2.7 million Ontarians each and every day. We collect \$3.8 billion in tax revenue for the Ontario government, and in 2014 we accounted for \$2.6 billion in lottery revenue for Ontario. We are an \$18.5-billion industry and we support over 65,000 jobs.

On age verification, I'm happy to report that our members continue to operate at an exceptionally high level of compliance. Public Health Ontario's own numbers show that out of the 20,000 to 22,000 inspections they perform on our members every year, last year we passed at a 95% rate, using the government's own data. We of course would like that to be 100%, but it's a great number that we can build off of, and it probably challenges some of the public perceptions about our channel.

Despite these numbers, our industry is struggling. For the first time since the OCSA came into existence, there are fewer than 9,000 stores. We are losing an average of 200 stores per year in a pretty vibrant Ontario economy. There are a number of factors for this. Margins are extremely small and shrinking under pressure from suppliers, and our stores continue to struggle under the restrictive regulatory regime. On this point, and for your information, a Toronto-based convenience store is currently subject to 183 regulations: 52 federal, 89 Ontario and 42 municipal. This imposes both direct and non-direct costs on our low-margin businesses.

Competition with our channel is increasing. Vape shops, drugstores and other channels continue to divert our traditional customers away from us. Beer and wine have been awarded to large grocery, and once again customers are being provided less reason to frequent their local convenience store. Finally, our destination-category products, those that drive traffic in our stores, are declining in popularity.

We have long held that Ontario needs the convenience sector, not only because of its direct contributions to tax revenues, employment and general economic activity, but because our unique value proposition is "convenience and community." We see our members as community builders, owned and operated by families and many new Canadians. Our members develop real relationships in their neighbourhoods, providing a welcoming place to socialize and a place for a safe refuge in some of the more dangerous areas.

That intangible quality of our sector is the reason for our industry's resilience. It is also the foundation of what will propel us forward. We hope that with your support, we can continue to promote a more positive image of the industry to the public.

I want to begin by touching on contraband tobacco. It is an area where government and our sector intersect in a significant way. As committee members are aware, convenience stores account for about 96% of all legal tobacco sales in the province of Ontario. Because of this function, we are an important tax collector for the government. We are also the front line of youth access to these dangerous products, and are rightly subject to intense public scrutiny. We take that responsibility very seriously.

Our industry was encouraged by the government's recent work on illicit tobacco. Earlier this year, the government announced new funding for enforcement. In the recent economic statement, the government committed to enhancing tobacco retail dealer permits, as well as proposing additional amendments to the Tobacco Tax Act and regulations to further enhance its raw-leaf oversight.

While encouraged by the continued attention to the problem, we don't feel that either of these will have a material effect on the contraband market. What's more, adding more regulation to our already overburdened channel through an enhanced permit program is a frustrating response that will further punish our members while ignoring the real root problems.

And yes, despite government's renewed attention, usage rates continue to go up. Earlier this week, the OCSA released a study that showed that overall contraband usage is up 8%, from 24.6% a year ago to 32.8% across the province. These results show that almost one in three smokers in Ontario are still using illicit tobacco products. Particularly concerning is the numbers of contraband cigarette butts that are uncovered near and around high schools in Ontario.

I'd be happy to share this report with any MPP who may be interested. We can send it to you.

The only way we see Ontario being able to dramatically reduce the prevalence of contraband tobacco—and I've said it at this committee before—is to amend the Smoke-Free Ontario Act to mirror the Ontario liquor act. These changes would make purchasing, consuming and possession of tobacco a ticketed offence and, for the first time, provide a serious disincentive for youth to take up this habit.

We cannot continue to normalize this behaviour. People would be shocked to see a 15-year-old drinking a beer in the middle of the street by a high school, yet there are zero repercussions should they be smoking a cigarette.

We do not want to demonize youth as part of this initiative. However, there need to be some greater deterrence measures in place. I've always said that if we had changed this behaviour years ago, no one would be smoking cigarettes next to a high school.

While a growing contraband tobacco market is bad business for my members, it is also a concern to me as a father and as a grandfather.

In the OCSA's opinion, the government has yet to get it right on contraband, and I want to communicate that our sector is eager to work with government on that — always has been—for the benefit of all affected stakeholders. We're here to help.

The next item I would like to bring forward is our proposal for a new mandatory, universal age verification program we refer to as "Smart Age," a program that would guarantee that anyone who handles an age-restricted product in the retail environment will be properly trained and certified to dispense it responsibly.

The act of requesting legal documentation to authenticate the age of a patron wishing to purchase tobacco and lottery products at a convenience store is one of the most important things our workers do on a daily basis. Without proper training, clerks at these stores could inadvertently be affecting the long-term health and well-being of youth.

In addition, the act of age verification is an important factor in our members' relationships with their community and, at a macro level, our entire industry's level of trust with the public.

I mentioned in the introduction that the government's own numbers show that our members are passing age verification checks at 95%. Part of the reason for this success is public health's diligent enforcement of the rules and regulations under the Smoke-Free Ontario Act. It is true that Ontario convenience stores are heavily regulated and subject to some of the most punitive fines and penalties in North America.

Another part of the reason for our industry's success in age verification is the OCSA's own age verification training program called We Expect ID. We Expect ID was created in 2007 and is currently used in 8,000 stores. The program uses a modern multimedia delivery method, is provided in English, French and Korean, and requires that clerks be trained and certified before they are eligible for employment at one of our member stores.

While we're proud of the success of this program, gaps still exist and the system is not perfect, and we are finding we can no longer do it alone.

Our vision is for each of the approximately 75,000 clerks and retailers who handle age-restricted tobacco, e-cigarettes and, soon maybe, marijuana products in Ontario, across all retail channels to be properly trained and certified through a government-mandated program

administered by a self-sustaining, arm's-length, not-for-profit entity similar to Smart Serve. We think the benefits would include the following:

—increased public confidence in Ontario's various retail channels;

—increased public confidence in government's decision to legalize and regulate e-cigarettes, vapour and marijuana products;

—better protection for small business retailers who currently must apply their own training programs in a high-turnover employment environment at their own cost;

—reduction in youth usage rates of tobacco, e-cigarette products and marijuana products;

—subsequent reduction in overall smoking rates over the long term;

—reduction in the number of addicted youth in the health and mental health care system;

—setting an example for the world on how legal marijuana products can be introduced and responsibly dispensed in a North American jurisdiction; and finally,

—increased economic viability for Ontario small retailers and businesses.

The "Smart Age" agency would be governed by a board of directors that would be appointed by the government and include representation from small business retailers, NRGs and government and would be responsible for setting mandates, managing the operating budget and updating training modules. The goal for the agency will be to become fully self-sufficient from a funding perspective by year 5 of the operation. The costs associated with launching and operating this agency will be assumed by the province for the first four years. The one-time cost to government we estimate to be approximately \$2 million per year—

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Bryans. That's your 10 minutes.

1010

Mr. Dave Bryans: Wow.

The Chair (Mr. Peter Z. Milczyn): I do want to make sure that there are five minutes for questions.

Mr. Dave Bryans: Okay. Not a problem.

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

Mr. Victor Fedeli: Thank you very much, Dave. First of all, thank you very much for being here and for the service that you provide. It really is an interesting perspective that you bring. When you talked about sharing the data on contraband tobacco—I would ask, Chair, that we ask the association to provide that data as part of their submission for all members to see.

Mr. Dave Bryans: Sure. We'll send it to the Clerk.

Mr. Victor Fedeli: That would be my ask.

I ask you this every year, because I know you pick up the cigarette butts—well, not you personally—in my hometown of North Bay. Can you share the comparative data from the high schools and the hospitals, if you have it off the top of your head?

Mr. Dave Bryans: I don't have it. I'll give you some numbers. Northern Ontario has gone to almost disastrous

levels in the province. And we do sweep high schools, malls, racetracks, casinos—wherever people congregate. Let's look at Sault Ste. Marie. In Sault Ste. Marie, it's now at 75.5% illegal cigarettes in the sweep. If you take the Station Mall—I don't know what it is, but I hear it's the main mall in Sault Ste. Marie—the day we swept, 90% of all butts that we swept were contraband.

Mr. Victor Fedeli: Describe what you mean by "swept the butts." People may not understand.

Mr. Dave Bryans: We send a team in with vests, and they look like they're the caretakers of the premises. They go to the ashtrays and collect all the cigarette butts. We need to collect 100 to 120 to have a proper sample. We send them back to the lab, and then they're analyzed by the icons on the filters—du Maurier has an icon; even DKs and Putters from the reserves have icons. We have a catalogue that would choke you of pictures of all illegal and legal products in this province.

If there's no icon and we can't identify it, we either throw it away—but if it's long enough, you actually take a yellow highlighter and you can run it along any cigarette. If anyone smokes, just do it when you're outside today. If you're smoking a legal product, you'll see little circles. This is called a low-propensity paper, which the three manufacturers, federally, must use in Canada because, back in the 1970s, if your grandfather fell asleep and left a cigarette in the ashtray, it burned right to the end, fell off and burned the couch down, or burned the house down, potentially. So that is by law. On reserves—in the 50 illegal factories, there is no usage of low-propensity paper. They're just using the paper of the 1960s and 1970s, so you'll just get a straight line with no stop points in the product.

It's pretty unscientific. We've been doing it for seven years. But keep in mind that people who sell illegal cigarettes don't tell you, and there are no studies—I asked finance this week, "Do you have any studies about how bad contraband is?", and I think I had deer looking in headlights together. Finally, we also know that smokers don't admit it. Well, they're starting to. I've read a lot of media this week where everyone's saying, "I'm buying it because it's \$5 a pack." There's a lot of frustration.

We're at epidemic levels when you look at northern Ontario. When you can say that 54% of all people in all these communities in northern Ontario are now smoking illegal products—remember, it's still 21% here in Toronto. The closer to reserves, the higher propensity to be smoking it. And high schools are just a mess—the ones we poll out of certain communities would shock you, the numbers today.

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

Mr. Toby Barrett: Thank you, Dave. Yes. We hear what you're saying on perhaps changes to underage purchasing, consuming, possession of tobacco and your search for new markets, and all of this is dependent on government policy. You're the legal trade. Your stores, your business, is being destroyed by organized crime. Ontario has the dubious distinction of being—internationally now—a centre of organized crime for illegal tobacco.

In my little constituency office in Simcoe, I have film crews come up from Guatemala and Costa Rica and from Mexico. Reforma newspaper came up a year ago to interview me. Costa Rica: another film crew is on its way to Queen's Park. I think their interview was today. They were stopped at the border for some reason.

The illegal, international organized crime involvement in tobacco, much of it grown in my riding, is huge. It's putting you out of business. That is also the mandate of both the provincial and federal governments. Any comment on this? I know that much of this is kind of rearranging the deck chairs on the Titanic.

Mr. Dave Bryans: Yes, I'll give you a quick response. First, the RCMP has said that there are 50 illegal tobacco factories now in Ontario and Quebec.

Mr. Toby Barrett: Fifty?

Mr. Dave Bryans: Fifty. And there are at least 175 organized gangs and organized cultures that are delivering contraband to every community. That's why it's growing in leaps and bounds. Lastly, most busts that you see or most confiscations in Nova Scotia, New Brunswick, everywhere, are sourced out of Ontario production facilities, so—

The Chair (Mr. Peter Z. Milczyn): Mr. Bryans, I have to stop you there because of the time. But thank you for coming this morning and for your patience. You do have until January 20 if you want to provide us with further written materials.

For the information of the committee, should Bill 70 pass second reading later this morning, we will reconvene at 1 p.m. in this room for public hearings on Bill 70.

We're recessed until 1 p.m.

The committee recessed from 1015 to 1300.

BUILDING ONTARIO UP
FOR EVERYONE ACT
(BUDGET MEASURES), 2016

LOI 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 Chair (Mr. Peter Z. Milczyn): Good afternoon, committee members. We are meeting this afternoon for public hearings on Bill 70, An Act to implement Budget measures and to enact and amend various statutes. As ordered by the House, each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes per each caucus.

Are there any questions before we begin? Ms. Fife.

Ms. Catherine Fife: I'm just curious. This piece of legislation just passed second reading an hour ago. I'm wondering what the process was to select the order. Was it first come, first served? It's great that we have a full

docket—that's a very good sign—but I would just like some clarity on how the selections happened and the priority.

The Chair (Mr. Peter Z. Milczyn): The Clerk can explain what their efforts were.

The Clerk of the Committee (Mr. Eric Rennie): Sure. As you know, the time allocation motion on Bill 70 did carry yesterday, and the time allocation motion set out that for requests to appear, the deadline would be 1 p.m. today, so we had been receiving requests up until 1 p.m., and also that witnesses be selected on a first-come, first-served basis. So, as we've been receiving phone calls and email requests, we've been taking those down in order, and that's the list we were able to go off of to call people afterwards.

Ms. Catherine Fife: And this is the only day that we're going to have hearings on Bill 70?

The Clerk of the Committee (Mr. Eric Rennie): Based on the time allocation motion from the House, yes.

Ms. Catherine Fife: Can you clarify: How many hours was the allocation? How many hours did we debate Bill 70 at second reading?

The Clerk of the Committee (Mr. Eric Rennie): I'm not sure. I'd have to look.

Ms. Catherine Fife: Okay. We'll find that out before—but you can understand that there's a process. There's a valid question about process—

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, if you have a question, that's fine. It's not time for a statement.

Ms. Catherine Fife: My question is, if there are additional names that came forward, against all the odds and timing and process around time allocation—if there are additional people who would like to come and speak to Bill 70, is there a way for us to ensure that they have that opportunity?

The Clerk of the Committee (Mr. Eric Rennie): As the Clerk of the Committee, I do follow the orders of the House, which are for this day to be set aside for public hearings for five hours this afternoon, and I scheduled presenters as indicated by the order of the House.

Ms. Catherine Fife: And we have clause-by-clause on Tuesday. Is that in the order as well?

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

Ms. Catherine Fife: Is it scheduled for the entire day on Tuesday?

The Chair (Mr. Peter Z. Milczyn): I believe so—yes, at 9 a.m.

Ms. Catherine Fife: Okay.

The Chair (Mr. Peter Z. Milczyn): And people have until 6 p.m. today to make written submissions.

Mrs. Martins, you have a question?

Mrs. Cristina Martins: Yes, thank you, Mr. Chair. That was my question, as to whether or not those who were not able to be here today would have an opportunity to provide a written submission. You answered my question: They have until 6 o'clock today. Thank you.

The Chair (Mr. Peter Z. Milczyn): Any further questions before we begin? Mr. Baker.

Mr. Yvan Baker: I guess I just wanted to add in the context of the discussion that we just had that I think the initial intent or the initial plan was for this not to be as rushed and for there to be more time for witnesses to speak. But because a motion was introduced by the NDP, that delayed the bill and the movement of the bill through the Legislature. That's why this time allocation had to be introduced, and that's why we're moving at the pace we are.

Ms. Catherine Fife: Point of order. You're out of order to say that—

The Chair (Mr. Peter Z. Milczyn): We're in questions now, not making statements—

Interjections.

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

Interjections.

The Chair (Mr. Peter Z. Milczyn): Ms. Fife, I was in the process of saying that we are not making statements now—if there are questions around the procedure of this hearing.

Are there any further questions? I see none.

ONTARIO CRAFT DISTILLERS ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our first witness is with the Ontario Craft Distillers Association. Good afternoon, sir. Please come up. You have up to 10 minutes for your presentation, following which there will be questions from each of the caucuses. As you begin your remarks, if you could please state your name for the official record.

Mr. Charles Benoit: Thank you very much. My name is Charles Benoit. I'm the president of the Ontario Craft Distillers Association and the co-founder of Toronto Distillery Co. I am here today to speak about Bill 70's schedule 1's distillery tax as well as the promotional allowance.

Our association was extremely disappointed when we saw this bill introduced in the House. We felt it was a betrayal of at least two years of advocacy with the Premier's advisory council. We had spent a great deal of time speaking with them, educating them about our businesses and how they work, and giving them detailed business information in terms of cost of goods sold, the economics of small-scale distilling and what had worked in jurisdictions across Canada and the United States.

We understand that there is always going to be a give and take in the rate, but we really conveyed two fundamental principles of taxation that are necessary for our industry to exist, and they happen to be the same two principles that this province has successfully adopted for small microbreweries.

Those two principles are, one, graduated tier taxation. With beer, there's a lower tax rate on the first 50,000 hectolitres and then a higher tax rate for subsequent production. This is not at all unlike our income tax. You tax based on a taxpayer's ability to pay.

The second principle was a tax-by-the-litre approach as opposed to an ad valorem approach based on the list price of the goods sold.

Regrettably, both of these principles were ignored. We really explained that an ad valorem tax, especially of 61.5%, as proposed in this bill, is inherently discriminatory against small producers, who, by definition, don't have economies of scale and so, by definition, will have a higher cost of goods sold on each and every bottle.

These two principles were clearly presented to the Minister of Finance and clearly rejected resoundingly.

We feel that this tax further betrays principles of good taxation. It's insanely complex. We have 16 members in our association, all small and independent businesses, and we had trouble figuring out exactly how this tax would work and apply. We came to different numbers when trying to work through the complex series of steps, because there are multiple aspects to the tax.

We were further disappointed by this 1,250-litre promotional allowance, which is not something we ever asked for. We actually feel that it tilts the competitive field even further against small-scale distilling than it already is. To give away 1,250 litres of spirits tax-free is an astronomical amount for most of our members. For the Toronto Distillery Co., that was a quarter of our sales through the LCBO last year. By choosing that number, it's actually a tax giveaway to the biggest spirits producers in this province, at the expense of small producers.

We feel that it was actually especially mean-spirited, even, to say that the government is willing to write off that much tax revenue from every distiller but only if we can give it away. We can't use any of that 1,250-litre tax-free allowance if we actually try to sell what we made from scratch. That was particularly spirit-crushing, if you will.

Finally, I just want to get it into the record that I do think that this bill is pivotally important for how to shape the future of distilling in Ontario. Jurisdictions like British Columbia now have an incredible diversity of spirit producers. They've got distilleries across the province that are making unique, interesting new offerings from local inputs. That's not going to be viable in Ontario anymore. This is the end of that business model.

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The minister will say, "Well, on a \$27 sale, it's an extra dollar and change from what you were getting before." Well, there are hundreds of prospective distilleries that were waiting for a "What's next?" to get started. Those will not be launched. Speaking for our own business, we've announced that we'll have to close January 31, because our runway is out. We've been sort of treading water for two years hoping for the reform that we were made to believe is on the way, and that's gone now too. In the future, Ontario is just going to miss this renaissance.

It's troubling to hear the minister take credit for the fact that a lot of new distilleries have come online in recent years. That reason is entirely because of competition, meaning the companies that manufacture distillation

equipment. About 10 years ago there was a handful. Now there are dozens explicitly directed at small-scale distilleries, so the costs of entry in terms of the equipment you need to start a small distillery have come down from well over a million dollars to \$50,000 for a basic bootstrapping distillery, but one that's functional and one that you can get started with. That's why we've seen this boom across North America.

Unfortunately, this bill will end that in Ontario. What industry remains will just be bottling within the majors. It won't be as interesting to consumers, and it will just re-entrench the existing hierarchy.

I'm happy to answer any questions about that.

The Chair (Mr. Peter Z. Milczyn): We'll start this round with Mr. Fedeli for three minutes.

Mr. Victor Fedeli: Thank you very much, Mr. Benoit. I'm distressed, to say the least, to hear that you, quite frankly, may be leaving on January 1.

Mr. Charles Benoit: On the 31st—that's right.

Mr. Victor Fedeli: January 31.

Mr. Charles Benoit: And it's certain, if this bill passes. There's no question about it.

Mr. Victor Fedeli: How long have you been in business?

Mr. Charles Benoit: Four years.

Mr. Victor Fedeli: How many employees do you have there?

Mr. Charles Benoit: Six, all in their twenties.

Mr. Victor Fedeli: Thank you. So next week, there's an opportunity for amendments, and the PCs plan on bringing forth an amendment that would take the 1,250-litre tax exemption on spirits sold, not just what is given away for free. We're proposing that this change would only apply to the small producers. Is that something that would help you stay in business after January 31?

Mr. Charles Benoit: Absolutely, yes. That would be terrific. Assuming a \$40 average bottle price, that's about \$24,000 in tax revenue. The government is already willing to part with that money if a distillery happens to be able to afford internally to give their product away for free. As I said in my remarks, we can't, but if we could sell even the first 1,250 litres and have that incubation period, it would make a big difference. That \$24,000 is our rent for more than half the year, so that's life-changing. That's the difference between carrying on and not carrying on.

It's a small fraction of British Columbia, where there's no tax collected on the first 50,000 litres. We really view that as a gold standard. But to your point, 1,250 litres would make the difference between small-scale distillers hanging in there and not.

Mr. Victor Fedeli: So other than you, Mr. Benoit, who will leave the business world on January 31, are there others like you? Are there other craft producers?

Mr. Charles Benoit: There are. There are a number that started with a great institution, Futurpreneur. CYBF has financed three distilleries alone. These are young entrepreneurs, so these were distilleries that didn't start with deep pockets, with millions of dollars to ride out this

tax period. I would expect that the smallest will be the first to go.

For a lot of distilleries in northern Ontario, one thing the minister pointed to was, “Well, there are these grants available.” Those grants may have been a curse in disguise, because those grants enable large investments for start-up equipment. You often have to match that grant, so a lot of debt was taken on, with the expectation of reform.

I worry about those smaller distilleries as well that had some assistance in getting started, but on a business plan that tax reform never followed through to make viable.

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

Ms. Catherine Fife: Thanks for coming in, Mr. Benoit. How much time did you have to make the decision to come down here to the committee?

Mr. Charles Benoit: About 78 minutes, I believe it was.

Ms. Catherine Fife: Just 78 minutes. Thank you very much for that.

Thank you for raising the issue around why the small-scale distillers have been successful to date. I know it hasn’t been easy.

The equipment piece is actually new information for a lot of us. If your distilleries go out of business, then obviously those other sub-businesses who are manufacturing distillery equipment—it would impact them as well, yes?

Mr. Charles Benoit: Absolutely. We’ve got some small welding businesses that are starting to get into it. I think those are businesses that will never happen. There’s a whole ecosystem of small businesses that we work with that are going to be adversely affected.

Ms. Catherine Fife: Thank you. Can you describe the relationship that you have with local farmers, the agricultural sector? Because obviously without—you’re distilling grains, right?

Mr. Charles Benoit: That’s right. That’s a whole element to whisky, which the traditional major labels have really—they lose that connection. They operate at such tremendous scales. There has been so much concentration in the industry over the last 130 years that that connection is, at this point, lost.

In wine, we still take it for granted that there’s a terroir, there’s a connection to the soil, to the land, to the place. A lot of small distillers are bringing that back for whisky. Again I point to British Columbia, where there’s a connection: The distiller knows the farmer. The whole tremendous value-added supply chain is extremely localized, and it’s actually bringing new life to the category, but we’re going to miss out on that in Ontario.

Ms. Catherine Fife: Just to go back to the process: You were working with the Premier’s advisory council for two years?

Mr. Charles Benoit: That’s right.

Ms. Catherine Fife: Two years.

The issue of graduated taxation: It took a while to get it right with beer, with the craft brewers. Was there ever a

point in time where this government said, “We will not consider graduated taxation for small craft distillers”?

Mr. Charles Benoit: No.

Ms. Catherine Fife: Is there any rationalization that you can give us—because we cannot get an answer from the government side on this. Can you give us your thinking on why they imposed this 61.5%?

Mr. Charles Benoit: I don’t know. Their stated reason has sometimes been trade agreements, which are patently false. We’ve pleaded with the government. We actually pleaded with Ed Clark—day 1—because we knew that this was going to be a potential bogeyman that they would raise: “Give us the chance. Let us hire our own expert witness to rebut any trade claims.”

They routinely cite NAFTA ambiguously, but they’ll never give us a specific provision or article. I have to note that Ontario has a history, going back to the 19th century, of helping out a few at the expense of competitive opportunity. That’s something that is certainly true in the spirits industry.

I would like to understand why we haven’t heard from Spirits Canada. They seem to be pleased as punch with the status quo—

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Benoit. Now on to the government side for three minutes: Ms. Martins.

Mrs. Cristina Martins: First of all, thank you, Mr. Benoit, for being here today on such short notice and for speaking on behalf of the industry. As the MPP for Davenport, I’m proud to represent Youngehurst, who I had the opportunity to meet with earlier this year in the summertime. I brought the concerns that were shared by Youngehurst with me to the minister here. So he is well aware of the issues that you’ve raised and the issues that the industry itself has raised.

Although we have seen some changes, I’m hoping that, just as we did for the craft brewers, this is really a step in the right direction versus regressing and just keeping things status quo. I know that there are some amendments that are being made and some changes for the spirit manufacturers’ sales of products at their on-site stores and helping attract new customers and grow their businesses through promotional distribution. I know that means a lot to the craft distillers.

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If approved, on July 1, 2017, the distillery tax structure would replace the LCBO markup and commission structure which applied on sales at on-site distillery stores. This tax structure would result in improved margins for distillers at their on-site stores. Currently, the distillers receive about a 13% commission for sales at their on-site retail stores. Under the proposed tax structure—recognizing that it’s not where you want it to be—distillers would receive a margin comparable to a 20% commission. Is this something that you agree will help improve your profit margins?

Mr. Charles Benoit: I can’t accept this. I want to get on the record that, under this new tax, if we sell a bottle for \$10.92, the government of Ontario wants to add

\$11.14 in tax to that. To be clear, under the bill that your government is introducing, your expectation is that Ontario should get more in tax than we gross on the first bottle we sell from where it was made. These are the numbers from the Ministry of Finance: On a \$26.95 bottle, the revenue distribution is \$10.92 to the small, independent distiller; \$11.14 to the government of Ontario; \$4.69 to the government of Canada; and a 20-cent container deposit. These are the numbers from the Ministry of Finance.

Under the previous system, businesses didn't exist, so there was a handful of us that took the plunge, expecting reform, and then—I've personally spoken and other distillers have personally spoken to dozens of prospective distillers in Ontario waiting for reform because they've crunched the numbers, and under the markup and commission scheme, those didn't work at all. If you want to celebrate that this is going to leave an extra \$1.60 in the distillers' side of the equation over the previous one, that's your right, but we as the industry are telling you that, in fact, combined with the 1,250-litre allowance, you've left us in a worse competitive position than we were before.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Benoit. That's all the time. If you wish to make a written submission, you have until 6 p.m. today.

ONTARIO FEDERATION OF LABOUR

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Ontario Federation of Labour.

Mr. Rob Halpin: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): Good afternoon. You have up to 10 minutes for your presentation, followed by questions. Your round of questions will begin with the NDP. As you begin your presentation, if you could please state your name for Hansard.

Ms. Patty Coates: Perfect. My name is Patty Coates and I'm the secretary-treasurer of the Ontario Federation of Labour. Joining me today is Rob Halpin, our acting director of government relations at the OFL. A special thank-you to the Clerk's office for their work in scheduling time for us to present to the committee today.

The Ontario Federation of Labour represents 54 unions and one million workers across Ontario. We are Canada's largest provincial labour federation, and we advocate on behalf of all working people in the province.

Part of this advocacy involves pushing for better working conditions in regard to safe and healthy workplaces; access to permanent, full-time work; good wages and benefits; and creating an economy built on decent jobs.

We are here today to express our concerns with schedule 16 of Bill 70, the Building Ontario Up for Everyone Act (Budget Measures), 2016. Our concerns with schedule 16 stem from the fact that any changes to the Occupational Health and Safety Act that will affect the safety or well-being of workers in this province deserve considerably more time, attention and consultation than has been permitted with this proposed legislation.

As background, I'd like to share some facts with you. According to the WSIB By the Numbers statistical report for 2015, the WSIB served more than 5.3 million workers and more than 300,000 employers and registered almost 230,000 claims. Now, we know that every day in Ontario, many more workers are injured on the job and either fail to file their claim or their claim is suppressed by their employer or denied by the WSIB. Our best estimate is that the failure-to-claim or claim suppression rate may be between 20% and 60%. Even with a conservative estimate of 40%, that totals nearly 322,000 workers who are injured while at work in any given year.

To put that into perspective, that is about the size of the population of the city of London, Ontario, every year, that are injured or become ill as result of the conditions in which they work. Clearly, the potential that so many Ontarians would be adversely affected is alarming, and should give pause for thought about the merits of these proposed changes. To see those proposed changes tucked into a compilation budget bill does not instill confidence in the minds of workers in Ontario that their safety at work matters or is being considered.

The amendments give the Chief Prevention Officer expanded powers to accredit and set standards for health and safety management systems and an accreditation program. There was little to no discussion, consultation or involvement of joint health and safety committees, or of workers or unions, even though those were the recommendations of the Expert Advisory Panel on Occupational Health and Safety, which stated clearly that accreditation "be developed—with participation of both employer and labour stakeholders." Even if the government plans to consult after schedule 16 becomes law, it may be too late to understand the impact these changes will have on Ontario's workplace health and safety policies and procedures.

The Minister of Labour and Chief Prevention Officer signalled that employers who met these yet-to-be-determined standards would be spared the "burden" of routine Ministry of Labour inspections, but that inspectors would still investigate complaints and incidents. To their credit, once they realized that the optics of viewing health and safety practices as a burden was not sitting well with the people of Ontario, the minister's office acknowledged the error and clarified their intent.

If the system that regulates the health and safety of workers in Ontario is predicated on reducing the perceived burden on employers, the result would be a system with less oversight and accountability, less protection and less ability for workers to voice their concerns. Should schedule 16, as written, be enacted, what will actually occur is a transfer of burden to working people, who must now, with limited input, trust and hope that their employer values the safety of workers over profitability and efficiency. Workers must have the right to participate in their own health and safety, and that includes being consulted on changes that have the potential to limit that right.

These concerns are not just the concerns of unions. They are indicative of how the broader public feels about

this issue, too. The people of Ontario need to know that when their children, grandchildren, partner or parent goes to work in the morning, they will return home unharmed at the end of the day. Families in Ontario want to know that the people whose job it is to care for others, like nurses, personal support workers and those who educate—and all workers, for that matter—feel safe and secure while they work.

I ask you to remove schedule 16 from budget Bill 70, and that a robust and comprehensive consultation on the issues occurs before any legislation is tabled on the matter.

I thank you for this consideration.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Ms. Fife, you have three minutes.

Ms. Catherine Fife: Thank you, Patty and company, for coming in on such short notice.

We did try to remove schedules 16 and 17 from this finance bill, because we share your concerns that these are really substantive changes to the labour movement, and to labour relations, actually.

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I just want to let you know that in the briefing that we had with Ministry of Finance staff, we did ask about consultation, because, as you rightly pointed out, the expert panel recommended that any changes going forward have all voices at the table. The ministry, from the Chief Prevention Officer's office, told us that they did consult internally, which some might argue is not true consultation.

Yesterday I asked a question around this very issue, and the Minister of Labour said that these accredited health and safety management systems have been applied in other jurisdictions and that they work very well and they save money. But we have evidence where they actually don't work very well because profit becomes the driver in this. Do you want to comment on these systems, if you will?

Ms. Patty Coates: I'm going to pass it over to Rob Halpin to answer the question.

Mr. Rob Halpin: Thank you very much for the question. Certainly, the Ontario Federation of Labour has been quite interested in understanding the scope and breadth and depth of these management systems and the effect that they would have, of course, on working people in the province. There are other jurisdictions, rightly noted—British Columbia, for example—that have similar accreditation systems, to my knowledge. There are mixed reviews as to how well they work.

At the end of the day, we can say with confidence that trade unions, in particular, have been at the forefront of ensuring that the health and safety of workers—and this is a win-win situation when it works properly in workplaces—is of paramount importance. Unfortunately, not every organization, not every workplace in the province of Ontario is unionized. Not every organization or workplace has a strong voice for workers present. So the risk that systems that don't have the proper oversight, at least from a government perspective, are there to serve

a profit motive, more so than they will health and safety, is a rightful concern. People need to have the right to be able to speak about their health and safety and to participate in their health and safety in their workplaces. The fact that's perhaps troubling about the legislation is that those details aren't vetted yet or aren't clearly indicated.

I will say that the Ontario Federation of Labour has had numerous conversations with the Chief Prevention Officer, with the Minister of Labour, respective of our concern over this. We have some assurances that labour, of course, will be included in consultation. However, to be able to comment on this in its entirety, we need to know the specifics of what it is that's going to happen.

Ms. Catherine Fife: Sure, and—

The Chair (Mr. Peter Z. Milczyn): Thank you very much. That's this round.

The next round: Mr. Baker for three minutes.

Mr. Yvan Baker: Thank you both for coming in and speaking to this.

I actually, a number of years ago—many years ago, I guess, now—worked in an environment where health and safety was really, really important on the worksite. So the issues around health and safety are ones that I can personally relate to, the ones that you're raising. I can say, personally, and I think I speak for my colleagues, I'm very concerned about making sure that what we do to protect the health and safety of workers is effective—absolutely. It's a priority.

I know that what's been proposed through the legislation is really what I think of as a preliminary step to allow some of those details that you referred to as not being there to be sorted through and figured out. That would be one point that I would make about why the details aren't there. In fact, that allows the design of the specifics to really be done in consultation with you and other key stakeholders.

You made reference to a communication—or a letter, I should say—and I wanted to read, to the extent that I have the time, a letter that I think clarifies some of the points here. This is from Minister Flynn and George Gritziotis, the Chief Prevention Officer:

"The Minister of Labour is looking to design a workplace health and safety accreditation program with the help of labour advocates and industry groups. As a preliminary step, we have proposed amendments to the Occupational Health and Safety Act, schedule 16 of Bill 70. This proposed framework legislation would provide a pathway to allow the Chief Prevention Officer to work with you to develop an accreditation program.

"This addresses a recommendation contained in the expert advisory panel report and is designed to be a means to motivate workplaces with strong employer and labour relationships to continue to exceed minimum compliance and strive for excellence in health and safety. Under such a program, workplaces that successfully meet the established standards and implement health and safety management systems could become accredited.

"No program design or standards are contained in the legislation. These specifics will not be developed until

after a robust consultation with labour and business stakeholders. It is the intent of the ministry to consult extensively with labour and employer stakeholders on the design of the program and on standards for accreditation, as well as the implementation. Labour stakeholders will be a key part of the consultation process to ensure their important views are indeed considered.

“Should the legislation pass, consultation will seek input on specific policy items such as implementation of a proposed accreditation framework; the components and elements of an accreditation standard; a possible incentive framework to encourage voluntary participation in the program; what health and safety programs must contain; and how they are evaluated in order to be recognized by the ministry.

“An accreditation program is envisioned to be a voluntary program available to those workplaces that already have strong labour and employer relations and extensive health and safety regimes that exceed both the current standards and enhanced standards, yet to be developed.

“Some stakeholders have expressed concern that an accreditation standard may result in fewer inspections by ministry health and safety inspectors. This will not be the case. This misunderstanding may stem from a failure to be as careful as we should have in our original communications. For that, we apologize.

“Proactive health and safety inspections have been an important element of the ministry’s health and safety enforcement and will continue to be. We do not consider them to be an unnecessary process in the vast majority of cases.

“As we design the accreditation process in consultation with you, however, we will be asking whether there are circumstances where a strong labour presence and a responsible employer have together done such an effective job that fewer routine inspections are necessary. Are there cases where ministry inspectors, internal health and safety representatives, worker time and company resources may be put more effective use elsewhere?

“Labour has been such an effective partner in health and safety that we should not ignore their presence as a factor. It might make a difference in our approach and allow us to more effectively target high-risk workplaces that do not have that labour presence”—

The Chair (Mr. Peter Z. Milczyn): Mr. Baker, you’ve used up your three minutes.

Mr. Yvan Baker: Okay. Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett for three minutes.

Mr. Toby Barrett: I only have three minutes. Your paper concluded calling for a robust and comprehensive consultation. You didn’t get a chance to do that. Very briefly—my colleague has a quick question—the call for consultation on this particular business around accreditation: Is it the understanding that the government is going to do this through regulation and consultation then? And then I’d like to go to my colleague.

Mr. Victor Fedeli: I’ll give you all the time.

Mr. Rob Halpin: That’s the understanding that we’ve got. As I said, we have had some communication.

Certainly, alarm bells were ringing, and we’re thankful that the ministry corrected some of those concerns with clarifying their position, particularly around the use of inspections performed by Ministry of Labour staff. That was extremely important to us.

Our organization represents, as I’ve indicated, 54 unions, many of which operate within the public service, particularly those that represent workers in the Ministry of Labour. And they, of course, know the importance of the work that they do on a daily basis, as do we all.

Mr. Toby Barrett: We don’t get to talk about regulation.

Mr. Fedeli, did you have a quick one?

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

Mr. Victor Fedeli: You talked about the fact that there was no discussion, no consultation, no involvement. What would you have advised had you had that opportunity?

Mr. Rob Halpin: Well, certainly, again, there was quite a bit of research and consultation put in around the expert panel’s recommendations in 2010 by now-Senator Tony Dean. The OFL has viewed those recommendations with a critical approach. Within those recommendations, I think it clearly states as well, Senator Dean notes that—he wasn’t Senator at the time—that there is no really perfect system to move forward on. They’re not making any recommendations in that respect.

Listen, we are aware that the ministry is eager to work with labour and recognizes the importance that labour plays in the province of Ontario when it comes to effective health and safety delivery, implementation and administration. So certainly, their understanding that we value that position—and the primary importance to us is that the members that we represent at the OFL, as I say, are able to return home whole at the end of the day.

The Chair (Mr. Peter Z. Milczyn): You have 30 seconds.

Mr. Victor Fedeli: Oh. Do you have anything else?

Mr. Toby Barrett: No. Very simply, thanks to OFL for bringing this forward. The person who testified before you apparently had 78 minutes’ notice. To me, that doesn’t—

Ms. Patty Coates: We had an hour and a half, around 90 minutes’ notice—and I was pulled from a very important meeting to be here.

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Mr. Toby Barrett: That really goes against the principles of citizen participation and public involvement in our democratic processes. I have to admit, I had very little notice myself, as a member of this committee.

The Chair (Mr. Peter Z. Milczyn): Thank you. That’s all the time for this round. You have until 6 p.m. today if you wish to submit further written materials.

ELECTRICAL CONTRACTORS ASSOCIATION OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Electrical Contractors Association of Ontario.

Good afternoon, sir. You have up to 10 minutes for your presentation, followed by nine minutes of questions. The next round of questions will begin with the government side. Could you please state your name for Hansard as you begin?

Mr. Kevin Vallier: Sure. My name is Kevin Vallier. I'm with the Electrical Contractors Association of Ontario as their manager of communications. Through you, Mr. Chair, thank you for allowing us the opportunity to speak here today.

Our issue with Bill 70: I'll speak specifically to section 17. The ECAO represents electrical contractors across the province in 11 associations, from Windsor up to North Bay and Thunder Bay.

The proposed amendments to the Ontario College of Trades and Apprenticeship Act that are in section 17, we feel, will dilute the enforcement powers of the Ontario College of Trades and, frankly, devalue certification of qualification and the compulsory trades designation.

As you know, there are currently 22 compulsory trades in Ontario, in which a person must be certified or be registered as an apprentice in a given trade and a member of the college to work or be employed in that trade.

As it's currently worded, section 17 of this bill we feel will create an unsafe workplace and send the message to skilled professionals and apprentices across the province that their investment in their training would be a waste of time and a waste of money.

Certification is compulsory to ensure that anyone engaged in the practice of trades, which pose risks to workers, public safety or consumer protection, are trained and sufficiently competent to perform work properly and safely. The certificate of qualification is the only demonstrable proof of that training. The proposed amendments will allow individuals without certification to do work within the scope of these trades.

The proposed amendments to the act will allow individuals to appeal a notice of contravention from the college to the Ontario Labour Relations Board. The college has a mandate to protect the public, and the OLRB does not; its primary focus, as you're aware, is jurisdictional disputes.

Essentially, we see Bill 70 as proposing to make the Ontario Labour Relations Board basically an appellate mechanism for an enforcement action carried out under the Ontario College of Trades and Apprenticeship Act, 2009, which would effectively make the OCOT the only regulator in the country subject to having its decisions overturned by an administrative tribunal. The OLRB has historically existed to administer the Labour Relations Act and could now find itself having to consider separate and contradictory legislation while setting aside decades of precedent and jurisprudence.

The certificate of qualification and compulsory trade status would become meaningless, we feel, if the OLRB is allowed to break out tasks within the compulsory trades. It also, frankly, neuters the regulatory body mandated to protect the public. Businesses will benefit

initially from using cheaper labour, but—and it's a big "but"—the cost could be lives and ultimately higher expenses when work is done improperly from the beginning. The province takes a massive step back in consumer protection and in promoting skills and training.

Schedule 17 needs to be removed from Bill 70 and sent to committee to allow proper debate of the impact of these amendments. If passed in its current form, these amendments will increase risk to workers and to the public.

The end result is that this bill, with the inclusion of section 17, as it reads now, could potentially be creating an unsafe workplace and telling skilled trades professionals and apprentices that their investment in training just doesn't matter.

Thank you for the opportunity to speak before you today.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Mr. Baker, you have three minutes.

Mr. Yvan Baker: Thank you very much for coming in and speaking to us. I just wanted to read to you a brief letter that the Premier received, and I have a question about it, if I could. I'm just reading to you the text:

"The Interior Systems Contractors Association of Ontario was incorporated on September 1, 1971. Originally, it was incorporated as the Drywall Association of Ontario. In 1980, it was renamed the Interior Systems Contractors Association of Ontario and now represents over 80 contractors and 30 suppliers/manufacturers throughout the province who employ over 10,000 members of the International Union of Painters and Allied Trades and the United Brotherhood of Carpenters and Joiners of America.

"We write with respect to your government's proposed amendments, which our organization strongly supports, to schedule 17 of the legislation cited above. Your government has taken steps to deal with deficiencies in the present legislation, regulation and practices.

"We recognize that these amendments contain compromises between the views of various stakeholders. And while we don't agree with all of the compromises, we are happy that the government is moving forward with the College of Trades to ensure that trades are a priority.

"We understand that some of the stakeholders interested in the college have called for additional consultation. We strongly disagree with any delay in moving forward. The government of Ontario has already engaged in two rounds and more than two years of consultation, both resulting in similar recommendations.

"The time to move forward is now. Your government needs to make the construction sector the priority and allow the College of Trades to fulfill its core responsibilities, which include training, certification and promotion of the trades.

"We appreciate the time, effort and resources that your government has spent on this issue. We would be happy to provide you with any further assistance and support in connection with this matter."

It's signed "Ron Johnson, Deputy Director."

The writer has stated that this legislation forms a compromise between competing concerns. Tony Dean and Chris Bentley both heard from your organization and a number of others over a span of two years and formulated the path forward that the government is now trying to implement.

It seems that some other groups are stating that they are not satisfied with everything, but recognize it as a reasonable compromise. From your perspective, do you agree, or do you understand, that the government's primary concern is to protect workers and the public from risk of harm? That's my question to you.

Mr. Kevin Vallier: Thank you for the question. I would hope, as a citizen of Ontario, that is certainly what the government is trying to do.

We know that there is going to be compromise in bills such as this. There's no question; it's never black and white. I think what our members say—and I can only speak for the electrical contractors, so I'm not here speaking on behalf of IBEW or anybody else—is that, echoing what previous people have said, let's pull this section out and have a further debate. We're not saying to throw it out. We're not saying we disagree with every single word. But there are some things in there that are concerning. There are two main ones, and one is with the College of Trades in terms of their enforcement. The other one is the erosion of the skills of the workers.

If it goes through now—I've heard the argument that until there's connectivity, until things are being plugged in or things are being live, speaking from the electrical standpoint, perhaps others could do that work. Perhaps, but then what's the next step, and what's the next step after that?

So again, it's just a request for some further debate and further consultation.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. The next round, to the official opposition: Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. So the government continues to tell us that we've had enough consultation on this. Would you agree with that?

Mr. Kevin Vallier: I think our organization, the ECAO, would disagree with that.

Mr. Victor Fedeli: I'm sorry?

Mr. Kevin Vallier: We would disagree with that.

Mr. Victor Fedeli: Okay. We have called this an omnibus bill, because in our opinion this is the fall economic statement—this is the bill that's attached to that—and there were 27 acts, this one included. Can you comment on your thoughts about being included in the fall economic statement as a bill, whether you agree it's an omnibus bill, and your general thoughts about that as well, please?

Mr. Kevin Vallier: We would agree. We found it a little odd that it was included in Bill 70. We would agree that calling it an omnibus bill would be correct. Again, that gets back to why we would like to see section 17 have more debate and a more thorough conversation around that.

Certainly the ECAO feels that section 17 doesn't really belong in Bill 70. There's enough concern, and the issues are strong enough and big enough and affect so many people across the province, that it deserves its due attention.

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Mr. Victor Fedeli: Did you know that this was going to be in the fall economic statement bill? Did you know in advance?

Mr. Kevin Vallier: I didn't personally. I believe our executive director did. I haven't been with the organization that long. From my research and speaking with him, they had a hint, but that's about as strong as I could say.

Mr. Victor Fedeli: This has been time-allocated, so as you understand, the debate within the Legislature has been truncated. I got to speak on it. I'm not sure if any or many other members of our party did. Do you have any particular thoughts on our ability or non-ability to speak on it?

Mr. Kevin Vallier: Again, on the bill as a whole, I think we would have liked to see more debate, and more debate in question period. We do feel that it has been processed through rather quickly by normal standards in the Legislature. We would like to see more attention and more discussion on this bill.

Mr. Victor Fedeli: I can assure you that we had no idea that there would be 27 acts in the fall economic statement, including this section that applies to your concerns as well.

Mr. Kevin Vallier: Like I said, we knew there were discussions on those issues, but I could probably say that it's a surprise that it was included in this bill, if that helps clarify.

Mr. Victor Fedeli: Thank you, Chair.

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

Ms. Catherine Fife: Thank you very much for coming in and sharing your thoughts on schedule 17. This schedule obviously doesn't belong in a finance bill, but it does give the minister the power to determine the classification of a trade; that's formerly the college's authority. It also provides a method for reviewing the trades' scope and classification. Do you think that if this goes through, we will see more voluntary or compulsory certifications?

Mr. Kevin Vallier: I think we will see more voluntary.

Ms. Catherine Fife: What's the motivation for that?

Mr. Kevin Vallier: Cheaper labour.

Ms. Catherine Fife: Cheaper labour. So it is about money.

Mr. Kevin Vallier: I would say so, yes.

Ms. Catherine Fife: Okay.

Mr. Kevin Vallier: Our organization would say so.

Ms. Catherine Fife: Your organization, yes. That's really a sad statement of affairs, that the province of Ontario is including two substantive labour bills in a finance bill in order to—in schedule 16—reduce workplace inspections and then address labour costs in

schedule 17. So that's the feeling of your association around schedule 17; is that right?

Mr. Kevin Vallier: Correct.

Ms. Catherine Fife: In your original comments, though, you connected the ability to have training and certification directly to safety.

Mr. Kevin Vallier: Absolutely.

Ms. Catherine Fife: That's right. And you have lots of evidence to prove this, obviously.

Mr. Kevin Vallier: Yes.

Ms. Catherine Fife: It's well documented.

Mr. Kevin Vallier: Yes. There was a recent study that just came out within the last year. If memory serves, certified electrical workers—it's a 33% higher safety record. I think that was the number, so significantly higher.

Ms. Catherine Fife: There will be some changes around apprentices as well. I don't know if you had a chance to review the Auditor General's report yesterday around how poorly the apprenticeship program is going in Ontario. Did you get a chance to read that?

Mr. Kevin Vallier: I did not.

Ms. Catherine Fife: I would direct you to that report. It's pretty abysmal. We have an apprenticeship program in the province of Ontario which is not meeting the demand and is failing students going forward, so please have a look at that.

But thank you for bringing attention around training and certification and directly relating it to safety for us today.

Mr. Kevin Vallier: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, sir. You have until 6 p.m. today if you wish to submit further written submissions to us.

Mr. Kevin Vallier: Thank you, Mr. Chair.

ONTARIO REAL ESTATE ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Ontario Real Estate Association. You have up to 10 minutes for your presentation, followed by nine minutes of questions. Your round of questions will begin with the official opposition. Could you please state your name for Hansard as you begin?

Ms. Valerie Miles: My name is Valerie Miles. Good afternoon, Mr. Chair, and thank you to the members of the committee for allowing us to speak today on Bill 70.

My name is Valerie Miles. I am a sales representative with Re/Max Country Classics Ltd. brokerage in Bancroft and also the chair of the government relations committee at the Ontario Real Estate Association. Joining me today is Matthew Thornton, OREA's director of government relations.

By way of background, the Ontario Real Estate Association is one of the province's largest professional associations, with over 67,000 realtor members in 40 real estate boards.

We are here today to speak to you briefly about our views on Bill 70. Our comments focus on section 13 of

the bill and the changes being made to the Land Transfer Tax Act. First, we would like to commend the government and encourage all committee members to support section 5 of the bill, which deals with the land transfer tax rebate for first-time homebuyers.

To put the issue in perspective: When the LTT rebate was introduced in 1996, the average price of a home was \$155,000. At that time, a first-time buyer of an average-priced home paid no land transfer tax because of the LTT rebate. However, the \$2,000 rebate has not kept pace with increasing house prices. Today, the average-priced home outside of the 416 has risen to \$340,000. In the past 12 months alone, this price has increased by 11.2%.

By doubling the rebate to \$4,000, many young families will get the leg up they need to get into home ownership. In markets across Ontario, the new rebate will mean that many first-time buyers will pay no tax on an average-priced home, including in many of the communities you represent.

In Barrie, first-time buyers of an average priced home will pay no tax. Simcoe: no tax. North Bay: no tax. Cambridge: no tax. Kitchener-Waterloo: no tax. Northumberland county: no tax. Instead of paying the government, these young families can purchase a new washer and dryer, or put more money towards their down payment, thereby reducing their overall housing costs.

While first-time buyers in Toronto will still pay some provincial land transfer tax, the \$4,000 rebate is much-needed relief. In 2008, the average-priced Toronto home cost \$379,000. Today, this has doubled to over \$762,000. Just to qualify for a mortgage on an average-priced Toronto home, a first-time homebuyer must have \$52,000 for a down payment and about \$160,000 in household income. Even then, the first-time homebuyer still needs to scrape together closing costs, including \$22,000 in land transfer taxes.

While the rebate will not fully cover the land transfer tax in Toronto, it serves as a start. Looking ahead, we hope that all three parties will consider increasing the LTT rebate to \$6,000 to provide more relief for Toronto buyers, and commit to reviewing it regularly to ensure that it's providing the relief young families in our province need to enter the market.

Moving on from the land transfer tax rebate, we would like to take a moment to express our concerns with the land transfer tax rate sections in section 1 of schedule 13 of the bill. Any tax increase on home ownership is concerning to Ontario realtors.

OREA does not support increasing the LTT rates on properties over \$2 million and the increases in rates on non-residential properties. The new residential LTT rate is targeted specifically at the Toronto market, a market that already lacks housing supply, which is causing substantial price increases due to the increased demand.

Consider that home prices in Toronto have doubled in the last eight years, with an average-priced detached home in Toronto selling for over \$1.3 million, not to mention that Toronto homebuyers pay two land transfer taxes. While \$2 million may sound like a lot today, five

or 10 years from now it may be much closer to the average price for the Toronto market.

OREA is also concerned that the higher tax rate will incentivize buyers and investors to avoid paying the tax by purchasing in segments of the market otherwise reserved for middle-class buyers to avoid paying the higher tax. Ontario realtors ask the government to monitor these changes to LTT rates to ensure that middle-class families in the future are not being unfairly captured by the new LTT thresholds.

1400

In closing, many young families across our great province are struggling to get into homeownership. OREA would like to commend the Premier, Minister of Finance and the government for their commitment to addressing housing affordability challenges in Ontario.

We think there is still more that needs to be done. Only through coordinated action that addresses issues, like a lack of supply, can we ensure that the Canadian dream of homeownership remains alive and well for generations to come.

Thank you, and we would be happy to take any questions.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Your round of questions begins with Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Chair, and welcome.

On schedule 13, the government is amending the land transfer tax and imposing new land transfer taxes. We will be bringing amendments forward that would ask to remove these two amendments. I'll read them just for a moment, and I'll ask you then if you support this.

We're going to ask the government to be removing these two amendments: One, for all types of properties, a tax rate of 2% on the amount of the value of the consideration that exceeds \$400,000; and the second amendment is an additional 0.5% on the amount of the value of the consideration that exceeds \$2 million, if the land contains at least one and not more than two single-family residences.

Would you support our amendments in asking the government to remove those two amendments? If so, why? If not, why not?

Mr. Matthew Thornton: If I can, Val. Thank you very much for the question. I think we would support any measures that would reduce taxes on housing or the purchase of property in Ontario. Yes, I think that we would support those amendments.

Mr. Victor Fedeli: In addition, there are going to be amendments from the government that allow the minister to collect and use prescribed information about people who acquire land or dispose of land. We will be asking that that portion be removed as well.

Quite frankly, we don't know what the government plans on doing with that information, and it is, in our opinion, significant additional red tape. We don't know how that will impact transactions. I'm hoping that you in the business can shed some light on what you think the government collecting that extra information will do.

Mr. Matthew Thornton: Mr. Fedeli, we haven't really been able to delve too much into that section yet and get a better sense of what the intention there is with the additional requirements on collection of data. But I will go back to a previous issue that we have worked on in the past: the issue of a foreign buyer tax. I know that one of the concerns that we raised when that issue was being discussed provincially was the lack of data and information in the province around the amount of foreign activity in our market. So I think it's a good thing if we're looking at ways to gather more data and make really data-driven decisions for any major changes or new policies introduced, like a foreign homebuyer tax.

Overall, gathering more data is good. We'd like to get more information on what exactly the intentions there are, but I think that we do want to emphasize that gathering data, especially on that issue, is a good thing.

Mr. Victor Fedeli: Thanks, Chair. I quite appreciate this.

The Chair (Mr. Peter Z. Milczyn): Thank you very much.

Ms. Fife.

Ms. Catherine Fife: Thank you, Matthew and Valerie, for coming in. We've gotten to spend a lot of time together lately, and we've had conversations about most of the issues that you've raised in your presentation.

I do want to say that I think OREA has done a very good job of educating the government around the cost of housing. As I mentioned when I spoke at your conference, the Financial Accountability Officer actually referenced the risk to the economy if people cannot afford to buy homes. Affordability of homes in the GTA area is a major factor that the Financial Accountability Officer has indicated is a risk factor. You've done a very good job of raising the affordability issue.

While New Democrats support schedule 5 entirely, because it will make a difference for people outside of the GTA and less so in Toronto, we cannot support Bill 70, because of the harm that it's doing to small businesses around schedules 16 and 17. I just want to put on the record that we're very supportive of the work that you've been doing in schedule 5, but there's no way that we can support Bill 70.

Thank you for coming in.

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

Mr. Yvan Baker: I represent a riding called Etobicoke Centre; I'm not sure how familiar you are with that part of the city. It's interesting: I'm not a first-time homebuyer—I've owned a home before—but I'm actually in the market for a home right now. The real estate agent that I have will send me listings of homes, and most of the riding is single, attached homes, but it's pretty difficult to find anything for under \$1 million. I'm still a fairly young person. Although not a first-time homebuyer, I can relate to what those first-time homebuyers are going through and what a challenge it must be.

You talked about the land transfer tax changes. I just wanted to ask you again: Do you believe that these changes will make it easier for first-time homebuyers to get into the market?

Ms. Valerie Miles: Without question. I think once you consider, if you take the GTA, the Toronto equation out of the bubble—and maybe a little bit further out, not just right downtown. If you take that out, there are a substantial number of markets within the province where this is a very good thing for first-time homebuyers. When you start to talk about anything north of 7, which is a very large geographical area, 80% or 85% of transactions will occur with no land transfer tax for new families.

Mr. Yvan Baker: Okay. Thank you for that. One of the things that we've talked about, and it has been discussed in the previous sections, was—there's been a broader discussion, I should say, about rising home costs in many parts of the province. This is a concern to a lot of people. I just spoke about it in my context.

The government has talked about how they're committed to addressing these concerns. We also know that the Ontario market is different than the one in British Columbia, and British Columbia has taken some measures recently to address the growth in the value of their housing market.

To make appropriate decisions around this, one of the things that's important is to understand the market forces that are at play, that are driving those prices. That's the reason that we're proposing to collect the additional data, such as property type, intended use, citizenship of buyers and resident status to help inform what those future policies could look like.

My question to you is: Do you think that this type of data would provide a basis for stronger evidence-based decision-making?

Mr. Matthew Thornton: In short, yes. We would go back to the BC example. When BC introduced the foreign buyer tax in that province, it was done really in a knee-jerk fashion to more of a political discussion that was happening in the media. They did it in the absence of really any good information around how much foreign activity was occurring, in the greater Vancouver market especially.

We totally support gathering more data, getting a better handle on types of issues, like foreign activity. I think that will lead to better policy decisions in the future.

The Chair (Mr. Peter Z. Milczyn): Thank you. That's all the time.

Mr. Toby Barrett: Chair, just a point of order.

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

Mr. Toby Barrett: I have a home listed, if you're interested.

Mr. Yvan Baker: Is it in Etobicoke Centre?

Mr. Toby Barrett: Maybe these people or Ray Ferris or Tim Hudak could get us together. Thank you.

The Chair (Mr. Peter Z. Milczyn): You should take that conversation outside.

ONTARIO HOME BUILDERS' ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Ontario Home Builders' Association. Good

afternoon. You have 10 minutes for your presentation. Your round of questions will begin with the NDP. As you begin, if you could please state your name for Hansard.

Mr. Joe Vaccaro: Thank you, Mr. Chair. My name is Joe Vaccaro with the Ontario Home Builders' Association. I'm joined by my colleague Michael Collins-Williams.

OHBA represents 4,000 member companies and is organized into a network of 30 local associations across Ontario from Windsor to Ottawa and Thunder Bay to Niagara. Our industry represents over a \$51-billion investment in Ontario and over 330,000 on-site and off-site jobs, making residential construction one of the largest employers in Ontario, paying some \$19.3 billion in wages. We really are the engine that drives Ontario's economy.

Thank you for providing us this opportunity to give our recommendations regarding Bill 70. The budget bill includes a couple of critical changes to the provincial land transfer tax, most notably a doubling of the first-time buyer's rebate from \$2,000 to \$4,000.

Let me begin by commending the government for providing this help to first-time homebuyers trying to get into the housing market. This doubling of the LTT is the first signal that the government has some interest in improving market housing affordability.

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I specifically identify market housing affordability because our industry and our members provide market housing. The fact is that 95% of Ontario's new housing supply is built by the private sector, and new home prices reflect the market conditions set by government policy, from municipal approvals to provincial legislation and regulatory frameworks to the federal rules on mortgage qualifications. Government sets the rules on where, what and when housing supply comes into the market, and the market prices those homes accordingly. In understanding this point—that builders can only bring new housing supply to the market where, what and when they are granted approvals—it should be understood that the housing supply in Ontario, and not just in the GTHA, continues to face new barriers and challenges.

We welcome the government's and, for that matter, all MPPs' interest in the issue of making housing more affordable for everyone. Let me take a moment to provide some important market information about the state of Ontario's housing market.

The provincial government's population and employment forecasts continue to be achieved, meaning that every year, the GTHA attracts over 100,000 people to the region. This is a good-news story, as the region benefits from the talent and investment of these new residents. That is seen across the region, from Peterborough to Niagara Falls, Windsor to Waterloo. People and investment are coming to Ontario, and with that comes the need to provide housing and employment.

The market is going to supply 95% of those new housing options to our residents. The province has legislated a grow-up-and-not-out approach, the Places to

Grow Act. What has this meant for the housing supply? It has meant that the supply of townhouses and high-rise projects can come on stream, but the supply of low-rise options, like single and semi-detached homes, has not.

In real terms, in 2006, there were 16,500 new low-rise homes available for residents to purchase in the GTA. As of the end of September 2016, there were only 1,600 homes available to purchase. That's a 64% decline in availability.

What does that mean? It means that the very limited housing supply coming forward is being priced to the market, and this is why you are seeing people camped over for a number of nights in places like Kitchener, Cambridge, Niagara, Hamilton and Simcoe, many of them believing that they're buying the last low-rise home available in their community.

What has this done to prices? CMHC's 2016 average absorbed new single detached home price for Ontario, at the end of the third quarter, was \$742,000. Ten years ago, it was just under \$400,000. In Ontario's hottest market, the GTHA, the new home price index for low-rise new homes was over \$992,000. The new home price index for high-rise new homes was \$486,000 at the end of September, coming to an average of \$600 a square foot. Just one year ago, those numbers were \$800,000 for a low-rise home and \$440,000 for a high-rise home.

If we go back to June 2006, the average low-rise price in this region was less than half of what it is today, at \$393,000, meaning new home prices have more than doubled in the past decade in the GTHA.

The rising price of housing is top of mind for Ontarians. After complaining about the weather, people complain about the price of homes. Again, our industry can only bring forward new housing supply where, what and when we earn approvals through a very complex process.

The "where" is governed by official plans, the provincial policy statement, Places to Grow and over 100 other pieces of legislation. The "what" is about the housing form—is this a high-rise community or is this a low-rise community—the requirements of the building code and what will fit in this community. The "when" is governed by the necessary infrastructure. You cannot move a family into a home until you can switch on the lights, the heat and the water. Those are hard costs that are part of the price of a new home, funded by development charges and taxes.

When any of these approvals are delayed, it only serves to restrict the housing supply further, and the market responds through higher prices. CMHC has identified the housing supply issue as a key factor in housing price escalation in the GTHA, along with various banking institutions who have analyzed the GTA market.

The increase in development charges across Ontario has been staggering over the last 10 years. The ink is barely dry on the new Development Charges Act that came into effect January 1, 2016, and municipalities have already proposed further increases across the province.

Yes, development charges will continue to go up. For example, in 2011, in Brampton, the development charge

was \$43,000; today, it's \$68,000. In Markham in 2011, it was \$52,000; today, it's \$67,000. In Ottawa, it was \$25,000; today, it's \$31,000. And in Kitchener, it was \$23,000 in 2011, and today it's \$30,000.

With the introduction of the HST on new homes in 2009, the government created a single-threshold HST rebate that supported tax neutrality for homes under \$400,000, taxing the incremental value at 6%. Based on various reports, through the HST and associated activity, the provincial treasury has netted over \$1 billion more through the HST and provincial LTT than projected this year.

What can be done to help housing affordability? We raise this discussion in the context of this bill because the government's key focus in part of this was the discussion around housing affordability, and market housing affordability specifically. We support the doubling of the LTT for new homebuyers, and we welcome the government's interest in the market housing affordability discussion.

First of all, we need to respect the reality of the marketplace. What industry can bring to the market is governed by what we can earn through an approval and connect through infrastructure: the where, the what and the when; the lights, the heating and the water. You cannot regulate affordability in the marketplace. The government has said a number of times that they are helping to set the conditions of the market and support the market, but regulating market affordability in this marketplace will not work.

Bringing more housing supply to the market, continuing to support a range of housing options for Ontarians, and government approving new housing supply for the market are positive actions for the government to take. I say that not in the sense that builders should be able to build where and what they want; I say it in the sense that when we make decisions, we have to move forward quickly to bring those options to the marketplace.

After eight years, we continue to call on the government to update the HST threshold to reflect the new housing price reality and help those consumers in their desire to be homeowners.

Lastly, we understand that the province, along with the federal government, has various housing affordability groups, but it is time for the Ontario government, since housing is a provincial responsibility, to bring together various stakeholders and have a mature, informed discussion on the issue of housing affordability. We welcome that discussion to find positive ways to help Ontarians achieve their dream of home ownership.

Thank you, and I look forward to your questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Vaccaro. Ms. Fife, you have three minutes.

Ms. Catherine Fife: Thank you for coming in and sharing some of your concerns around Bill 70. Affordability is one of those key issues that keeps coming up. You make the point that government can't regulate affordability, and we would agree with you. We also

would agree with you that the number one issue that people complain about is weather, but the second one, I think, is hydro rates in Ontario.

But I want to talk to you a little bit about the relationship that you have with the government, because you've actually just issued a call to action, if you will, to bring stakeholders together to talk about—I would assume that part of that must be affordable housing. What would that look like, and what would you be specifically asking the government for? Because it's not in this bill.

Mr. Joe Vaccaro: Fair enough. This bill provides the doubling of the rebate, which we think is a positive step, but what it really does is that it provides our industry a signal that the government wants to talk about market housing affordability.

On the affordable housing side—which is, again, a different part of the discussion—the government has already signalled their intentions with things like the inclusionary zoning bill and some other items. But that doesn't get to the crux of the real marketplace, which is 95% of what our members are providing.

Ms. Catherine Fife: Which is single, stand-alone homes.

Mr. Joe Vaccaro: Which is single, townhouses, condos, mid-rise—it's the marketplace.

Ms. Catherine Fife: On that model, though, has brownfield development come into play with either municipal or provincial governments?

Mr. Joe Vaccaro: Absolutely. It's all part of that spectrum of what housing supply the private sector can bring to the marketplace. Brownfields are a great example of where that project needs to move through a very rigorous regulatory process. So part of that is working with the government to say, "If we want to bring a brownfield forward for redevelopment, how do we do it together?"

What we've seen over the last 10 years is a layering and layering of new regulations, policies, taxes and fees. We understand that there needs to be some rigour, obviously, but if we want to work collaboratively—hopefully a panel can have that educated discussion around how we collaboratively work together to bring forward new developments, to bring forward the right housing supply in the right location; and when we have those agreements and everyone is aligned, how quickly we can bring it to the marketplace.

From our perspective, this bill is positive in terms of the doubling of the LTT. That's a positive step forward. But it really is, for us, a signal that the government wants to have a thoughtful discussion now on market housing affordability. That discussion involves our industry and our members. It also involves an educated discussion about how housing supply is impacted by government regulation and taxes and process.

1420

Ms. Catherine Fife: Okay. Thank you very much.

Mr. Joe Vaccaro: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker: three minutes.

Mr. Yvan Baker: Thanks for coming in today. It's good to see you both again.

You spent a fair bit of time talking about the land transfer tax and the increase in the maximum rebate from \$2,000 to \$4,000, recognizing that a measure like this doesn't cool the market. Do you agree, and if so, could you speak about whether you believe that this will increase the affordability of housing for first-time homebuyers and for young families?

Mr. Joe Vaccaro: I would reference back, I think, to Minister Sousa's comments about this, which were that for those people who are in the marketplace, this helps them, and we see it that way. This is helping them close their deal, close the transaction. But the reality is that market prices are being set based on housing supply and demand in the marketplace. Overwhelmingly, the demand has been firm in this marketplace, and in southwestern Ontario in general, for the last 10 years. We've seen that. That's a reflection of the population and employment opportunities coming here. We see that demand, so we're trying to match the demand with what the industry can provide from a housing supply perspective, because that's really driving prices.

So yes, it's positive in terms of the doubling of the LTT. It helps those first-time homebuyers who qualify with some additional money and support to help close those deals. But essentially, if we are going to take a serious approach in terms of thinking about market housing affordability, then it's really incumbent upon the government, we feel, to bring some informed stakeholders together, have a thoughtful discussion, and understand that at the crux of the market discussion is not the demand issue; it's the supply issue: what's available in the marketplace, where it is available, and how quickly we can bring it to market. That is the only way that the market can be properly dealt with. Regulating affordability is not going to work.

Mr. Yvan Baker: Okay. That's helpful. Thank you very much.

One of the things that you and I have spoken about previously in our discussions is the availability of land for development in the GTHA. I was wondering if you have any comment on that that you'd like to share.

Mr. Joe Vaccaro: We specifically look at the issue as an issue of housing supply; it's a housing supply issue. When we look at that, we are talking about things like condominium developments in downtown core areas, townhouses on avenues and infill housing. As someone from Etobicoke, you would be challenged by a number of the new developments coming to your community, and the pushback you're getting from ratepayers, who are now welcoming those new opportunities. That's a housing supply discussion.

Regardless of whether it's a suburban issue, a rural issue or an urban issue, our challenge is bringing new housing supply to the marketplace. That's our challenge in all those various forms. And whether the pushback is from ratepayers who are concerned about their neighbourhoods or about traffic, or whether it's about

environmental concerns that we have to deal with and have to be responsible to, it's all part of that continuum.

We have really focused on the issue of housing supply and understanding that spectrum: How do we get all those options on the table? And how do we get them on the table and to the market as quickly as possible?

Michael, any other comments?

The Chair (Mr. Peter Z. Milczyn): Well, that's the three minutes, unfortunately.

Mr. Fedeli for three minutes.

Mr. Victor Fedeli: Welcome, gentlemen. It's always a pleasure to see you.

I'm going to start off by making a pitch—you know, I'm a northern boy. I live in the North Bay area, Nipissing riding. People north of the French River, when they hear these prices, it just absolutely boggles our minds. So I would make a pitch to you, and anyone who's viewing, that you can always come and visit us in northern Ontario, where we have a plentiful supply of lots. There, that's my sales pitch. I appreciate it.

The Chair (Mr. Peter Z. Milczyn): It's a long commute.

Mr. Victor Fedeli: Well, we have a lot of economic development opportunities as well, in our industrial park.

Look, our party, the PC Party, supports lowering taxes at every opportunity. So when it comes to the land transfer tax alteration, we support that—let's make that clear—but we cannot support Bill 70. There are 27 acts in Bill 70. It's an omnibus bill that has so many other components put into it. So we will not be supporting the bill, although we support any time there's a lowering of taxes.

To that, I'm going to read two amendments that we're bringing to the amendments that the government is bringing to the Land Transfer Tax Act, and I'm going to ask if this is the kind of thing that you would consider supporting.

The government is putting an amendment in, and we're asking them to remove, for all types of properties, "a tax rate of 2% on the amount of the value of the consideration that exceeds \$400,000." We're asking them to take that out of this bill.

They're also asking for an additional 0.5% on the amount of the value of the consideration that exceeds \$2 million if the land contains at least one and not more than two single-family residences. We view those new taxes, quite simply, as new taxes that we're going to ask—and we're going to put forth an amendment. We're looking for your thoughts on amending that.

Mr. Joe Vaccaro: Our thoughts are that, obviously, we're supportive of the LTT removed for new home-buyers being increased. We do have concerns about what it means for those people purchasing homes above that new standard—

Mr. Victor Fedeli: Four hundred.

Mr. Joe Vaccaro: —\$400,000, and likewise on the \$2 million, as I understand it, as well. We have concerns about that. We've begun the dialogue around transition rules around that. As you can imagine, an individual who

has purchased a home at those rates, but will not get delivery of that home for three years—are they impacted by this change? We're working with government to get some clarity around that.

But again, we look at this from a housing supplier's perspective. Taxes are definitely part of some of the barriers to bringing housing supply forward as developers have to make those projects work and make sense to bring them to the marketplace.

So we would be supportive of those amendments as we see a need to make sure that housing affordability for everyone involved is maintained in a reasonable way.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Vaccaro. You have until 6 p.m. today if you want to provide further written submissions.

Mr. Joe Vaccaro: Thank you.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Ontario Public Service Employees Union: Mr. Elliott. Good afternoon, sir.

Mr. Len Elliott: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation. Questions will begin with the government after that. If you could please state your name for Hansard as you begin.

Mr. Len Elliott: Yes. My name is Leonard Elliott.

Good afternoon. My name is Len Elliott, and I am a regional vice-president for the Ontario Public Service Employees Union. OPSEU represents over 400 occupational health and safety inspectors across the province and over 130,000 members who are workers in this province.

I am here today because the measures proposed in schedule 16 of Bill 70 to amend the Occupational Health and Safety Act will negatively affect all OPSEU members. First, it will affect us as workers; and second, it will affect us as health and safety inspectors, who work to keep Ontario workplaces safe. For the record, I am an occupational health and safety inspector. I work for the Ministry of Labour in London.

I wanted to start my presentation here today by having a minute of silence, as we do every year on April 28 on the International Day of Mourning. As you know, that's when we recognize and remember workers who have been killed or injured on the job. But I can't be silent today. I have too much experience with what happens when employers fail to treat health and safety seriously. As someone who has dedicated his career to making sure every working Ontarian gets home from work safely, I have to speak up. I want to be a voice that speaks for those dead and injured workers.

I am here to ask the committee to delete schedule 16 of Bill 70. Please do not leave it as is or amend it with it; it must be removed.

Schedule 16 gives the Chief Prevention Officer the ability to accredit a health and safety system for use in

Ontario workplaces and then recognize employers who use an accredited health and safety system. It has been said that the stakeholders in this province want the accreditation process. In this case, “stakeholders” does not mean all of them; it only means employers. I can tell you that the millions of workers who are also stakeholders in workplace health and safety have not asked for this change, nor would they ever.

I want to make it clear that OPSEU opposes connecting any type of accreditation system with the way the MOL conducts proactive health and safety enforcement in Ontario workplaces. Unfortunately, that seems to be what the government has in mind. In introducing schedule 16, the Ministry of Labour sent out an email that states that the ministry wants to “lessen the burden on employers by taking away unnecessary proactive inspections.” Just think about that for a second: There is nothing unnecessary about proactive inspections. Field visit inspections are an integral part of our health and safety system. To whom are they unnecessary? Not the workers of Ontario, I can assure you.

Our inspectors do tens of thousands of inspections each year, including thousands of proactive inspections, and occupational health and safety officers write thousands of orders for contraventions of the Occupational Health and Safety Act that would otherwise not have been addressed if we had not gone into those workplaces. These are workplaces that could easily receive accreditation under the new rules in Bill 70.

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It is not unusual for employers to receive awards or be accredited even though their workplaces are horribly unsafe. Want an example? Look no further than the Westray mine disaster. Westray received the John T. Ryan Safety Award for the second year in a row, just 11 days before 26 miners were killed in an early-morning explosion at the mine. Tragically, the worker that the company sent to get the award was one of the 26 miners who died in the May 9, 1992, explosion.

Employer representatives and government bureaucrats would have you think that while the employers are working away in their respective workplaces, it is an inconvenience to have an inspector show up for a surprise, proactive workplace inspection. But here’s the thing: An unsafe workplace is an inconvenience too, a daily inconvenience that threatens a worker’s ability to be healthy, or even to live.

Inspectors need to actually see the way employers run their day-to-day operations in order to determine if a given workplace is operating safely, and that only happens if employers don’t get advance notice of an inspector’s audit. If we had to call ahead to announce our arrival or, as suggested in Bill 70, never be allowed to do proactive inspections, many workplaces might think they were safe, and they actually aren’t. That false sense of security based on ignorance could be deadly.

The health and safety management system discussed in schedule 16 is only a paper plan. It is one thing to have policies and safety manuals in a workplace where

everything looks good on paper, but when it comes to safety, the proof is in the pudding. There must be external enforcement by Ministry of Labour inspectors to ensure compliance with the Occupational Health and Safety Act. Health and safety management systems sideline workers, joint health and safety committees, and worker health and safety representatives.

In 1976, the Ham commission recognized that workers needed individual and collective participation in workplace health and safety. James Ham came up with the internal responsibility system that is still in use today. Yet even today, the balance of power, when it comes to health and safety, lies with employers, not workers. Moving health and safety prevention to the boardroom to develop a management system moves occupational health and safety farther from workers and farther from solving problems on the shop floor.

On Christmas Eve of 2009, four workers were killed and one critically injured in a fall from a swing stage in Toronto. That’s when this Liberal government did a review of the health and safety system in Ontario, conducted by the Dean expert panel.

I attended every public forum of the Dean panel, including many Ministry of Labour meetings with staff, where we expressed our concerns and had some input as inspectors. Not once did inspectors call for or even mention a process that would limit their ability to attend a workplace in a proactive way, even with accreditation, and Dean didn’t suggest lessening enforcement to accredited employers either. Why? Because our inspectors have investigated critical injuries and fatalities of workers in workplaces that would qualify for accreditation tomorrow.

We, the workers of Ontario—the real stakeholders when it comes to workplace safety—also have great concerns with the proposed changes to section 7.7 of schedule 16. That section proposes that the Chief Prevention Officer should have the power to designate persons outside the ministry to look after accreditation and the many duties related to certification training. But this change needs to be scrapped, too. The Ministry of Labour should not contract out its role to a third party.

Further, we have no idea what the accreditation proposal looks like. What we’re being told is, “Here’s the legislation. Details to follow.” That’s not acceptable. Schedule 16 will increase the number of critically injured workers and workers killed on the job in my community and yours, wherever you live in Ontario.

If Bill 70 goes through, I hope that the families of those dead workers will be able to hold this government accountable for killing their family members. If this goes through, you may have to look a parent, a spouse or the child of a dead worker in the eye and tell them that you kept the Ministry of Labour health and safety inspectors out of their family members’ workplaces, all because his or her employer was self-regulated and claimed, on paper, it was a safe workplace. You don’t want to see that day. I urge you to make sure that you never have to.

Proactive inspections are so important to protect the growing numbers of precarious workers in the province.

Many of them do not have unions. They don't have job security. They may not know their rights, and even if they do, they are afraid to call the Ministry of Labour. Barring inspectors from proactively inspecting workplaces would have devastating effects on these workers. This does not match the Ministry of Labour priority to protect vulnerable workers. Our inspectors have the expertise, experience knowledge to do both proactive and reactive inspections. They do them now. Ontario needs both.

On behalf of the workers of Ontario who want to come home safely every day, and also the workers who have been tragically injured or killed on the job, please get rid of schedule 16.

I presented to the Standing Committee on Social Policy in April 2011 on Bill 160, where I said at that time that our health and safety are not up for negotiation. And today I'm saying that again. This is not drama. This is real.

Not all employers are bad. That's not my point. There are many good employers out there who comply with the law, and there are others who go above the minimums in the act. Enforcement doesn't harm these employers, and proactive visits don't harm these employers either. But it's still a fact: All employers need proactive enforcement.

In closing, two main messages:

(1) Proactive inspections are a critical part of our enforcement program in Ontario. No accreditation system can or will replace them and still protect worker safety.

(2) The Ministry of Labour must not put any third parties in charge of occupational health and safety. Workers depend on MOL enforcement and oversight for their lives.

Please scrap schedule 16.

Thank you. I'll take your questions.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Elliott.

Mr. Baker for three minutes.

Mr. Yvan Baker: Thanks very much for coming in, and thank you for the important work you do every day.

I shared with a previous presenter—I'm not sure if you were here—a little bit of my background story. One of my first jobs was as a labourer on a site where we were working with heavy machinery and a number of other things that could have been dangerous to safety. I remember how concerned everyone was about making sure that we protected the workers on the site, so I know how important it is. I also, unfortunately, was present when a worker did get killed in a different circumstance—not on that site but in a different circumstance. I know how important it is that we do everything we can to protect worker safety. I speak for myself, but I think I speak for all my caucus colleagues as well.

The way I see this is that the legislation has been put together—I think you referred to this in your presentation—and the details have not yet been mapped out, of what the accreditation program would look like. I think that's right, in the sense that I think the goal is that this

legislation would facilitate the ability to design an accreditation process that the ministry could consult on, with you and other important stakeholders.

You spoke about the importance of proactive inspections. That was one of your key messages to us. Proactive inspections are important today, and they will continue to be an important part in the future.

I just want to read you a few segments of a letter that the Minister of Labour, Kevin Flynn, issued, along with George Gritziotis, the Chief Prevention Officer. I won't read it all, just a few selected elements, but I think they speak to some of the issues that you alluded to.

"The Ministry of Labour is looking to design a workplace health and safety accreditation program with the help of labour advocates and industry groups. As a preliminary step, we have proposed amendments to the Occupational Health and Safety Act.... This proposed framework legislation would provide a pathway to allow the Chief Prevention Officer to work with you to develop an accreditation program.

"This addresses a recommendation contained in the expert advisory panel report...."

On a separate line: "No program design or standards are contained in the legislation. These specifics will not be developed until after robust consultation with labour and business stakeholders. It is the intent of the ministry to consult extensively with labour and employer stakeholders on the design of the program and on standards for accreditation, as well as the implementation. Labour stakeholders will be a key part of the consultation process to ensure their important views are, indeed, considered.

"Should the legislation pass, consultation will seek input on specific policy items such as implementation of a proposed accreditation framework; the components and elements of an accreditation standard; a possible incentive framework to encourage voluntary participation...; what health and safety programs must contain; and how they are evaluated in order to be recognized by the ministry."

In a separate part of the letter: "Some stakeholders"—

Mr. Len Elliott: Is there a question in there? I'm just curious.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker, unfortunately, you've used up your three minutes.

Mr. Len Elliott: The cart before the horse, sir. That's what I'm saying.

The Chair (Mr. Peter Z. Milczyn): Mr. Elliott, we're going to move on to Mr. Fedeli or Mr. Barrett. Mr. Barrett, for three minutes.

Mr. Toby Barrett: Thank you, OPSEU, for coming forward. I joined a union when I was 18, in manufacturing. I got to go to the safety committee meetings, the union meetings, and then, over the years I consulted—employee assistance programming, actually. Everything was joint management-union. Again, I attended many health and safety committees, joint union-management committees. I thought that was a great idea.

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From what you just said—I don't want to eat up the three minutes—I guess my question is, what has hap-

pened here? Why are they doing this? It almost seems like an end run. When I think of the principle of joint management and working together, especially on safety, what's happening here?

Mr. Len Elliott: What's happening here is a lack of transparency. In 2009, when those workers died, the minister at the time—I think it was Fonseca—asked for an expert panel review. So they set up the consultation process ahead of time, like they should. The “cart before the horse” statement I made is: Do the consultation, have all of the input from the stakeholders. This was done without talking to labour.

As for the Dean report, the Dean report named the provincial council, which included labour. Labour got served this about two and a half weeks ago and told, “This is what we’re doing.” That’s not transparent and that’s not what the Dean piece is talking about.

What we need to do is have those consultations—pull this piece, have the consultations and look at what accreditation looks like. However, we would still not agree that proactive visits be cut off to workers in this province. It’s not acceptable.

Mr. Toby Barrett: I’m sorry, the what not cut off?

Mr. Len Elliott: We would not agree that proactive field visits would in any way be cut off to inspectors. That needs to happen forevermore. Accreditation to a higher standard in a workplace above the minimums: We’re very supportive of that, but not of something that would then say, “You can’t come in here” through a reciprocal agreement with the Ministry of Labour, limiting the powers of an inspector. It’s not acceptable.

Mr. Toby Barrett: And just going back to my joint union-management work a number of years ago, one of our principles—and it took time. Sometimes it would take two years to set up a committee, say, with the steel industry. However, in the long run, it seemed to pay off. I’ve always found that involvement breeds commitment—

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett, I’m sorry to interrupt. People are having difficulty hearing you. If you could speak closer to the microphone.

Mr. Toby Barrett: Oh, I’m sorry. Very briefly, in the long run, involvement breeds commitment.

Mr. Len Elliott: Right, absolutely; involvement from both sides, which means the workers on the floor.

Mr. Toby Barrett: Exactly. Thank you, Chair.

The Chair (Mr. Peter Z. Milczyn): That’s it? Thank you. Ms. DiNovo for three minutes.

Ms. Cheri DiNovo: Thank you, Mr. Elliott. Thank you for your passionate plea here. Of course, late this morning, Bill 70 passed in the House. I’m talking about the cart before the horse.

Actually, one of my questions was going to be Toby’s, so I’ll rephrase my question: Who do you think benefits from this section, if it’s not the workers? Who benefits? Who had the Minister of Labour’s ear that they went ahead, do you think?

Mr. Len Elliott: Large corporations, absolutely; larger corporations—not all large corporations—and

some companies. Make no mistake: They absolutely have policies in place, they have safety manuals, they have full-time management and full-time health and safety members in some of those places. But I can tell you, orders have been written proactively in those workplaces. Critical injuries and fatalities have happened in those workplaces. If they get to hold up a sign to keep an inspector out of there, that’s going to continue to happen.

We are an external auditing body—government, not privatized—that comes in and audits the workplace based on being proactive, going in there and taking a look or a snapshot. To be able to hang something on the wall that says, “We’ve self-regulated. We’ve self-audited. We’re good to go,” that’s unacceptable. We should not be excluded.

Unfortunately, the legislation, if it’s passed—to say that you’ll have consultations after the fact, I still wonder what that will look like, wonder how that legislation will come out, because now they fully have their agenda, they fully have the ability to do whatever they want by giving these powers to the CPO. It’s not acceptable.

Ms. Cheri DiNovo: As you know, the New Democrats have opposed this, of course, and we’ve asked questions in the House on it. When we ask questions of the Minister of Labour, he stands up and says, “Oh, everybody’s on board with this.” Clearly, everybody is not on board.

Mr. Len Elliott: Clearly, they’re not. Labour was absolutely excluded, and after the fact, they said, “We’ll talk to you once this passes.” That is unacceptable. That’s not the transparency that this government hangs its hat on and talks about, not to mention a socially responsible government. Shame on them for doing this.

Ms. Cheri DiNovo: In essence, you’ve alluded to the fact that this is a privatization yet again.

Mr. Len Elliott: It’s down the path of privatization.

Ms. Cheri DiNovo: Like Hydro One, like the other privatizations we witnessed from this government, this is yet again another privatization.

Mr. Len Elliott: Yes. When the board of directors of the inspecting body are the very employers that would sit on those boards of directors that the inspectors would be going in to inspect and prosecuting, that has to be career-limiting in some way. It’s not acceptable. It must remain public.

Ms. Cheri DiNovo: Well, thank you for your passion. I hope you carry that passion in your discussions with the government, because they clearly aren’t listening. Thank you.

Mr. Len Elliott: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. DiNovo. Thank you, Mr. Elliott. If you have further written submissions you’d like to provide, you have until 6 p.m. today to do so.

Mr. Len Elliott: Thank you.

The Chair (Mr. Peter Z. Milczyn): Is a representative of the Ontario Nurses’ Association here? No?

UNITED STEELWORKERS

The Chair (Mr. Peter Z. Milczyn): Then we've had a request from the United Steelworkers if they could use an earlier slot, so I'll call them up. Sylvia Boyce? Good afternoon, Ms. Boyce.

Ms. Sylvia Boyce: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, followed by nine minutes of questioning. Your round of questions will begin with the official opposition. As you begin your presentation, if you could please state your name for Hansard.

Ms. Sylvia Boyce: My name is Sylvia Boyce. I'm the United Steelworkers' health and safety coordinator for Ontario and Atlantic Canada. Our union is the largest industrial union in North America. We have over 860,000 members. We're a diverse organization, with members working in various sectors, from industry, education, mining, chemical, glass, rubber, rail, over-the-road transport, forestry, telecommunications, call centres, banking and much more.

We also enjoy a very proud history of securing and defending workers' rights, including their right to safe and healthy work. In fact, the fight for Ontario's hard-won original Bill 70, which ushered in our present-day Occupational Health and Safety Act, in large measure began when the United Steelworkers members in Elliot Lake mine took the rare and courageous step of striking for better working conditions more than 40 years ago. Consequently, we consider it a sad irony that we are forced to respond to a second Bill 70 today, only one designed to weaken—not strengthen—worker health and safety in Ontario.

The United Steelworkers has listened carefully to the responses to union and New Democratic Party concerns on this bill and from the Ministry of Labour and the Chief Prevention Officer. They have not allayed our concerns or our sense of betrayal. Clearly, with section 16 of this bill, this government is intent on serving the agenda of employers and their friends in private industry instead of the very real needs of the working people in this province. That they did so under stealth, burying changes to the Occupational Health and Safety Act in an omnibus budget bill, misused their majority to limit debate in the Legislature, and now, at the eleventh hour, with very little notice, are allowing few public submissions in the short span of approximately five hours tells us that our Ontario government is no better than the Stephen Harper government that they once criticized.

Employer management systems are not proper accreditation systems. In a letter jointly signed by the minister and the CPO, they claim that the Ministry of Labour is looking to provide a framework for employer accreditation and that those changes to the act will provide the CPO a pathway to working with us on the actual development of accreditation. This sounds all very reasonable until one considers the framework to which they refer. It's especially flawed. If allowed to pass, the framework will take us down a path we don't want to go.

If we look at the proposed program name and the definition to be added to the act, we see that these programs are envisioned as being firmly in the control of employers. It is no accident that they are to be called health and safety management systems, with emphasis on the word "management," for, as the definition explains, these are to be "designed to be implemented by employers" only. No mention is made of worker representative participation. It is also noteworthy that nowhere in the definition does it tell us that the aim of these systems must be prevention of hazardous exposures that give rise to worker injury, illness and death. We believe that this is by design as well.

Our members are all too familiar with behaviour-based safety management systems like DuPont's STOP management system, which focuses on watching workers rather than eliminating debilitating exposures and hazards, and actually provides incentives for workers to not report injuries. The United Steelworkers has been fighting these kinds of programs for years. We are convinced Bill 70 will open the door to these truly harmful programs. We also know that the CPO, in his inexperience, promotes these kinds of programs, for we have seen criteria for his innovation grants and youth video contests that specifically encourage an emphasis on worker behaviours, not on workers' health and safety.

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Privatization of health and safety standards is a huge concern. An equally objectionable part of the government's framework and proposed changes to the act can be found under their new section 7.7, which would allow the CPO to delegate his powers for administering health and safety standards to any person outside the government.

In the case of accreditation, these persons will be private consultants who will apply to the government for their proprietary health and safety management systems to be accredited. They, in turn, will have the power to recognize individual employers who use their accredited systems. Of course, they will charge a fee in exchange for this recognition. Thus, profit, rather than real health and safety prevention, is the prime motivation in this system.

Unfortunately, this will not be the only damage that section 7.7 will wreak, for this section also allows the CPO to give away his powers for approval of training programs and training providers to private business interests. Does anyone in this room really think that these businesses will ensure that training meets the needs of workers when we have already seen how business operated under the old, weak certification part 2 standards, where employers could complete this part of the standard with a PowerPoint and send it to those seeking to become certified, or where some businesses, supported by private training providers, only had one significant hazard in need of addressing?

In this environment, the government deals a very destructive blow as well to the Workers Health and Safety Centre. The Workers Health and Safety Centre's

sustainability is ensured with quality mandatory training standards. Without them, they will find it difficult to compete, because they refuse to leave workers unprotected by minimalist approaches to training. Our Steelworkers union is very proud of the Workers Health and Safety Centre training, and we rely on their expertise, as do workers and employers—good, respectful employers—in this province.

When we talk about consultation, I have some concerns about meaningless consultations. In their same letter of assurance, the minister and CPO promised of the accreditation programs: “No program design or standards are contained in the legislation. These specifics will not be developed until after a robust consultation with labour and business stakeholders.”

We see two problems with this assurance, other than that the framework has already been set. Yes, a regulation needs to come after the fact; however, regulations do not get the same public scrutiny. They do not come before the Legislature. What’s more, in the last five years, we have gone through many consultations with this government, and their end game has not changed as a result of consultations. They listened, and they did, in the end, whatever they had decided in the beginning.

Shielding employers from inspections is outrageous. I agree 100% agree with Mr. Elliott from OPSEU and his concerns and presentation. He is bang on.

For similar reasons, the USW does not accept the minister and the CPO’s characterization of recent staff communications around Bill 70 as a “misunderstanding.” In an email from senior staff to the minister’s office, this was said: “This [accreditation] program would recognize employers who implement superior occupational health and safety management systems … and reduce the burden of unnecessary processes, such as routine inspections.” Attempting to quell the ire of unions regarding this statement, in their joint letter the minister and CPO offered an explanation of the misunderstanding and the promise of consultations. However, they still persisted where the staffer left off, suggesting that their efforts would be better placed pursuing activities other than inspecting, for instance, accredited unionized workplaces, and that this position had to be on the table. This is a non-starter for our union. We will not agree to exempt our members’ workplaces from proactive inspections.

Employer self-regulation in the form of COR: Finally, we have watched with interest the debates in the Legislature over Bill 70 and especially over section 16. Judging by the minister’s defence of this proposed legislation, it would seem the minister has already made up his mind to accredit an employer self-regulation program called Certificate of Recognition, or COR, and this despite the promise of robust consultation. Although he did not name the program he had in mind, the minister said that the same accreditation program is operating in British Columbia, Alberta and Nova Scotia. The only government-recognized program operating in all three of those provinces is COR.

The minister championed COR, stating that “when those programs were put in place, health and safety improved, incidents went down, increased hazard reporting took place, reduced rates of lost-time injuries, improved health and safety environments.”

The minister also counselled MPP Catherine Fife, who was ably challenging the government bill, to do her homework instead of making cheap political points. I am sure Ms. Fife has done her homework, as have we.

The minister is clearly overstating COR’s effect. Studies of COR and programs like it have been inconclusive. We do know, however, in all three Canadian jurisdictions highlighted by the minister, COR-certified employers receive rebates in compensation premiums. In British Columbia, for instance, the participating employers receive a 10% rebate, while Alberta employers receive 20%.

We also know that Alberta’s Auditor General has pointed out serious concerns and flaws with COR on three separate occasions, including the fact that upwards of half of COR-certified employers experienced workplace fatalities, multiple stop-work orders and high disability injury rates, yet still received rebates. As such, COR may just be another rebate program. It’s certainly not a prevention program, in our eyes.

We also know COR is touted as benefiting the health and safety of working people. The conventions of both the BC and the Alberta Federations of Labour reject COR. The BC Federation of Labour recently summed up their considerable experience with COR accordingly:

“COR auditors” are “in clear conflict of interest, whether internal employees” are “chosen by the employer or external industry consultants” are “paid by the employer; their interests” are “based on personal profit or profit”—

The Chair (Mr. Peter Z. Milczyn): Ms. Boyce, I’ll stop you there. I let you go a little bit over the 10 minutes.

Ms. Sylvia Boyce: Okay.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett, for three minutes of questions.

Mr. Toby Barrett: Thank you to the Steelworkers. I’m a former steelworker. We were known as canworkers back then—Canworkers 35. That was when I was 18.

Over the years, I had work where I was consulting on employee assistance programs and working with joint union-management committees, joint union-management health and safety committees, and it was a model that worked. I was involved in that for 10 years.

For the life of me, I don’t know why this legislation, this section 16, as we’ve been hearing all afternoon, has popped up, with very little consultation or discussion. I’m afraid we didn’t know much about this beforehand ourselves.

Why on earth would this be done? Is it just incompetence, like not understanding workplace settings and how to, in the long run, achieve goals? The number one goal is safety, of course. Why is this happening?

Ms. Sylvia Boyce: I can’t answer why the government is taking this approach right now, but my personal

beliefs, and in consultation with many of my labour colleagues and health and safety experts—we believe that this is being pushed through. They are putting the cart before the horse. They should be meeting and, in the spirit of co-operation, speaking with labour and those that represent workers in society, to come up with a proper approach and have an open, transparent process.

We are definitely against section 16 even being discussed. It should be removed. That would be my request today, that you remove it.

Furthermore, if in fact the government does have serious and deep concerns about improving health and safety in Ontario, they need to look at the research. They're considering this COR program. Look at what's going on in those three provinces. There are severe, serious problems there. There is no evidence that it actually is improving health and safety. In fact, there are a lot of flaws and concerns. It's really more of a rebate system, and it's a process, an incentive, to hide injuries and illnesses in the workplace. It's a flawed system. There's enough research and information out there, from the Institute for Work and Health and others, that really should be considered before considering going down this path.

Mr. Toby Barrett: I'm just puzzled. I'll be at the steel mill tomorrow, hopefully with Local 8782. It's down at the Nanticoke-Lake Erie works. Maybe I shouldn't divulge what's happening, but it's good news.

The former company—not US Steel Canada, but US Steel—had a very intensive safety program. It was brutal. That employer—and I think the union would agree with this—had a very, very proactive, stringent, almost vicious safety program, to get everybody on board.

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I don't understand. Unions favour safety, and the employers, certainly in the steel industry, as I understand it, given so many of the risks that are there. This is puzzling. Why would this be occurring? Why put this through without talking to people?

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Barrett. That's your three minutes.

Mr. Toby Barrett: I'm sorry to take up some of that time.

The Chair (Mr. Peter Z. Milczyn): Ms. DiNovo for three minutes.

Ms. Cheri DiNovo: Thank you for that passionate presentation, again, echoing some of what we heard from Mr. Elliott. This is an omnibus bill, and they kind of snuck this in there, similar to Harper's omnibus bills. It's kind of shocking to see a Liberal government follow Harper's lead, but there they have it.

What's interesting to me, too, is that there is, of course, this employment standards review going on right now with consultation—talk about cart before horse. I mean, they've snuck this in there.

I remember that when I was employment standards critic, only one in 100 employers ever saw anybody from the Ministry of Labour walking through their front doors. We had people complaining in our constit office about

not being paid at all, definitely not getting overtime, and all sorts of health and safety infractions. Almost always it was people who were not unionized, who were earning minimum wage or just slightly above it. Their priority was finding another job, not taking their case to the Ministry of Labour, so employers were getting away with all of that.

I can only imagine, without proactive inspections, what will happen in terms of health and safety, because we already have the template from employment standards of what will happen if there's not proactive inspection.

You witnessed it: Minister Flynn stood up and said, "Everything's fine. We've consulted. This is what we need to do and this is where we need to go." This is a man who walked in the Labour Day parade. What do you think?

Ms. Sylvia Boyce: Well, I think that there's clearly a lack of transparency. There definitely has been the cart before the horse. People's lives are really going to be put in serious jeopardy. The whole concept of having proactive inspections removed is absolutely a recipe for disaster. Like Mr. Elliott said earlier, he spoke about the Westray mine explosion, where that mine received a J.T. Ryan award for health and safety when, in fact, they had a horrific, horrific health and safety record. They were being provided with significant, prestigious awards, and health and safety were not being addressed.

Our government needs to work with labour. They need to sit down with the people who know health and safety, they need to give the workers a say in what should be happening and they need to do their research, because clearly they haven't. If they had just looked at what was happening in those other three provinces that are using this COR accreditation program—it's not a safety program. It's not a good accreditation program. In fact, it's something that's going to put a lot of workers' lives in serious jeopardy.

Ms. Cheri DiNovo: Self-accreditation, like self-auditing, isn't really accepted by most folk.

Ms. Sylvia Boyce: No.

Ms. Cheri DiNovo: I guess we all wish we could self-audit our own taxes as well, but that's not going to happen.

Ms. Sylvia Boyce: This only benefits, as I said, large corporations, employers who don't put health and safety first, and private consultants. This is not going to benefit any workers, improve their lives or health and safety anywhere in our province.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Mr. Baker for three minutes.

Mr. Yvan Baker: Thank you very much for coming in and speaking about this so passionately. We appreciate that very much.

I think you were here when I shared with the previous speaker my story, so I can share with you that I know speak for myself and certainly the other members of the committee, but also, I would say, Minister Flynn, in that protecting the safety of workers is a priority. It's a

priority for me personally because of what I've been through and witnessed, but I know it's a priority for Minister Flynn. He talks about that a lot.

I wanted to quickly clarify something before I ask my question to you, which is that there is no intention for proactive inspections to be suspended. I know you referred to Minister Flynn's letter quite extensively, so I won't read it, except I'm just going to read one sentence that I'm referring to. It says, "Proactive health and safety inspections have been an important element of the ministry's health and safety enforcement and will continue to be." I just wanted to clear that up a little bit because I wouldn't want that to be misunderstood. Proactive health and safety inspections will continue to be important.

What I did want to say also to you was that you mentioned earlier in your deposition—you had a number of specific ideas. My hope, personally—and I think this is the intention—is that those kinds of things that you talked about are the kinds of things that can be discussed and brought forward in the consultation, because as you pointed out rightly, the specifics of what that accreditation process could look like haven't been determined.

What I wanted to ask you is if you could tell me a little bit about how you would like to see this issue evolve during the consultation process that the minister has talked about.

Ms. Sylvia Boyce: Because, as others have said today, this clearly has passed today—the cart before the horse, so to speak. I would like to see that this section 16 be dropped completely and that, in the spirit of co-operation, our government—Minister of Labour Flynn and all of your colleagues—should get together and sit down with us who represent workers and discuss how we might develop and administer a program that builds up working people and that addresses health and safety and does not provide for incentives to employers and further rebates and the process for workers to be afraid to report injuries.

We need to sit down and not implement anything without consulting with the stakeholders who are truly, truly most important in this. They are the workers for whom, for the most part, we're all their voices. Whether we're labour or whether we're not or whether we're representatives in the Legislature, we need to think of the workers. I think that the folks who know them best are the labour movement. I think that we can come up with suggestions and try to work together, but it needs to be a joint process, not implement a plan without thinking about the consequences and where we're going to go later after it has all been said and done, because once it's done, it's done.

Our presenter earlier made a very passionate comment about, "I don't think any of you want to have to go to somebody's door and explain to them why you allowed for no inspections to occur in their workplace, and why their son or their daughter or their husband or their wife were killed and why children are without parents."

I've worked in health and safety for a long time, and there is nothing worse than having to deal with family

members who have lost loved ones because of health and safety negligence and because of profit-driven employers who want to cut corners and they don't take quality training as a priority.

I think that if the government is willing, there are certainly a lot of us in this room who share the same views. They can sit down with us in the spirit of co-operation, and let's talk about how we might develop a system and administer a program that would actually work.

The Chair (Mr. Peter Z. Milczyn): Thank you, Ms. Boyce. If you have any further written submissions that you would like to provide, you have until 6 p.m. today.

Ms. Sylvia Boyce: Okay. Thank you all very much.

ONTARIO NURSES' ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Ontario Nurses' Association. Good afternoon. You have up to 10 minutes for your presentation, following which there will be questions beginning with the New Democrats. As you begin your presentation, if you could state your name for Hansard.

Ms. Cathryn Hoy: Thank you. Good afternoon. I'm Cathryn Hoy, a registered nurse and newly elected vice-president for region 2, the Ottawa area, at the Ontario Nurses' Association, or ONA. Joining me today is Lawrence Walter, ONA's government relations officer.

ONA is Canada's largest nursing union, representing 62,000 registered nurses and allied health professionals, as well as more than 16,000 nursing student affiliates providing care in all sectors.

I am speaking today on behalf of 62,000 members to request that schedule 16 be removed from Bill 70 and appropriate discussions take place with ONA, representing the very workers this legislation is supposed to protect. ONA believes that all of its members have the right to work in a healthy and safe work environment. The sad irony is that the 1977 bill, also known as Bill 70, introduced the promise of a new dawn in Ontario workplace safety. Now the new bill flies in the face of the principles of that ground-breaking 1977 act, including the fundamental rights of workers to participate in their own health and safety.

Despite the fact that ONA has been optimistically and in good faith frequently meeting with all levels of the Ministries of Labour and Health and Long-Term Care, and devoting significant resources to the health care violence prevention tables, no one mentioned Bill 70, schedule 16, to us prior to an email communiqué received from the Minister of Labour and Chief Prevention Officer on November 29, 2016, at 6:49 p.m., after the second reading had been completed.

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We are deeply disappointed with Bill 70, schedule 16, given the productive, collaborative relationship we thought we were building with both the Ministries of Health and Labour, as well as with health care employers, in our collective violence prevention efforts.

The important proposal in the bill is the newly defined health and safety management system, or HSMS. The Chief Prevention Officer's powers are to be broadened to set standards for and accredit the HSMS. There is no mention of worker, union or joint health and safety committee input or review.

An email to labour from the minister's office stated the outcomes of these proposals: "This program would recognize employers who implement superior occupational health and safety management systems, highlighting the great work they are doing to protect Ontario workers and reduce the burden of unnecessary processes, such as routine inspections."

These proposed amendments prevent two of the very aspects that Dr. James Ham raised in the groundbreaking report that prompted the enactment of the Occupational Health and Safety Act, which he agreed are essential to workplace safety success: objective government oversight by way of inspection, and workers' participation in their own health and safety.

External auditing of workplace safety performance has long been accepted as a cornerstone of health and safety success. In Dr. James Ham's words, "Any internal system of direct responsibility will be imperfect and requires audit, not because of any inherent defect in form but because it is a human organization in which conditions of work and concern for the well-being of persons create grounds for tension...."

"External audit can keep the basic internal system alert and responsive...."

Dr. Ham was very clear about the need for worker participation: "[T]he worker as an individual and workers collectively in labour unions or otherwise have been denied effective participation...; thus the essential principles of openness and natural justice have not received adequate expression."

Replacing enforcement with the proposed health and safety management system is controversial, and certainly unacceptable to labour, for good reasons. Research suggests that workers' health and safety is better protected and injuries are reduced by "regulatory health and safety inspections that result in a citation or penalty."

A 2016 study by the non-governmental Institute for Work and Health found that "employers do take steps to prevent work-related injuries for employees when there are direct consequences to them."

When so much points to the need for enhanced inspections, why now does the government propose to eliminate or reduce those very inspections that are intended to keep our workers safe? After signalling a desire to sincerely consult with the Dean expert panel process, why now such a change to our comprehensive health and safety system, buried in a quiet corner of a finance bill that no one has had the opportunity to review or to be consulted on?

Had we been given this opportunity to discuss before the bill was tabled, we would have pointed out that the value of routine monitoring in effecting general and specific deterrence that has long been accepted. We value

accreditation processes, but only as an enhancement of the internal responsibility system, not as a substitute for the necessary external monitoring that helps keep the internal responsibility system working.

Workplace health and safety remain dire in the health care sector, and according to WSIB stats, it's only getting worse. I encourage you to review ONA's infographic, which is attached to our submission, depicting health care sector performance compared to industry, construction and mining. While injuries in other sectors have had a downward spiral since the enactment of the health and safety act, health care has maintained or increased a solid lead in accepted WSIB claims in many areas.

As we know, it's not even the whole picture, as it is widely accepted that violence, exposures and other injuries and illnesses are underreported in our sector.

We also have reservations about transferring health and safety obligations by employers and the Ministry of Labour under the act to oversight by the Chief Prevention Officer. The Chief Prevention Officer's attention to date has been primarily on other sectors and not health care.

Health care facilities have been part of a voluntary accreditation process for years. We acknowledge that it has been valuable for some areas of business but has seriously failed in its health and safety application. Over time, we have heard of the small hospital that achieved the highest of ratings in an accreditation review but, at the same time, failed at a WSIB Workwell audit of its health and safety system.

The most recent example of concern about relying on an accreditation program without benefit of external review is the Centre for Addiction and Mental Health. CAMH's webpage proudly displays an "exemplary" standing from its June accreditation, with one of the four areas of their excellence identified as "prioritizing worker safety." But this is the same hospital that in July received its third conviction and fine for health and safety infractions related to serious beatings and critical injuries of workers.

At a recent meeting of the violence leadership table, we discussed improved accreditation standards with both Accreditation Canada and Health Quality Ontario. These discussions are in their infancy and will not be quickly enacted, but we are unsure of how effective they will be in improving health and safety in the workplace and reducing incidents of violence.

It should be noted that ONA's president, Linda Haslam-Stroud, has been discussing over the last nine months putting more stringent expectations in accreditation standards, expecting that this would be an enhancement. We would never agree to improved accreditation standards as a substitute for proactive ministry inspections, and we would never agree to a program that didn't have legislated mandatory participation of workers, the fundamental and hard-won rights of our members. We cannot support a program that rewards employers by exempting them from external government inspections.

We had extensive discussions with stakeholders in 2007 when WSIB proposed accreditation, but after

months of discussion, they never acted on the proposal. We have had almost a year of protracted discussion on how to enhance the current hospital accreditation program to work to prevent and respond to violence in our health care workplaces. But even after all these months, we still have no resolution.

We hope you can appreciate how these amendments in section 16 are not insignificant things to be quietly tucked into a finance bill and hurtled through the Legislature. We urge the standing committee to take out section 16, and let's discuss this proposed upheaval of health and safety in this province. We have had meaningful engagement on serious issues. Why change that now?

We are mindful of Justice Campbell's sage advice: Health and safety in health care is doubly important. Justice Campbell said that if workers aren't safe, neither are patients. It's that simple, and we all will be patients one day.

All Ontarians have a deep understanding of what you are about to do to our health and safety.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We begin questions with Ms. DiNovo for three minutes.

Ms. Cheri DiNovo: Thank you very much, Ms. Hoy, for that presentation. My office actually has received complaints from workers at CAMH, because it's not that far from Parkdale–High Park. We have many health care workers who work there, and we're as shocked as you about the award.

We've heard from the government side, saying, "Don't worry about it. This is going to be a consultation process. Don't worry about it. Proactive inspections may still be part of this. Just trust us. Leave it to us." What do you say to that?

Ms. Cathryn Hoy: I do worry about it, because if you look at the numbers in workplace violence from 2014 to 2015, they have more than doubled. If you take out the mandatory inspections, what is going to happen?

I don't know if people really know what violence in hospitals is for nurses. We are talking about guns, machetes, knives, knife credit cards, hair-pulling, closed-fist punching, spitting. We depend on these audits. This is very, very serious. It would be very scary to think, in this day and age, that mandatory inspections would come out.

If a police officer was treated that way, that person would be arrested and put in jail. But it's acceptable for that to happen to health care workers? It isn't acceptable. I think the general public thinks that it's part of our jobs to take that, and it absolutely is not. We're there to care for people; that's why we're nurses and that's why we went into the field. But we need to be safe and we need our government to make sure that we are safe.

Ms. Cheri DiNovo: As you know, Bill 70 passed this morning. So what do you intend to do to keep up the pressure on the government to make sure that this section comes out?

Ms. Cathryn Hoy: I'm going to let Lawrence answer that.

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Mr. Lawrence Walter: Sure. As Cathryn mentioned, our president, Linda Haslam-Stroud, is at the violence leadership table. We'll take matters under consideration. Just on the consultation piece, we've been consulting with the government for almost a year now at that table, and we just don't understand why the government wouldn't at least raise that they are considering this accreditation process with us at that table—silence.

It doesn't give us a lot of confidence in a consultation process after the fact. Obviously, the government has a majority and is able to have this legislation passed. We'll take that under consideration and deal with it through whatever venues we come up with.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Z. Milczyn): Mr. Baker for three minutes.

Mr. Yvan Baker: I just want to make a few points and then ask a question, if I may.

First of all, you may have been in the room, I think, but I wanted to reiterate my personal experience with health and safety. As a young man, one of my first jobs was on a worksite where we worked with a lot of heavy equipment. In that particular workplace, people took a lot of precautions to make sure people were safe, and probably in most workplaces that happens.

I certainly appreciate how important it is. I personally was on a site, on a different occasion, in a different role, when someone was killed on a site. I know how important this is personally, and I know I speak for members of my caucus and for Minister Flynn, who talks a lot about health and safety, frankly, that this is a priority for all of us to get right.

The second thing I wanted to do was just to clarify something. Ms. DiNovo has mentioned a couple of times that the bill has passed. It's important to clarify that it has passed second reading and this bill is proceeding, as far as the order of things, in the way every other bill proceeds, where there is second reading debate; and the bill passes second reading, which is what happened this morning. Then there are consultations with stakeholders; that's what we're doing right now. Then it goes back for third reading debate and a vote in the Legislature. I just wouldn't want you to misunderstand. The bill hasn't passed; it has passed second-reading stage, which is typical.

I want to thank you for your efforts in health and safety for nurses. I've been told by the ministry about all the work you're doing and I know you're playing an important role in that. I also appreciate your efforts at the leadership table, so thank you for all of that.

The ministry has talked about the consultations moving forward. I guess what I'd like to hear from you is how you'd like to see this issue evolve during those consultations.

Ms. Cathryn Hoy: We'd like to see section 16 removed.

Mr. Lawrence Walter: We've been consulting with the ministry, as you mentioned. We just cannot under-

stand why the ministry didn't come to us on an accreditation program. We've been talking about accreditation at the leadership violence table. There really hasn't been a great deal of resolution during that consultation. To have consultation after a bill has already been tabled and introduced and pretty much passed without any consultation—we don't have a lot of confidence in consultation coming forward.

Obviously, we'll participate because we're interested in the health and safety of our members. But I can tell you, what we're asking the committee to do now is to vote to remove section 16 from Bill 70. And then let's have the consultation and move forward with a health and safety system that will protect workers in Ontario. That's what we're all here for.

Mr. Yvan Baker: Time, Chair?

The Chair (Mr. Peter Z. Milczyn): That's three minutes.

Mr. Barrett for three minutes.

Mr. Toby Barrett: Thank you—I was going to say O-N-A. It's ONA?

Ms. Cathryn Hoy: ONA.

Mr. Lawrence Walter: Yes. Either way.

Mr. Toby Barrett: Okay. I spent 20 years with the Centre for Addiction and Mental Health on the addiction side, over at 33 Russell Street, at the clinical institute. Within that workplace, my office—I was in communications, but my office was above emerg. We were part of a rapid-response team, for the safety of the patients as well as the people working with patients. I wasn't working directly with patients, but within 30 seconds, I could get down to emerg if there was a problem. This is back in the day of methamphetamine cases coming in and injuring staff and injuring themselves because they were just right out of control.

My business wasn't direct treatment or health care; I wasn't a nurse or anything like that. But this issue was uppermost. It was on our minds, and we talked about it. We'd have our little staff meetings, and it was always there, and there was a modicum of training.

I'm shocked when I read here—I'll just maybe read it for the record—that "no one mentioned Bill 70, schedule 16, to us prior to an email communiqué received from the Minister of Labour and Chief Prevention Officer on November 29, 2016, at 6:49 p.m."

That was just last Tuesday. This is Thursday.

Ms. Cathryn Hoy: Exactly, and after business hours at that, so, really, the next day.

Mr. Toby Barrett: And I didn't know about this communiqué.

So we're sitting here, making decisions. I'm not an expert in labour relations or health treatment, necessarily, although I did work in the field for 20 years. Safety is so important. In your business, the patient is number one. Of course, those working with patients are in need of assistance, which can, obviously, indirectly harm the patient if you're not being protected.

Are they just out of touch? Is this incompetence? Did someone have a great idea on Monday, maybe, and sent out a memo on Tuesday? What happened here?

Ms. Cathryn Hoy: I have no idea.

Mr. Lawrence Walter: I'm thinking that maybe different areas of the Ministry of Labour weren't talking to each other. Maybe the Chief Prevention Officer doesn't realize what's going on at other tables around violence prevention efforts and the talks around accreditation.

ONA spent a great deal of time doing a consultation with WSIB in 2007 around accreditation, and that proposal never went anywhere.

We are completely dumbfounded, really, at why the consultation didn't happen earlier around what they're proposing in schedule 16.

We've consulted with the government on a number of other issues—most recently, as I mentioned, around the violence prevention initiatives. We're ready to consult. We're here. We don't understand why they haven't approached us.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. That's all of our time. If you do have further written submissions you'd like to submit, you have until 6 p.m. today.

Mr. Lawrence Walter: Yes. What we've left with the committee is our written submission.

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

Ms. Cathryn Hoy: Thank you.

UNIFOR

The Chair (Mr. Peter Z. Milczyn): Our next witnesses are from Unifor. Are you in the room? Good afternoon, gentlemen. You will have up to 10 minutes for your presentation, following which we'll have questions, beginning with the government side.

As you begin your presentation, if you could please state your name for Hansard.

Mr. Terry Farrell: Yes, good afternoon. My name is Terry Farrell. I'm a national rep for Unifor Canada, working in the political action department.

Today, I have with me John Breslin, who is the director of skilled trades for Unifor; Phil Fryer, who is a national staff rep in the skilled trades department; and Dave Cassidy, on the far right. Dave is the financial secretary of Local 444, and he's also the president of the Canadian Unifor Skilled Trades Council.

John Breslin will lead off today and explain our position on Bill 70, schedule 17. I would ask John to go first. I thank the committee today for hearing our position.

John?

Mr. John Breslin: I hope everyone can understand my accent. I've actually been in Canada for 30 years, and this is my best Canadian accent.

Mrs. Cristina Martins: Fabulous. Love it.

Mr. John Breslin: Thank you.

Schedule 17 of Bill 70: the demise of the skilled trades in Ontario.

The Liberal government has introduced amendments to the Ontario College of Trades and Apprenticeship Act

that will dilute the enforcement powers of the Ontario College of Trades and devalue a certification of qualification and the compulsory trades designation.

This government is creating an unsafe workplace and telling skilled trades professionals and apprentices that their investment in training is a waste of time and money.

The Wynne government has chosen to hide these damaging amendments from public scrutiny by attaching them to an omnibus bill.

There are currently 22 compulsory trades in Ontario in which a person must be certified, or be registered as an apprentice in a given trade and a member of the college, to work or be employed in that trade. Certification is compulsory to ensure that anyone engaged in the practice of trades which pose risks to workers, public safety or consumer protection are trained and sufficiently competent to perform work properly and safely. The certificate of qualification is the only demonstrable proof of that training.

1530

The government's proposed amendments will now allow individuals without certification to do work within the scope of these trades. The Liberal government has introduced amendments to the act that allow individuals to appeal a notice of contravention from the college to the Ontario Labour Relations Board. The college has a mandate to protect the public; the OLRB does not. Its primary focus is jurisdictional disputes.

I'll give you a scenario: A labourer mounting electrical panel boards and their associated distribution system is given a notice of contravention by the college. The OLRB can determine the person does not have a certificate and is doing work within scope of an electrician, which is actually breaking the law, but now the OLRB can rescind the college's notice of contravention if they don't see many risks to the particular task. The danger in this notion is that what may appear to be a simple task, if done incorrectly, could lead to a hazardous fire and possible serious injury or death. Similar scenarios could play out in any of the compulsory trades, not just in construction.

The certificate of qualification and compulsory trade status would become meaningless if the OLRB is allowed to break out tasks within a compulsory trade. It also neuters the regulatory body mandated to protect the public. Business will benefit from using cheaper labour, but the cost could be lives and, ultimately, higher expenses when work is done improperly. The province takes a massive step back in consumer protection and in promoting skills and training.

In conclusion, schedule 17 needs to be removed from Bill 70 and sent to committee to allow proper debate and public scrutiny of the impact of these amendments. If passed in its current form, these amendments will increase risks to workers and the public.

Mr. Terry Farrell: We're going to ask Phil to supplement that, and then Dave will be available for questions. Go ahead, Phil.

Mr. Phil Fryer: Phil Fryer, Unifor's national skilled trades department.

The Liberal government is creating an unsafe workplace and telling skilled trades professionals and apprentices that their investment in training is a waste of time and money. Why are skilled trades suddenly being treated differently than other professions? Who benefits from lower labour costs and who stands to lose when potentially dangerous work is done by under-trained individuals? It looks like corporations win and skilled trades professionals and the public lose.

What message does it send to the more than 200,000 certified trades professionals across the province who have invested in skills training so that they can provide quality work and maintain the highest safety standards? What does it say to the employers who have invested in hiring the best-trained individuals to make sure our buildings, homes and transportation systems are renovated and built safely?

We don't understand how the government can say on one hand that they want to build a skilled workforce, and then turn around and say that you don't need to be trained to do complex and potentially dangerous work. Schedule 17 needs to be pulled from this omnibus bill and sent to committee, where the ramifications can be subject to public scrutiny. Thank you.

Mr. Dave Cassidy: Well, I was just going to answer questions, but I would feel remiss if I didn't add a little bit. I'm from Windsor, and this issue around the scope of practices with the Ontario College of Trades did originate from Windsor, as you all know.

The biggest issue that is very troublesome to us is the risk of harm. What does that risk of harm mean? I'm a 309 electrician. I'm a compulsory trade. With that risk of harm, I know that I can't go in and do certain electrical work at different places of residence—I can do my own—unless I'm certified. Eroding away what the trades, as we know it, do—we believe that potentially, under the scope of practise, this would happen.

Since 2009, our union has been going around the province to try to develop what the Ontario College of Trades was going to look like. We've been involved since its inception, and we promote and support it. I think it was indicated back in the day, under the Tim Armstrong report, what the actual act was going to be all about.

Until the Tony Dean report came out, we were fine with everything that was going forward. We have some issues around the Ontario College of Trades. It's some growing pains, as every new organization has, but with this schedule 17, potentially, it could really splinter what the trades are as we know them today.

When the Ontario College of Trades came into its inception, it was for the trades, by the trades. That was their slogan: For the trades, by the trades. When it left the MTCU and we put the two acts together and formed the Ontario College of Trades—I think now that it could, with the enforcement being eradicated away to the Ontario Labour Relations Board etc., put the public at risk. Based on what somebody like myself, as a licensed journeyperson, knows about what the trade is and if it

eradicates what my trade is, then it could put the public interest at risk.

Mr. Terry Farrell: I would just like to add, as well, that we've had ongoing consultations with the ministry and with the minister. We met today. We didn't have a concrete resolution. We felt that it was necessary to move forward with our deputation today—just to clear that up.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll proceed to questions. This round will start with the government side: Mr. Baker, for three minutes.

Mr. Yvan Baker: Gentlemen, thanks very much for coming in today. I appreciate that. I've said this to the previous speakers, in a different context, but I think one of the priorities for the minister, and I think for all of us on this side—I've had some personal experiences, myself—but health and safety and the issue of protecting workers is really a priority. I want you just to know that.

As I think back on this issue and what's led to this place, we've had two consultations, led first of all by Tony Dean and then Chris Bentley, and they both came up with similar recommendations. Of course, different groups have different views on this particular issue and obviously this is a compromise, right? This is what this has come to.

To emphasize the point around the compromise, I wanted to read a letter that I received and I know others received as well. This was directed to the Premier from LiUNA: "For the last few years, the Ontario College of Trades has created several issues in the construction industry primarily with the compulsory trades used in Ontario Colleges of Trades as a method for usurping jurisdiction. In order to rectify these problems, Tony Dean investigated and made recommendations that were not immediately implemented."

"Since then, Chris Bentley was hired to find solutions to implement Tony Dean's report. Presently the compulsory trades are upset that the college will change and not allow them the possibility to steal other trades' jurisdictions. My understanding is they will protest your government's implementation of the Dean and Bentley recommendations."

"I would like to take this opportunity to remind you that the protest group represents less than 5% of the trades. LiUNA alone has 90,000 members in Ontario and the other non-compulsory trades make up the rest, and far outnumber those who are protesting against what is right and what the college of trades was truly designed to do. On behalf of the 90,000 members of LiUNA, our expectation is that your government implement the recommendations of the two very capable and respected individuals."

So I guess my question is, why do you think that there is this disagreement amongst groups?

Mr. Dave Cassidy: First off, you said that the Dean and Bentley reports were close. I would beg to differ. In the recommendations that came forward, there are about three or four different things that weren't ever agreed upon. That's one thing.

As far as the jurisdiction of LiUNA goes, this was about public safety. As I said, where this originated from was with LiUNA in Windsor on the Herb Gray Parkway.

I'm trained, as an electrician, to do my scope of practice. If it becomes a jurisdictional issue where I'm going to have somebody who is not qualified to be able to do my scope of work, then that becomes an issue. That's public safety, so that's why we continue to push the issue based on the public's safety. That's why the Ontario College of Trades, not just based on the trades but even with the process of issuing tickets etc., when they went out—the mothership, I guess—looking at who was doing illegal work etc., wasn't licensed or qualified to do the work. That's where this came from.

1540

To your question: The scope of practice and the jurisdictional work have been there forever. This is not something new. Now we have a policy in place that would be able to say, "You cannot do this work. You're not trained in this work." That would be like me going to do somebody else's work. I'm not trained in that work. I can't go out and do that work.

As an electrician, I can't go wire your house. If I were a master electrician and I had certain regulations and qualifications, then I could go do that. I could pull a permit and go do that. But I'm not certified. This is deskilling on what happens based on the work and scope of practices on each job site.

By the way, our union is on this issue. I represent every single trade. I am an electrician, but I represent every single trade, so this isn't me as an IBEW or a pipefitter or whatever. We represent every single trade across our union—60,000 trades—but it's every different trade. We do not want to be like BC is today and deregulate it. We do not want to be the lowest skill level that we have in the province of Ontario.

Our goal is to have a pan-Canadian apprenticeship program that you can take right across the country, like the Red Seal, and we're going to have highly skilled, qualified skilled trades. That's why—

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll move on to the official opposition for their three minutes.

Mr. Toby Barrett: There's only three minutes. There's one of me and four of you. I think it might be important to hear a bit more from you, because we kind of got blindsided. This is a budget measures bill. I thought maybe we'd be talking about the debt, the deficit and things like that.

I'm the ag critic. This is the finance critic.

Would one of you gentlemen like to continue, because everything is tape-recorded and in Hansard, and get something on the record? Maybe just some concluding remarks.

Mr. Phil Fryer: I would like to go back to answer the previous question a little bit.

Mr. Toby Barrett: Sure, by all means.

Mr. Phil Fryer: I'll let one of my colleagues finish off the closing remarks.

LiUNA may represent 90,000 members—I'm not sure—but they don't represent 90,000 skilled trades workers. They represent craft people and labourers. These are the people who want to do this certified work, and that's why they've written the government that letter.

We are from Unifor. We represent 320,000 members, and 60,000 of them are certified trades members. Yesterday, on two or three days' notice, we joined forces with the labour movement and put approximately 3,000 members protesting on the front lawn. That's what we did in two days. If we have a week, we'll put 10,000 or 20,000 tradespeople on that front lawn.

This section needs to be pulled.

Mr. Dave Cassidy: And on the Dean report: We were in front of Tony Dean, and we gave our submission at that time, as well. It's interesting. Tony Dean is not a compulsory trade. He is a millwright, and while he might understand some parts of being a millwright, that becomes an issue, because when somebody goes in and talks about this letter that comes out from LiUNA—I have to go through an apprenticeship program of 9,000 hours. I could potentially be a craftsman who would go through for 1,500 hours. If that person with 1,500 hours is going to work on something that I've been trained on for 9,000 hours, there is a discrepancy there, based on that.

The other part is that when it was going through for the appeal process, through the ticketing if somebody was working illegally with the Ontario College of Trades—now, with the process of the Ontario Labour Relations Board, we're not sure what that means to us. Shall it go through the board? Should they look at what the Ontario College of Trades has on the specifics around the act? There is some grey area around that. That's another issue that is troublesome to us.

Mr. Toby Barrett: Yes, maybe this should come back under labour legislation or education legislation.

The Chair (Mr. Peter Z. Milczyn): Mr. Barrett, that's your three minutes.

Interjections.

The Chair (Mr. Peter Z. Milczyn): Ms. DiNovo will have questions for you, so we'll see what that covers. Ms. DiNovo, three minutes.

Ms. Cheri DiNovo: Full disclosure, Chair: I'm also a member of Unifor, so hi. I'm not a skilled tradesperson, though.

I just want to go back to the consultation process here. This was two schedules, as you heard Mr. Barrett talk about, that were stuck into a bill that doesn't seem to have anything to do with them.

You had mentioned that—you've been consulted now. Were you consulted before? Did you know this was coming?

Mr. David Cassidy: No. No, we didn't know it was coming.

Ms. Cheri DiNovo: Okay. Why do you think you weren't consulted before? Why do you think the government didn't want to give you a heads-up about this?

Mr. Phil Fryer: I could answer: because they knew that we'd fill up the front lawn, which we'll do again if

they don't pull this bill. That's why they didn't consult. They tried to sneak it in without consulting us.

It came out of the Dean review, and now it's under an omnibus bill on finances. This has nothing to do with finances; this has everything to do with skills in the province of Ontario—nothing to do with finances. There's not a dollar in this.

Ms. Cheri DiNovo: You gentlemen know better than anyone that we're adding about 100,000 new people in Toronto and we're building like crazy in this city. Who is going to benefit from this, if this stays in? Who would benefit from this?

Mr. John Breslin: Who's going to benefit from this? I can tell you: The underground economy is going to benefit from this; general contractors will benefit from this. It's like a doctor or a lawyer who goes through school and a certification. Are we going to start sewing people up because we think we can sew, as part of being a doctor?

It's shameful, what they're doing to discredit us. If you're trying to encourage young people to become certified and become a skilled tradesperson, what it does—and I'll refer back to the 90,000 from LiUNA who are not tradespeople; they are craftspeople. What they're saying is false.

We look after over 60,000 skilled trades in about 22 sectors—every trade you can imagine, from a pipefitter through a millwright, electrician, tool-and-dye and all different trades. Their goal is to become certified. They do an apprenticeship of 8,000 to 9,000 hours. It has been referenced that, after 1,500 hours, you could be deemed a craftsman and work with LiUNA.

We made this very statement on the lawn yesterday. We are not looking to take the work from anybody—nobody. We don't want to take work from LiUNA or EllisDon or anybody else you want to mention. All we want to make sure is that certified people do the work they're certified for. That's it. We don't look to poach from anybody, to steal from anybody. We're not interested in that, although we've been accused of that. We just want to protect the certification. We go to school and we work in our job place to obtain a certificate of apprenticeship and a certificate of qualification.

It also affects the mobility that we're trying to introduce. We have a pan-Canadian apprenticeship program, which will affect apprentices in Ontario. It has been said that, if this bill goes through, Ontario will become the least skilled province in Canada.

We're looking at a second-year apprentice in Ontario who may lose his job for no fault of his own. So guess what? We're trying to put a harmonization program in where he can use his two years and second-year status and go to another province. This does not allow me to do that, when you devalue what he has already done in two years. He would have to go back to the start of his apprenticeship program, and who's going to take him on then? Not only does it devalue the trade; it will not encourage young people to become tradespeople.

We are proud of having our licence. I'm in Canada because I'm certified to work in Canada—from Scotland

over 30 years ago. For my licence, I had to come here and write a certificate of qualification, though, which I did. I'm very proud of my licence.

I think that it's shameful, what they're trying to do—just to reiterate what my colleague said—to put it in an omnibus bill in amongst a whole bunch of things that do not affect us. We would ask that it would be pulled and given a specific time for schedule 17 to go to committee so that we could have a proper discussion on this and get to the bottom of it and commit to an agreement that makes everybody in Ontario safe and also protects our certification, which we're so proud of.

The Chair (Mr. Peter Z. Milczyn): Thank you, sir. Thanks for coming in this afternoon and sharing your views with us. If you have anything further that you would like to submit in writing, you can do so until 6 p.m. today.

Mr. John Breslin: Okay, thank you very much.

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

ONTARIO SHEET METAL WORKERS' AND ROOFERS' CONFERENCE

The Chair (Mr. Peter Z. Milczyn): Our next witness is from the Ontario Sheet Metal Workers' and Roofers' Conference. Good afternoon, gentlemen.

Mr. Tim Fenton: Good afternoon.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes for your presentation, following which there will be questions. Your round of questions will begin with the official opposition. As you begin your presentation, if you could please state your name for Hansard.

Mr. Tim Fenton: Good afternoon. My name is Tim Fenton. I'm the business manager of the Ontario Sheet Metal Workers' and Roofers' Conference employee bargaining agency. We represent two construction trades: the sheet metal workers, which is compulsory, and the voluntary trade of roofers. Beside me is Mr. Eric Comartin, our in-house legal counsel.

1550

I was out on the lawn yesterday, along with the other 1,000 or 5,000—whatever the number is. There were a lot of upset people out there. On the short notice, we had a lot. Give us a little bit of time and we can keep filling this lawn up. They're very upset about the idea that people can come in, unskilled and untrained, only recognized by an employer, maybe, that they have certain qualifications to do a scope of work or a sector of work that our members are continuously training for, upgrading for and gain a very good living at.

We're a little upset—more than a little; we're upset—that this kind of legislation can come in a finance bill. It has nothing to do with finances. It has everything to do with the quality of a tradesman. It's coming through and being rammed through without any consultation on the content, and this is the only time we get: 20 minutes.

We were around when Dean did some reviews. He wasn't listening, and I don't think Bentley has listened either. The College of Trades has been up and running

since 2013. That's three years and change. There was plenty of time in those three years to figure out some of these things, rather than coming in at the last minute and burying them in a bill that has nothing to do with them, and making them difficult to address.

We were on the lawn yelling and screaming yesterday. We're going to be back. We're going to be back in front of constituency offices. This isn't going to go away until you guys take it out. Take schedule 17 out, take schedule 16 out and put them where they should be: as a separate bill. Let it be addressed that way.

The Chair (Mr. Peter Z. Milczyn): So Mr.—

Mr. Eric Comartin: Actually, Mr. Milczyn, I have some comments as well.

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

Mr. Eric Comartin: In addition, I have in my hand a letter that was provided by the Ontario Sheet Metal Contractors Association, which would be the association that represents employers across Ontario in the sheet metal trade. They are the employer bargaining agent. This letter was provided to Premier Wynne and Minister Flynn earlier today or late last night. I brought copies for the committee—

Interjection.

Mr. Eric Comartin: Yes, I've got 25 copies, Mr. Rennie.

The Chair (Mr. Peter Z. Milczyn): We'll distribute them.

Mr. Eric Comartin: I want to thank the committee for letting us appear today. We were given the abundant amount of notice of approximately three hours. I got a call at about 11:30 to appear today at 3:30, which doesn't make me unusual, because I understand that all of you are a bit surprised that we're here as well.

Some of our counterparts in some of the other trades and the employer associations are not able to be here today, simply because of their schedules and the late notice with which they were provided an opportunity to speak.

I'd like to say that this is unusual, but I have to say, in regard to the process by which we came to schedule 17 in Bill 70, it is entirely consistent. That may sound like a surprise to some of you—I understand that you're all busy, but I've come here today to speak, and I'd be grateful if you could pay attention to me while I'm speaking. Mr. Dong? Thank you. Please?

Mr. Han Dong: I am listening.

Mr. Eric Comartin: Okay. It's hard to tell because you're—

The Chair (Mr. Peter Z. Milczyn): Please address the Chair.

Mr. Eric Comartin: Mr. Milczyn, I'm in your hands in how you want to operate.

The Chair (Mr. Peter Z. Milczyn): I'm listening, and please address the Chair.

Mr. Eric Comartin: That's fine. I'm here to appear before the committee.

The reason why I'm being very specific at this time is because there has been a lot of comment about Mr.

Dean's report, Mr. Bentley's report and this bill and how they coincide. I want to be abundantly clear: I have been a part of this on behalf of my client, the Ontario Sheet Metal Workers' and Roofers' Conference, this entire process, and I have to tell you, not once has anything I've said appeared in any of the material either from Mr. Dean or Mr. Bentley. It certainly doesn't appear in schedule 17. So for this government to say that they have consulted—they may have consulted in the sense that they may have allowed me to speak, but not a single thing is represented in those reports. They ignored virtually everything we said—not just us, the sheet metal workers, not just the IBW, but our representative employer associations. Everything we said is ignored. It doesn't even say, "We heard this. This is what they said. We considered this." It's not there.

Then we get omnibus legislation. Let me be clear: This legislation is not consistent with what Mr. Dean said; it is inconsistent, in many respects. I get the sense it is what the government wanted Mr. Dean to say.

We got this legislation two weeks ago—no consultation, no advanced draft copy, nothing. I have to tell you, it is so flawed as to be something that can't be saved. In our view, it ought to be pulled, simply from a process standpoint. It is completely improper to be part of this finance bill. But it needs to be rewritten—not amended; completely rewritten, with the appropriate consultation, with the appropriate effort, and, let me be even more clear, with the appropriate legal opinions.

If I was this committee and I wanted to do a good job on this schedule, I would ask for the minister to come here and appear and I would ask him, "Who wrote this? Why did you write it?" Whoever it was who wrote it, I would demand to see that person too. I want to see who wrote this legislation and how they made it so absolutely inconsistent with the College of Trades act, in my view, as it is untenable.

When I was preparing these comments today, I was reminded—I'm contemplating what I'm going to say, and I have to say that they were relatively conservative, those comments. But as I was driving today, I was thinking of the movie Pulp Fiction. There's this character, Marsellus Wallace, and he's the big boss. He's telling Bruce Willis, "You got to take a dive. You take a dive in the fight." He says to Bruce Willis's character, "Look. You're going to get to a point and there's going to be something sticking in you and that's pride. Pride is sticking in you."

Well, I'm here to appeal a little bit to your—this is directed primarily to the government members—to some of your pride. To extend the example, Marsellus Wallace is whoever wrote this, right? This legislation here, this is the bad guy. Whether it's from the minister's office, whether it's from the Premier's office, I don't know. And I'm asking you, as Bruce Willis, not to take the dive. In my role here, I'm your conscience and I'm asking you not to do it.

But if you're not going to listen to me, and I assume you think I'm somewhat partisan in this, I want you to

think a little bit about something that someone far more eloquent than I am said. He said it approximately 20 years ago. I picked it up because I remembered it. I used to work in this place and I remembered this guy. He is, despite the fact we are politically different, very eloquent. Back on December 5, 1995, Sean Conway talked about omnibus legislation. If you don't know who Sean Conway is, I recommend you go and find some Hansard things. He was just a really great speaker and an outstanding member of provincial Parliament. When he talked about omnibus legislation—I paraphrase. This is Ontario Hansard, December 5, 1995:

"To bring forward a bill of this magnitude, introduced on November 29, 1995, and to say that without any delay and without any public hearings it shall be passed as one massive undertaking within five to 10 or 12 days is to add insult to injury."

To this government I say: If you don't listen to me, why don't you listen to Mr. Conway, your former colleague? This is exactly what he was warning about. And I'm happy to provide copies of that.

Subject to any questions you have, those are our submissions in this regard. I urge this government, on behalf of the Ontario Sheet Metal Workers' and Roofers' Conference, to at least—at the very least—pull this for further study. Even if you don't want to send it as a separate bill, pull it. Get some information; make sure you get it right. All we're asking for is sober second thought. All I'm asking for is exactly what Sean Conway was asking of Mike Harris in 1995.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. You are—

Interjection.

Mr. Eric Comartin: Actually, don't be like Mike, Mr. Rinaldi.

The Chair (Mr. Peter Z. Milczyn): Mr. Rinaldi, you're out of order.

You were exactly on 10 minutes. This round of questions goes to the official opposition. Mr. Barrett for three minutes.

1600

Mr. Toby Barrett: I appreciate your comments. I came in with Mike Harris 21 years ago. Before I decided to run, I sat in the visitors' gallery one night and listened to Sean Conway for about an hour—a captivating speaker. We're both Irish, but he has that gift of the gab. I guess I'm the Irish that listens to the other Irish who talk all the time.

I'll mention another name: Peter Kormos. I sat on committee for many, many days with Sean Conway and Peter Kormos. I'm just wondering what they would have to say about this process.

I just got the latest letter from the Ontario Sheet Metal Contractors Association—and I'm still having trouble catching up, and we've been here all afternoon. Because this is the Standing Committee on Finance and Economic Affairs, I can turn to my finance critic, but we're not necessarily labour experts or education experts or skilled trades experts.

The three minutes: Maybe I'll just turn it back over, because I was just reading one of your last sentences: "We are deserving to be heard on matters that impact the sheet metal industry." Any final parting shots?

Mr. Eric Comartin: Listen, we may come across as somewhat aggressive in this regard, but it's out of frustration. This comes out of frustration. We're not looking to take potshots at this government. We actually think that we can answer some of the concerns that were raised prior to Mr. Dean's retainer. We think we can do that. We think we can do that in a progressive way and we think we can do it in a constructive way.

This just doesn't do it, and so out of frustration, we come to you and say, "Look, we've tried working with you. We've tried different things, and you're not listening." We're not looking to take sucker punches; we're not. But if we're left with no other device, then we have to become a little bit more aggressive, and what you saw yesterday was a small part of it.

So work with us. Just put it aside, and let's work it. If there are these complaints from people who don't pay money into the compulsory trades and don't pay money into the College of Trades, let us see what we can do.

This doesn't answer this, though. This makes it worse.

Mr. Victor Fedeli: Chair?

The Chair (Mr. Peter Z. Milczyn): Forty seconds.

Mr. Victor Fedeli: I can do that. Thank you, Chair.

I've asked many deputants the same question: Why do you think the government is doing this?

Mr. Eric Comartin: Look, you want to give them the benefit of the doubt in the sense that they see that there is a problem and there's a squeaky wheel, and that squeaky wheel comes from more than one point, right? But I don't have an answer for you, because it makes no sense.

The amount of energy, effort, money, resources and talent that have gone into building the College of Trades, and the political capital that this government—which we applaud them for, to put this together—to then undermine it so effectively in this terrible, terrible amendment to the legislation just strikes me as the tail wagging the dog. There is no good reason.

I think, really, that whoever is pushing this along doesn't know what they're doing. I don't want to allege incompetence, but maybe negligence.

The Chair (Mr. Peter Z. Milczyn): Thank you. Ms. DiNovo, you have three minutes.

Ms. Cheri DiNovo: Thank you very much. I really appreciate the passion. Thanks for coming forward.

We've got, buried in this omnibus bill—as you pointed out, Sean Conway is against it. So, in fact, were the Liberals against Harper's omnibus bills federally, and all of a sudden, provincially, they're bringing them in, especially two attacks on labour, sections 16 and 17, buried within a finance bill. We're here because you're here.

When we've asked the Minister of Labour, Minister Flynn, he dismisses our concerns, saying that there has already been consultation. Clearly, you've indicated there hasn't been consultation. I guess this is it. You've just been consulted. It's like, "You've just been served."

You've just been consulted. It has gone past second reading already this morning. It was voted on before you were consulted. So now, hopefully, sections 16 and 17 will be removed.

What's fascinating to me is that you've got labourers, you've got workers and contractors here opposing section 17. Like the Conservatives: Who supports this? And more to the point: If they don't take it out, can you tell us what's going to happen? What are you prepared to do if they don't take it out and what do you think will happen coming out of this?

Interjections.

Mr. Eric Comartin: Sorry. I might as well just go ahead.

Listen, I work as legal counsel. I am retained to do the work that my client instructs me to do. There will be various avenues of attack that will be provided. Some of those will be political; some of those will be through the legal process. It seems like a tremendous waste of resources to actually force—look, if I'm the government, the last thing I want is someone like me in the court on this. I don't understand it. Someone like me—and listen, there are far better lawyers on this file than I am. You have some of the premier litigation talent that has been retained because that's how important this is to us. But the last thing the government wants is someone like me spending a lot of time and effort using up my client's resources, but worse, the government is going to have to use their resources and the resources of the people of Ontario to stand in front of something that really doesn't deserve defence. I don't know. I don't know who's driving this.

But I do want to make one clarification: This is not a union issue; this is a compulsory trade issue. I want to make that really clear. We represent sheet metal workers, by virtue of legislation through something that the Conservatives actually brought in back in the 1970s. That's fine, but there's nothing to stop the labourers or the carpenters from representing skilled tradespeople. What this is strictly about making sure that the person or persons performing the work or paying for the work, like the contractor, like our employer, have the person licensed. So the labourers write this letter—and having been former counsel to the labourers, I know, for example, that they represent multi-trades. So if they had a sheet metal worker or an electrician working, that's fine. There's nothing stopping them from doing that. They can have that person under their collective agreement, or, alternatively, a non-union contractor can have someone perform that work, as long as they're licensed.

What this legislation says is, "You don't really need a licence. We'll just take this piece—you can do that part because it's not very dangerous." Right? "So, you, Doctor, you know what, you can amputate the leg. You don't need a licence to be a medical practitioner to amputate the leg, because it's already gone. There's no risk of harm." Come on. Seriously?

I use that point specifically because of what Mr. Flynn said in the Legislature yesterday in response to this

question, as if to say he's defending the College of Trades like the College of Physicians. You do not have the risk-of-harm assessment to lawyers or doctors to perform work; you either have a licence or you don't. That's all we're saying: You either have a licence or you don't. And if you don't have a licence, there is no review by the whatever—

The Chair (Mr. Peter Z. Milczyn): On that point, we'll go to the government side for their question.

Mr. Eric Comartin: I could continue—

The Chair (Mr. Peter Z. Milczyn): Mr. Dong, three minutes.

Mr. Han Dong: Mr. Fenton, I just want to make a quick point—

Mr. Eric Comartin: I'm Mr. Comartin.

Mr. Han Dong: Oh, sorry; Mr. Comartin. I just make a quick point before I turn it over to my colleague for the question. We sit through these committees for hours, and there are other things happening as well, so we are kind of trained to multi-task. If you look around, every member of this committee will be carrying one of these devices. So I appreciate the intent, but I don't think that it's necessary to mention and to call me to listen to you. I was listening, just for the record, and I appreciate your presence here and your point.

Mr. Eric Comartin: I understand. Sometimes perception is more important—

Mr. Han Dong: With that, Chair, I'll turn to my colleague for his question.

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

Mr. Yvan Baker: Thanks very much. I appreciate you coming forward and sharing with us your views and doing it so passionately. I appreciate that.

I will say a few things before I ask my question. One is, of course, that the health and safety of workers is a priority, not just for the minister but I think for all of us. Those who have testified before have heard me share my personal experience. I won't do that with you because of the limits on time, but I have personally experienced the importance of health and safety and can appreciate that. I know I speak for the rest of the team here and members of the caucus.

One of the things that has been talked about a little bit is the consultation process. I guess what I wanted to add was that there were, really, from my perspective, two years of consultations, first led by Tony Dean and then, subsequently, by Chris Bentley, both of whom came forward with similar recommendations.

I'm just reading from a letter from the Coalition of Non-Compulsory Construction Trades, and they said, "We understand that some of the stakeholders interested in the college have called for additional consultation. We strongly disagree with any delay moving forward. The government of Ontario has already engaged in two rounds and more than two years of consultation, both resulting in similar recommendations." That's some of the feedback that we're hearing from folks.

1610

The other thing that was raised, or that I wanted to raise, really, was the issue that after those two years,

we've tried to come to a compromise on this. There are many groups who understand that what this is, really, is a compromise, where even they aren't necessarily thrilled with every aspect of this, but they understand that that's the effort that the government is trying to take.

I wanted to read for you quickly, as an example, from the boilermakers union, from their press release. I won't read the whole thing, just a few lines: "The reason certain trades oppose Bill 70 is that they will no longer be able to use the Ontario College of Trades as a vehicle to displace workers who belong to the non-compulsory trades."

"Every trade trains its members to the highest standards. They are all skilled workers, for whom safety is paramount.... For the certified trades to say the other trades are unsafe is not only untrue, but is fearmongering at its finest."

"The amendments put forward by the government will rectify years of discrimination against these trades.... All we are asking is that our members, who are every bit as skilled as the certified trades, have the same chance to work as everyone else."

"The changes have been discussed through two years of consultation."

"There have been two years of delays in implementing these changes.... It's time to move forward."

I guess my question to you is, in light of these comments from these different groups, why do you think there is that disagreement, and do you agree that it's a compromise?

Mr. Eric Comartin: I'm not going to speak for the boilermakers or any other trade union. I will say that they're not a compulsory trade. They pay no money into the College of Trades, and in no way does this legislation address the things that they're talking about in that correspondence.

Now, unfortunately, Mr. Baker, I wasn't provided a copy of that stuff in advance. However, I do have the coalition of non-compulsory trades—I was given a copy of that. I don't have Mr. Maloney's news release. But they don't pay into the College of Trades. To say that we're taking their work—that can't possibly be the case, because they can't perform sheet metal work. That's the whole point. There is no loss to them.

So we are dumbfounded by the aggressive nature of that press release. But more importantly, there's nothing in—or maybe you can help me, because you are part of the government. What part of schedule 17 addresses that?

The Chair (Mr. Peter Z. Milczyn): Sir, you don't ask questions. We ask questions. And the three minutes are up.

Mr. Eric Comartin: I'm sorry, Mr. Milczyn. I'm responding to his question, where he asked me a question, and I said to him—

The Chair (Mr. Peter Z. Milczyn): In any case, sir, the time for your deputation and the questions to you is up. We have four or five additional witnesses that we have to hear before 6 p.m. today. I appreciate your submissions, spirited as they were. If you have anything further that you'd like to submit in writing, you have until 6 p.m. today.

Mr. Eric Comartin: Actually, I think we're coming to your office soon, Mr. Milczyn, so I can speak to you there.

The Chair (Mr. Peter Z. Milczyn): You could very well.

Mr. Eric Comartin: Thank you.

CUPE ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is CUPE Ontario. Good afternoon, Mr. Hahn. You have up to 10 minutes for your presentation, following which we'll have questions. Your round of questions will begin with the NDP. As you begin your presentation, please state your name for Hansard.

Mr. Fred Hahn: Thank you. Good afternoon to you all. My name is Fred Hahn, and I am the president of CUPE Ontario. As many of you know, CUPE is the largest union in the province. We represent workers employed in five main sectors: health care, social services, municipalities, universities and school boards.

To begin with, I want to say that our union believes, as do most Ontarians, that it's fundamental and important to our democracy that we, the public, get an opportunity to properly review and comment on pending legislation. That's why we're here today to speak to the committee about Bill 70. But it's also why we are troubled by the practice of presenting omnibus bills that combine a great many pieces of legislation, unrelated by topic, together as one bill, expecting anyone to be able to give it the attention it deserves.

In the case of Bill 70, or, at least, some of the schedules of Bill 70, it's hard not to conclude that evading scrutiny is at least one of the reasons why government might have chosen to package items like schedules 16 and 17 into a 110-page bill with 26 schedules, as opposed to presenting them to the House as a stand-alone piece of legislation. Does anyone believe that a half-day of public hearings, consisting of presentations limited to 10 minutes, to deal with 110 pages and 26 schedules in a piece of legislation is sufficient?

Bill 70 is, of course, a budget bill, and the fall economic statement by the Minister of Finance once again claimed that the budget would be balanced by 2017-18. Shortly thereafter, however, the Financial Accountability Officer observed that it will be impossible for the government to balance the budget by 2017-18 as promised unless they either cut services or raise new revenue. Yet Bill 70 doesn't address these challenges in any way.

We all know that cuts to budgets which would deepen austerity have real, profound and negative consequences for the people of Ontario. Ontario has already lived through years of this kind of austerity, so cuts should be a non-starter. We wonder when the Minister of Finance will finally break with failed tax policy and raise corporate taxes to a high enough level to pay for what we need.

For many years, our union, along with many others, has presented progressive and positive ways to raise

revenues for government to ensure that all parts of our province and the economy are paying their fair share in taxes, so that we can have the services that are so desperately needed in our communities. We can't cut our way to real, shared prosperity for the people of Ontario.

If the provincial budget is going to balance next spring in a way that doesn't cause further harm to communities in Ontario, then we continue to call on the finance minister to raise corporate taxes and to announce other progressive revenue generation measures that will ensure that we stop devastating cuts to services and actually make investments that are needed.

Looking at some of the measures in Bill 70, we wanted to speak specifically to schedule 16, which amends the Occupational Health and Safety Act. For many observers, the initial challenge with schedule 16 is that it contains so little information that it's hard to know exactly what it's meant to accomplish. What is accreditation? How will it be determined? What is the role of labour?

Almost as quickly as these questions were raised, a very unwelcome clarification appeared in the form of an email from the minister's office stating that the "accreditation" enabled by schedule 16 would be used to "reduce the unnecessary burden of routine inspections." That statement, not surprisingly, caused virtually the entire labour movement, including our union, CUPE, to rise in opposition. Recognizing employers who put in place good safety programmes is one thing, but creating justifications for ending routine inspections is simply not part of a road map to safer workplaces in the province of Ontario. It is to the credit of the minister and the Chief Prevention Officer that they have retracted that statement.

It shouldn't be lost on anyone that when legislation was first brought forward for workers to refuse unsafe work, it was in a bill numbered 70. And we're here today, many decades later, debating another Bill 70, which actually flirts with taking away another regular part of occupational health and safety: inspections of workplaces.

That's not the only issue with schedule 16. For example, section 7.7 gives the Chief Prevention Officer the power to outsource virtually the entire accreditation and recognition process, training program approval, deciding who is an approved training provider, the certification of joint health and safety committee members, and the collection of information about workers who have been trained. The very idea of privatizing a core function of occupational health and safety in Ontario is repugnant. We really don't need corporations to make profits while we keep people safe, do we?

But privatization of core health and safety functions, while a major concern, is only one of many. Given that the minister and the Chief Prevention Officer have now both committed to some form of meaningful consultation process on these proposals, and given that consultation would involve labour, and given that how could we ever imagine a joint process of health and safety having any

credibility without having consultation with labour, we would then see the way forward as removing schedule 16 entirely from Bill 70, so that there can be a real and unhurried consultation, to allow the legislation to come back reflecting those discussions and not predetermining them.

Now there's schedule 17, amendments to the Ontario College of Trades and Apprenticeship Act. Perhaps the best way for me to express our union's concerns is to read to you a motion passed unanimously by delegates to the CUPE Ontario trades workers conference which met last week in Niagara Falls. Our union is proud to represent thousands of certified trades members in the broader public sector across the province.

"Whereas the proposed schedule of 17 of Bill 70 ... will, if passed, damage the integrity of skilled trades in Ontario and weaken the ability of the College of Trades to regulate and support the trades and enforce rules protecting the trades,

"And whereas schedule 17 will create new, legal avenues for employers to assign work that must" now "be performed by certified tradespersons to persons not trained and certified, and whereas this not only weakens the integrity of the trades but puts individuals in danger by asking them to perform work they are not trained and certified to perform, and potentially endangers members of the general public as well....

1620

"And whereas schedule 17 of Bill 70 will diminish the integrity of apprenticeships in Ontario,

"Therefore be it resolved that the delegates of the 2016 trades conference ... gathered in Niagara Falls on November 24, 2016, and representing compulsory and voluntary trades workers from all parts of Ontario unanimously call" for schedule 17 of Bill 70, currently before the Legislature, to be removed before it reaches third and final reading.

That motion was passed by the representatives of thousands of skilled tradespersons who are members of our union.

I probably don't need to remind you, and I know you've heard already from other witnesses, that there were other workers just yesterday here on the lawn at Queen's Park protesting this schedule. It's clear that those most connected to and directly involved in the trades are collectively calling for schedule 17 to be removed from Bill 70.

To wrap up: We're here with just two schedules of a bill that the government is proposing, which is already a massive bill. But these two schedules alone would end routine workplace safety inspections and make it easier for employers to hire untrained and uncertified workers to perform highly skilled work.

In conclusion, just let me wrap up by saying that we really, strongly believe that jamming multiple unrelated controversial schedules together into omnibus legislation frustrates the meaningful review and criticism that is essential to our process.

If government intends to balance the budget by 2017-18 without further devastating cuts to services and

without further harm to communities, then you must, as the Financial Accountability Officer says, find new revenue sources. We would suggest that the best and fairest way to do that is to raise corporate taxes to ensure that banks and Bay Street are paying their fair share, which is essential.

Finally, on behalf of the more than 260,000 workers in every corner of Ontario who are members of CUPE Ontario, and particularly the thousands of trades members whom we are proud to represent, I ask you to withdraw both schedules 16 and 17 from this bill in their entirety before it goes back to the House for third reading.

The Chair (Mr. Peter Z. Milczyn): Thank you, sir. Questions start with Ms. DiNovo for three minutes.

Ms. Cheri DiNovo: Thank you, Mr. Hahn, for coming before us. What you've just said we've heard multiple times during the course of this afternoon, so I guess my first question is: Were you consulted? Did you know this was coming?

Mr. Fred Hahn: No.

Ms. Cheri DiNovo: Okay. We also heard, prior to this—we've had Liberals complain federally about the Harper omnibus bills back in the day, and yet here we have a Liberal omnibus bill, a finance bill, which has two attacks on labour in it, in sections 16 and 17. Why do you think they did that?

Mr. Fred Hahn: I can't speculate on the reasons why, except to say that it would seem to us that a piece of legislation like this one, which has so many different schedules and so many pages, introduced so quickly with hearings called just hours after it passed second reading—it would seem that there was an attempt to have it not be scrutinized by the public. I'm happy, having been here for only a few presentations—all of you have to hear them all—but it does seem like that didn't work.

Ms. Cheri DiNovo: You also talk about the health and safety ramifications, of course, of schedule 16, on routine inspections. How important are those to your members—the fact that you have proactive routine inspections rather than simply reacting to a complaint or an accident?

Mr. Fred Hahn: They're incredibly important, I would say, not just to our members and not just to other members of unions, but to workers in Ontario. The reason we have proactive inspections of workplaces is because those who formed our occupational health and safety law many years ago understood that this was a key component to ensuring that workplaces were safe, that workers were educated about their rights, that employers were educated about their rights and obligations and that this is a key supportive measure.

To imagine that there could be a proposal to remove this key feature of a system that relies on workers and employers working together in a joint system, without any consultation of any sort with representatives of workers, is really quite startling.

Ms. Cheri DiNovo: You mentioned that there were thousands on the lawn yesterday objecting to this. Unifor has said, for example, that they will have 10,000—10

times the number—next time. What are you thinking in terms of, if this is not taken out of this bill? Presumably this is the consultation that you didn't get beforehand. Going forward before third reading, what happens if it stays in? What are you prepared to do about this?

Mr. Fred Hahn: We're certainly prepared to work with other unions who represent skilled trades workers. We're certainly prepared to continue to apply political pressure.

But I think what is perhaps more important is to understand that these changes will result in injury and death in a workplace. When that happens, those who passed it will be held to account.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you. This round of questions, to the government side: Mr. Baker, for three minutes.

Mr. Yvan Baker: Thanks very much. Good to see you again. The first thing I wanted to share with you is something that I shared with some of the speakers earlier in the afternoon that I'm not sure if you were here for, which is that one of my first jobs was actually as a labourer on a site where we used a lot of heavy equipment, potentially dangerous equipment, and where I saw safety precautions being taken throughout my work. I learned a lot through that. In that particular case, the appropriate precautions were being taken.

Later in my life, I was actually right next to a site where a worker was killed, so from a personal perspective, I want to share with you that when you see something like that, it affects you. From a personal perspective, I completely understand the importance of health and safety workers, and how important that is. I think I speak for my colleagues and the minister, that we all believe that's a priority.

The second thing I wanted to share with you was that there was a little bit of talk about routine inspections and proactive inspections, in the discussion that was just held. I wanted to share with you a segment, a sentence, from the letter that the minister sent out more recently. He said, "Proactive health and safety inspections have been an important element of the ministry's health and safety enforcement and will continue to be." I wanted to dispel any misunderstanding, if there is any, about the role that the minister foresees as far as proactive inspections.

You mentioned the fact that this was a quick turnaround as far as the bill goes, and coming to testify. I appreciate you coming to testify.

I would also want to put this in the context, though. The original intent was not for the bill to be moved along so quickly. There were some procedural measures, designed to delay the bill, brought forward by the NDP, which forced us to move this along much more quickly than normal.

The other thing I wanted to mention was that I know that the minister, in his letter, which you referred to, talks about how this legislation—and you referred to it, frankly, that there aren't a lot of details about the accreditation process in the bill. The way I understand it,

that's by design. The legislation would facilitate the creation of those details, if passed, but through consultation with labour and other stakeholders, those details can be sorted out. I know that the minister looks forward to that consultation, and I know that the consultation is to come.

He talks here about how "no program design or standards are contained in the legislation. These specifics will not be developed until after robust consultation with labour and business stakeholders." That's from his letter. "In terms of consultation, it is the intent of the ministry to consult extensively with labour and employer stakeholders on the design of the program and on standards for accreditation as well as implementation." He goes on to talk about the details of what that means.

I guess my question to you is, what would you like to see out of that consultation process?

Mr. Fred Hahn: I would thank you for the question and say that the initial correspondence from the ministry talked about reducing the unnecessary burden of routine inspections. As long as there is anyone in the Ministry of Labour responsible for occupational health and safety that sees routine inspections as a burden which needs to be reduced—I would think that somebody with the story that you shared about the importance of occupational health and safety would find that quite concerning.

I'd also think that at the end of the day, whether or not we accredit employers is a question. So before you actually understand, from both employers and representatives of workers, whether or not that is the mechanism that makes best sense in terms of enhancing occupational health and safety, what this piece of legislation does is facilitate that happening without any details. Given the kind of consultation that we have not yet really enjoyed in terms of this piece of legislation, it doesn't bode well for the kind of consultation which may come.

It's why we're saying, why wouldn't you just remove this, engage in the consultation that the minister has committed to in this letter, hear openly from both workers and employers, think about how to best strengthen the system and build consensus, and then come back with legislation that could actually articulate that.

It's kind of like putting the cart before the horse.

The Chair (Mr. Peter Z. Milczyn): Thank you, Mr. Hahn.

The next round is Mr. Fedeli, for three minutes.

Mr. Victor Fedeli: Welcome back here. You're a familiar sight in that seat.

You talked a lot at the beginning about what I would have expected Bill 70 to be all about. It is as a result of the fall economic statement, something that I would have thought, much like you, would have actually talked about how you're going to balance the budget in 2017-18. There's no mention of any budget-related issue in there whatsoever.

As you pointed out earlier, it talked about one-time revenues. Of course, that's the fire sale of Hydro One, it's the sale of the OPG building across the street and the LCBO warehouse, using the reserves—that type of thing.

It's unfortunate that we're not here today, Fred, to talk about the budget, as we should be, in this Standing Committee on Finance, but you also said something about ramming it through, and it seemed like that didn't work. I'm sorry, but I think it's going to work for them. I think they're going to ram this thing through, and I think they're going to do it. We're going to come back here to do clause-by-clause on Tuesday. I think they're going to ram it through before we rise on Thursday.

I only have one question—I think Cheri may have already asked it; I've asked almost everyone: Why do you think the government is doing this?

Mr. Fred Hahn: I should clarify what I was trying to say. I think that in burying this in such a large piece of legislation with so many schedules and so many pieces of paper, it would seem to our union that there was hope that it would not be noticed. Those of us who care about occupational health and safety, certainly, those of us who care and could come here today, based on our schedules, are here to comment on it.

It is a mystery to me to understand why this would be incorporated in this kind of legislation. What this does is benefit those who would see their profit margins engaged by employing unskilled workers. It would potentially allow employers to operate workplaces that are less safe in the province of Ontario. In fact, that doesn't save anybody money, except for some corporations perhaps. It may, in fact, cost the province of Ontario more in the long run.

Why these pieces are included here is a mystery to me, and it's why we think it is incredibly important for them to be removed, for them to have the kind of time and attention they deserve as stand-alone pieces of legislation.

Mr. Victor Fedeli: We will be voting against Bill 70, Fred.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for coming in this afternoon. If there's anything further you'd like to provide in writing, please do so before 6 p.m. tonight.

UNITED ASSOCIATION

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the United Association.

Mr. Vince Kacaba: I lost my partner in crime. There he is.

Interjections.

The Chair (Mr. Peter Z. Milczyn): We're just waiting because there might be a call to vote.

Mr. Vince Kacaba: Are you guys going to run out on us?

The Chair (Mr. Peter Z. Milczyn): If that starts, we'll recess shortly.

Mr. Vince Kacaba: We scared them off, Mike.

The Chair (Mr. Peter Z. Milczyn): Indulge us for a few minutes to see how this proceeds.

Interruption.

The Chair (Mr. Peter Z. Milczyn): The committee will recess for 10 minutes.

The committee recessed from 1634 to 1647.

The Chair (Mr. Peter Z. Milczyn): Thank you for your patience. We left off with representatives of United Association. Gentlemen, you have up to 10 minutes for your presentation followed by questions. Your round of questions will begin with the government side. If you could please state your name for Hansard as you begin your presentation.

Mr. Vince Kacaba: Thank you. Ladies, gentlemen, thank you for having us here. My name is Vince Kacaba and I'm the director of training for United Association, Local 46, in Toronto. We have approximately 8,500 plumbers, steamfitters and welders that we represent—we train, represent and send them out to work—and we have a serious concern with schedule 17. It really has the potential to impact on the viability of the College of Trades.

We worked with the Liberal government to implement the College of Trades six years ago, we being, I would suggest, one of their strongest proponents. It is a valuable tool; please make no mistake about that. It has allowed us to ensure that the right people are doing the right jobs at the right time. When I go into a hospital, I don't want to see a lawyer there trying to operate on me. If you're having an electrical problem, you'd better not want a plumber there because you've got an issue. They are enforcing that. Today I was dealing with one of my own apprentices—and they enforce everything. He didn't have the proper paperwork and he got kicked off the job, which is what should happen. That never happened with the Ministry of Labour. Until the College of Trades came in, nada.

Complacency: There's concern about the lack of skilled trades in this province, and that was one of the ideas, to try to, first of all, improve the visibility of the skilled trades. We are not a bunch of drooling troglodytes that, if you can't do anything else, get into the skilled trades. We're exceptionally highly skilled and intelligent individuals who work on very critical systems. We have members working out at a nuclear plant; we have them working in petrochemicals; we have them working in hospitals. These all impact on the health and the safety of the citizens of Ontario. As soon as you do anything to start denigrating the trades, you impact on that.

1650

I usually try to make the equation that just because I can give myself a needle or take my blood pressure, that does not make me a doctor. I guarantee someone in here has fixed their faucets, correct? That doesn't make you a plumber. You don't understand the entire system, and that's what being a skilled tradesperson is. You go through a five-year apprenticeship to learn what's going on. As soon as you provide the Ontario Labour Relations Board the opportunity to start piecemealing off our trades, whether it be pipe trades or electrical, it creates an issue. Now, all of a sudden, you have people who don't understand the full concept of a system—and the impacts

that changes make to it—working on it, and that has dire consequences.

Some of you were around in 1976—legionnaires’ disease, in Philadelphia, Pennsylvania. Twenty-six legionnaires died because someone didn’t understand what a backflow preventer did. It’s a unit that keeps contaminated water from backing into a potable water system. Legionella disease got into a potable water system and killed 26 people because they don’t have the same regime that we have in Ontario. I’ve travelled all across Canada and the United States. We are among the best trained on this continent, bar none. If you go down into the southern states, where they have piecemeal—they don’t have proper, compulsory certification. You have a hillbilly doing plumbing, and you get what you pay for.

Our citizens deserve the best, and that’s one of our concerns with schedule 17: allowing it to be piecemealed off. How could you allow an appointed body, the Labour Relations Board, to supersede the Legislature of Ontario? We’ve elected everyone in this room—the members—to vote on acts such as this, and now you’re saying, “Okay, well, even though the Ontario College of Trades act says this, labour relations—yes, it says that, but it doesn’t matter. This is what it is going to be.”

You may say, “Well, that would never happen.” It already has. I sat at the Labour Relations Board for two days arguing whether or not a sink—and I’m not trying to be patronizing, but everyone knows what a sink is and you typically associate that with a plumber. It’s in our scope of trade; it’s in the legislation. The OLRB said that carpenters could install sinks under certain circumstances. So there is a precedent for this, to fragment our trades. I can only speak on our trades—I won’t speak on the others—but it is a serious concern.

Again, the biggest thing is the value of the College of Trades. It has propelled our trades forward. I now have 1,500 apprentices in our organization being trained, so we are dealing with the perceived skilled trades shortage. But already today, I’ve got people, apprentices, coming back—because we deliver the trade school—and they’re saying, “Why the F am I doing this if my trade is going to be broken up?” How do I answer that? What do I tell them? “Well, maybe yes, maybe no”? They have a concern.

The College of Trades was set up to recognize the skilled trades—and that’s what we’re dealing with, skilled trades, not labourers, being blunt—and bring us to the same level as teachers and doctors. We all have our own specific nuances, but we all take a great deal of pride in it. Now, all of a sudden, we’re being told, “Well, yes, it is a good idea, but you guys really don’t understand.”

Both Michael and myself sit on the provincial advisory committee for plumbing and steam fitting. None of this came to the PAC for trade consultation. Fortunately, we got a phone call to be down here today. Obviously, this is an exceptionally important piece of legislation that has to be pushed through so quickly.

Again, I don’t understand all the ins and outs; I’m just a simple plumber. But we’ve got to rush it through, apparently.

At the end of the day—I’m speaking only on schedule 17 at the moment—this is something that needs to have some sober second thought. What is the rush to get this done?

Anyway, with that, I’ll pass it over to Michael.

Mr. Michael Gordon: Thank you. Just to begin with, I know, Chair, that you mentioned that we had 10 minutes. The notice that we got, because there were two of us, was 20—

The Chair (Mr. Peter Z. Milczyn): Two and a half minutes left.

Mr. Michael Gordon: Twenty minutes; that’s the notice that we—

The Chair (Mr. Peter Z. Milczyn): Combined with questions. Sorry about that if it wasn’t clear.

Mr. Michael Gordon: Okay. For clarification, number one, the initial concern is time—the time to prepare for this meeting and the rush, as Vince has mentioned. My background is that I am a licensed plumber and a licensed steamfitter. My work is very difficult. I gave up my social life. I had probably 100 friends that I could have called in an instant and I can name the few on my hands that I have left due to the fact of sacrificing about 15 years of my life to do what I felt was a catch-up mode, looking at trades as a second career.

I am very concerned, as a person first, and as a tradesman beyond that, that the entire integrity of what I worked for is compromised and the value of it along with that. I’m going to apologize for our lack of preparedness in that all of the factual items that we would be able to submit are not available to us to prepare, as we just heard news of this and I just actually came here from Ottawa today to make this meeting.

Transparency was one of our first concerns. The potential changes put forward lack due diligence. There is no public consultation. You’ve been told this; I heard the tail end of a couple of other presenters. It does not support the amount of investment by all the skilled trades in supporting the College of Trades and its mandate to bring value to the trades, the recognition of the professionalism of the trades and the enforcement of the trades, particularly compulsory status trades.

The Occupational Health and Safety Act names a competent person as “person who ... is qualified because of knowledge, training and experience to organize the work and its performance ... is familiar with this act and the regulations that apply to the work, and ... has knowledge of any potential”—that’s a big word there, “potential”; that’s where the experience comes in—“or actual danger to health or safety in the workplace.”

These concerns in bringing value to a competent person listed as a licensed plumber or steamfitter or electrician or sheet metal mechanic—any of the compulsory status trades—are of great concern, because we address what we work on as systems.

The concern within this bill is fractioning out or splintering out facets of the trade as “compulsory” versus

“voluntary.” There is no way that a person could train—I could teach my child to assemble threaded pipe, but understanding the nuances of pressure, temperature and the dangers inherent with those things, as well as the explosive or energy potential of fluid within that piping, is different based on every system.

I am a plumber and a steamfitter. I understand those systems, but I may not have the nuances to understand systems that are outside of those trades that use threaded pipe.

Electricians use threaded conduit. They use the same machines we do, and you could take threading and name that as a voluntary facet of the trade but there are clear differences in what is carried within that conduit for a system that could be in the hundreds of pounds of pressure versus an electrical system.

The Chair (Mr. Peter Z. Milczyn): I'll have to stop you there. I gave you a little bit of extra time. We'll move on to questions from the government side. Mr. Baker for three minutes.

Mr. Yvan Baker: Gentlemen, thanks very much for coming in, and for your passion and for speaking to this and sharing your point of view on this with us.

I want to share with you a few points and clarifications, and ask a question, if I may.

First of all, I just wanted to say that both of you spoke, but you especially, sir, about the importance of health, safety and the implications having the right people doing the right job. I can say to you that one of my first jobs was actually as a labourer, as a worker, where we worked with heavy equipment, potentially dangerous equipment, under potentially dangerous circumstances. I saw the precautions that were taken to protect health and safety. In that case, it was done right.

1700

But I've also seen it not done right. Later in life, in a different job and a different context, I was right there when a worker was killed by a piece of construction equipment. That affects you, when you are there when something like that happens.

So I can tell you from a very personal perspective that I get how important this is. I know the minister talks about it a lot as well; it's important to him.

The second thing I wanted to say was that the original plan wasn't for this bill to be moved along so quickly. I have to say this just because I want to make sure you understand what the broader context was, that initially the plan was for this bill to move more deliberately through this process. Unfortunately, there was a procedural motion brought forward by the NDP with the purpose of delaying the bill, and that caused us to be in a little bit more of an accelerated time frame.

I appreciate your coming from Ottawa and coming to testify.

You mentioned consultations. I wanted to read something from a letter from the Coalition of Non-Compulsory Construction Trades of Ontario, and then I'll get your perspective on that issue.

They say: “We understand that some of the stakeholders interested in the college have called for addition-

al consultation. We strongly disagree with any delay in moving forward. The government of Ontario has already engaged in two rounds and more than two years of consultation, both resulting in similar recommendations.”

They're talking about Tony Dean and Chris Bentley in terms of those two rounds.

Of course, this is something that comes together through compromise. Obviously, there are going to be different groups with different perspectives, including yours.

I'm just reading from the same letter: “We recognize that these amendments contain compromises between the views of various stakeholders. And while we don't agree with all of the compromises, we are happy that the government is moving forward with the College of Trades to ensure that trades are a priority.”

My question to you is: Can you talk a little bit about why you think there are those disagreements among the groups and to what extent do you think this is a compromise?

Mr. Vince Kacaba: Okay. First of all, I'm not sure if I saw the report provided by former Minister Bentley. I understand he did a consultation, but I'm not sure if it was made public.

With regard to that, yes, obviously, there will be various opinions as to what each person should be doing. But at the end of the day, it's very specific within the legislation, which may be altered, as to what each group does.

There is a training standard that has been developed, not over two years but over decades, that outlines—and I'll stick with plumbing; I'm a plumber, a steamfitter and a sprinkler fitter—what a plumber needs to know. This has been developed and refined over years, in consultation with industry experts and practitioners to ensure that it meets the demands of the industry and our clients.

For someone who is in a non-compulsory trade, they really don't have the same buy-in, obviously, as starting off as a labourer. You found a better place to go, and you got into politics—

The Chair (Mr. Peter Z. Milczyn): I'll stop you there. We have to move on to our next round.

Mr. Fedeli for three minutes.

Mr. Victor Fedeli: Thank you very much, Mr. Gordon. You apologized for the lack of preparedness. There's no need for that here, believe me. You can imagine our surprise at being here as well.

This is the Standing Committee on Finance. I'm the finance critic. I'm not our labour critic or one of the other critics that would be involved when you have 27 acts that are covered in this bill.

As you came from Ottawa—

Mr. Michael Gordon: Yes.

Mr. Victor Fedeli: Please take my three minutes and carry on with the rest of your presentation.

Mr. Michael Gordon: Thank you. Give me a moment. I appreciate that.

The Ontario Labour Relations Board: One of the items that was brought forward—of great concern with the

Ontario Labour Relations Board—by advocates for this bill to pass is that they're calling the people that demonstrated yesterday "fearmongers."

Let me give you a little bit of our insight towards the Ontario Labour Relations Board and how we see this.

The Ontario Labour Relations Board is not a policy-maker. They're not a regulatory authority. They have no relation to the mandate of OCOT or its act. They are an adjudicative body given the ability to overrule the authority of the college, its inspectors and registrar, essentially removing the teeth of OCOT.

The history of the Ontario Labour Relations Board—I would challenge any MPP or anybody from the Ontario Labour Relations Board to bring forth evidence that trade regulations were honoured in a great capacity in any decision that identified the dangers inherent with scope of trade and the entire scope of trade regarding systems. This has not been the case in the past, and this is returning to a system that was recognized not to work in the past when the Ontario Labour Relations Board was used to settle disputes. Now we've returned to that system, due to an opportunity being provided for those who would like to see the deregulation of the compulsory status trades. Where there's opportunity, there will always be opportunists.

We have a system that is recognized within Canada as being at the forefront. As far as apprenticeships, any of our licensed individuals in the compulsory status trades can travel throughout Canada and be recognized at that forefront. This will change with the passing of this bill. The mobility of other workers even wanting to come here, due to the degradation of the trade as a consequence, will also begin to cease. So we will have less resource, whereas right now we have multitudes of tradespersons from across Canada who look to come here and aspire to transfer apprenticeships to Ontario. This would come to an end.

The Chair (Mr. Peter Z. Milczyn): I have to cut you off there, because that's three minutes for the opposition. Now three minutes for the NDP: Ms. DiNovo.

Ms. Cheri DiNovo: First, I just want to correct something for the record. The government has tried to say that the reason this is being hurried around is some kind of NDP procedural motion. Bullfeathers on that, quite frankly. They have the majority. The government gets its way; the opposition has its say. There's no way the opposition, either the PCs or us, can make the government do anything they don't want to do. So that's number one.

Number two, what we're hearing from the government is that they have in fact consulted—that the Dean report, that the Bentley report, that this all was consultation. So my question to you is, were you consulted before this? Did you know that section 17 was going to be part of an omnibus finance bill?

Mr. Michael Gordon: Absolutely not. In the nature of what we do, we are extremely detailed. To be here without the opportunity to properly prepare is something

that is a direct result of not being consulted about this being brought forward.

Mr. Vince Kacaba: If I may—

Ms. Cheri DiNovo: Yes, go ahead.

Mr. Vince Kacaba: To be honest, the only people who ever came to speak to me about training at all were Garfield Dunlop and your shadow minister out of Whitby—I apologize. He was the only person who has ever spoken to me about anything in training in the last—

Mrs. Cristina Martins: Just now?

Mr. Vince Kacaba: No, about a month and a half ago. I can bring it up on my iPad and tell you exactly when. But yes, they spent about three hours with me, discussing the different facets of the trade. Again, I don't particularly agree with Mr. Dunlop at times, because he was opposed to the College of Trades, but at least they reached out to us and wanted to find out what we thought.

As Mr. Baker points out, because this was so rushed, I guess now we can pull out schedule 17 to give it a bit more—

Mr. Michael Gordon: Scrutiny.

Mr. Vince Kacaba: —scrutiny, and we can pass Bill 70, and pull out 16 and 17. So it's sort of a win-win for everyone.

Ms. Cheri DiNovo: Just for the record on that: You've listened to some of the testimony here, but quite frankly, nobody from unions has testified that they were consulted. We've got ONA, Unifor, OFL, CUPE, OPSEU and you. Nobody was consulted.

Continue. Please use the rest of my time.

Mr. Michael Gordon: Scrutiny: Everybody in this room has been appointed with some type of responsibility by somebody to look after the public's interest.

I find, passing through, the comment was made by our MPP at the far corner of the room that there was a process and it has been delayed. But delayed and not shown to the people that it actually affects is no delay, in our eyes. That is not an opportunity for us to have an opportunity to provide due diligence to the public on our end. We strongly believe that on the side of enforcement, on the side of the government, it is extremely lacking in due diligence.

The consequences of this cannot be reversed when people are injured or harmed, that being not only the tradespeople affected but those working alongside them, the public. It doesn't mean—

The Chair (Mr. Peter Z. Milczyn): Thank you. I have to stop you there. Thank you for your presentation this afternoon. If there's something further you want to submit in writing, please do so before the end of the day.

1710

For members of the committee and for the remaining members of the public, I would just note that we have 49 minutes left before we must recess, and we have three more presenters—so potentially 60 minutes of time needed, and we only have 49 minutes left. So everybody, maybe judge yourselves accordingly.

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA

The Chair (Mr. Peter Z. Milczyn): Our next witness: the Laborers' International Union of North America. Good afternoon, gentlemen.

Mr. Jason Ottey: Thank you.

The Chair (Mr. Peter Z. Milczyn): You have up to 10 minutes to present, followed by questions. Your round of questions will begin with the official opposition. Please state your names for Hansard.

Mr. Jason Ottey: My name is Jason Ottey. I'm with LiUNA Local 183, and I'm here on behalf of LiUNA.

Mr. Jason McMichael: Jason McMichael. I'm here on behalf of the laborers' international union as well, and LiUNA Local 1089.

Mr. Jason Ottey: I just want to start my remarks by—I've been sitting here and listening to some of the deputants, and I think it was Mr. Comartin from the sheet metal conference who referred to Pulp Fiction in his deputation. The only that I'd like to say is that I have heard a lot of fiction and not a lot of fact, so I would like to spend my time just talking about the facts.

On behalf of our 90,000 members across the province and in southern Ontario, I want to express our support for the proposed changes outlined in schedule 17 of Bill 70, which represent an improvement to the College of Trades.

A few years ago, the Ontario College of Trades began to act in a manner that was increasingly disruptive to Ontario's construction industry. In effect, it was the compulsory trades that began to take advantage of the enforcement function of the college in an effort to try and poach jurisdiction from other trades, particularly ours. There was recognition by the Ontario government that a re-examination and second thought needed to be done. That was Tony Dean. The proposed changes in schedule 17 are, therefore, the result of not one but two in-depth independent reviews. I've yet to hear anybody question the legitimacy of either of the reviewers. At the time when they were announced, everybody said that they were the right people to do the job. The fact of the matter is that they just did not like the outcome. They didn't like it after Dean and they didn't like it after Bentley.

The reviews were accompanied by extensive consultation with stakeholders, in which LiUNA, Local 183 and all of our locals participated extensively. All of the parties were consulted, and there was transparency and fairness in a process that went far beyond the regular procedure leading to legislation. Full opportunity was given for all views. The entire process took two complete years.

Both reviewers separately came to the same conclusion: The experts at the Ontario Labour Relations Board have a critical role to play in determining how best to balance the interests of Ontarians with the changing demands of the construction sector. The OLRB has long been trusted by labour and business alike to fairly arbitrate disagreements to ensure that public safety comes

first. Under these proposed changes, the OLRB will ensure public and worker safety. As well, quality of work will continue to come first at the College of Trades.

Now self-interested groups representing the compulsory trades are once again attempting to disrupt the implementation of the recommendations of Dean and Bentley. And I want to stress this point: It was the compulsory trades who asked for the sober second thought from Bentley. They said, "Hit a pause button on Dean and have somebody else look at specifically the Ontario Labour Relations Board and its role." To their chagrin, Bentley came back and landed in the same spot, if not perhaps a little stronger than what Dean had suggested.

I find it strange that the trades organizations opposing these changes have, without exception, long supported the independence and the wisdom of the Ontario Labour Relations Board. In particular, Local 183 strongly disagrees with the mischaracterization of the OLRB and its expertise with health and safety issues by opponents of the proposed changes under schedule 17. Somehow, they've suggested that the OLRB is not qualified to address matters related to worker health and safety.

Of course, they neglect to mention that the OLRB has primary responsibility to administer the Occupational Health and Safety Act, which has long been the highest and most important legislation setting out the rights and responsibilities for worker safety in Ontario. Furthermore, violations under the predecessor of the Ontario College of Trades act—the Trades Qualification and Apprenticeship Act—were typically handled as health and safety violations under OHSA, and also administered by the OLRB. It's indisputable that the OLRB has decades of experience in ensuring the health and safety of Ontario workers and workplaces, and it continues to have this expertise today.

The proposed changes in schedule 17 expressly state the considerations that the OLRB must take into account when conducting a review of a notice of contravention, and they are exactly the same as those considered by the Ontario College of Trades registrar or an inspector when issuing a notice. It's not credible, based on the extensive expertise outlined, to suggest that the OLRB isn't competent to deal with matters that are currently being handled by provincial court judges under the Provincial Offences Act, who are unlikely to have any knowledge or expertise with worker safety issues.

And this is an important point. What they're suggesting is: Don't have experts look at health and safety matters; instead, take it to the Provincial Offences Act and have a justice of the peace look at it. They have no body of law or understanding of these matters, and they want us to disregard those and instead focus solely on theirs. That's because it fits their self-interest.

If anyone is concerned that work is being conducted unsafely on a specific job site, it should be reported to the Ministry of Labour, which has the responsibility to investigate violations of OHSA and has tremendous on-the-ground experience.

We have a letter that we're going to distribute. It was sent out by our business manager, Jack Oliveira, but we

also have a legal opinion with regard to a couple of points.

One is with respect to this issue of transparency. I think it's offensive to suggest that the process has not been transparent. The bill is the product, again, of almost two years of ongoing consultation. When you look through the participants, there are some 60 organizations that were consulted. I think it's disingenuous for parties to come here and say that they were never consulted on the content of schedule 17. We were there, and a lot of the people who were informed and concerned or wanted to promote the college participated in meaningful process and had the opportunity to speak. There was never an opportunity where it was closed, so I find that it is pure fiction to just suggest that they didn't have that.

Jason, did you want to talk about the other—

Mr. Jason McMichael: Yes. It's also been suggested that a clause in the bill would empower the bill to override sections 2 or 4 of the act, which provides for trade restrictions, when in fact there's nothing in Bill 70, schedule 17, which is even close to this regulation-making authority. There's no provision which empowers the OLRB to override or disregard the act. The powers granted to the OLRB by Bill 70, schedule 17, demonstrate the legislative intent of the Legislature. There's no violation of parliamentary supremacy, as has been suggested. Indeed, the Legislature, in its wisdom, has decided as a policy matter that the OLRB is the appropriate forum to deal with these trade restriction issues. Any suggestion that the OLRB has acted contrary to any legislative intent will be supervised by a superior court on a judicial review. The OLRB will continue to be confined to the powers conferred upon it by the Legislature. If it acts beyond the limits of those powers, a review in court will be available to provide the appropriate remedy.

Mr. Jason Ottey: The OLRB has decades of respected expertise in determining the right worker for the right job. I think we should continue to trust them with this important public responsibility.

I'm willing to take any questions you may have.

The Chair (Mr. Peter Z. Milczyn): Thank you. We'll go to Mr. Fedeli for three minutes.

Mr. Victor Fedeli: Thank you, Jason and Jason.

Mr. Jason Ottey: Very easy.

Mr. Jason McMichael: We try to make it as easy as possible.

Mr. Victor Fedeli: Yes, it's easy. I'll just say, "I'm going to ask this to Jason," and you guys can figure it out.

Again, you've heard me say this many times today: This is the Standing Committee on Finance. I'm the finance critic. I expected to be here today talking about debt, deficit, balancing, that type of thing. But I can tell you that none of that is in this bill. There are 27 acts. You have supplied an eight-page letter. There are two really short pages, so let's call it six pages of some meat. Take the rest of my time and just tell us what you haven't been able to talk about that's in this letter so we can hear from you.

1720

Mr. Jason Ottey: Sure. The letter that you were provided copies of expressed, I think, our long-standing frustration with how long this process has taken, but attached is a legal opinion. The legal opinion is a response to a legal opinion that was provided by the compulsory trades which makes a number of assertions. We thought, as an organization, that it would be appropriate to have another lawyer take a second look at those allegations to see whether or not there was any finding in law. In fact, it becomes clear when you read the opinion that there's not. There are concerns or, I think, frustrations about the process, that they weren't consulted; there are issues about transparency. We go through that, and they're not really questions of law; they're just questions of fact.

When you look at the issue of transparency, as I mentioned, it becomes abundantly clear that everybody had an opportunity to participate. This was not done in a cloak-and-dagger situation in a dark room where nobody had access. Tony Dean, in the consultation, fell over backwards trying to ensure that everybody had an opportunity to participate. On his website, through the process, he provided continual updates on what he was thinking, where he was landing and what were the key themes that some of the participants were expressing. So they had ample opportunity.

Let's take it to the next stage and let's look at the Bentley review. We weren't happy. There's a suggestion that, "Oh, this is so wrong and this is awful and it's so one-sided." We did not get everything that we wanted in this bill. We wanted it to go further. But in the interests of promoting the skilled trades and getting the college to focus on the things that everybody seems to agree about—which is, how do we close the skills gap?

Actually, this morning we were with Patrick Brown, and he talked about the need to address the skills gap. We can't do those things if we're obsessing about the Ontario Labour Relations Board and OCOT and the abuse of inspectorate. This provides us the opportunity to move the puck forward, if I may, and gets us into the issues where we do have real problems. That was the tie that bound everybody on the creation of the college. Everybody thought that the college was a good idea.

The Chair (Mr. Peter Z. Milczyn): That's this three minutes.

Ms. DiNovo: three minutes.

Ms. Cheri DiNovo: Thank you for being here on behalf of your membership. My father was a union painter and decorator—an Italian immigrant, probably similar to many of the members in your union. He was incredibly active. He would have been one of the people out on the front lawn yesterday and he would be in solidarity with his brothers and sisters in the other unions: ONA, Unifor, OFL, CUPE and OPSEU, all of whom testified before this committee. I was the kid who went to every Labour Day parade with labourers. Those were our people.

In particular, I know—if I'm going to channel him, because he passed away long ago—he would have really

been upset by schedule 16 and the attack on the health and safety of workers, on the proactive, unscheduled inspections being potentially taken away, or employers self-regulating on health and safety. This would have just raised his ire. He would have been horrified by that.

Also, he would have been horrified by attacks on scope of practice and training. I can tell you that a house painted by my dad stayed painted for a whole lot longer than by an unskilled painter. Anybody can pick up a paintbrush, but my dad could paint a house and it would stay painted for a long, long time, and he would do it properly.

Mr. Lou Rinaldi: He was Italian or Portuguese.

Mrs. Cristina Martins: He was Italian or Portuguese; that's why.

Ms. Cheri DiNovo: Italian. Yes, he would do it properly. That was his métier.

He would also—core union values, which, of course, we're not dealing with here, but things like anti-scab legislation, card check certification for everyone, sectoral organizing: All of these things my father held dear as, really, workers' rights across the board, some of which we do not have in this province right now for everyone. Particularly, he would say that embedding into labour things that substantially change labour relations in this province in an omnibus bill with nothing but other things in it—to put it in there doesn't seem very transparent.

We've heard from ONA and Unifor; we've heard from CUPE, OPSEU and the OFL about the fact that they did not feel consulted about these two schedules in this bill, and that even today was very hurried. People got notification with a few hours to prepare and to come before this committee. My dad would not have supported that either. I can tell you, he didn't even have a high school education, but he did value what it meant to be part of a union, and—

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

Ms. Cheri DiNovo: Anyway, sorry I didn't have a chance to ask you a question.

Mr. Jason Ottey: I think there was a question—

The Chair (Mr. Peter Z. Milczyn): We'll move on to the government side: Mr. Baker, for three minutes.

Mr. Yvan Baker: I'll just make a brief comment, and then maybe I'll turn over the rest of my time for you to respond or add anything that you didn't have a chance to mention, if that's all right.

I would simply say that, on the timelines, I want to respond to what Ms. DiNovo just raised around the timelines and the fact that this has to be rushed. The original plan for this was not for it to be as rushed as it is, as far as moving this bill through the legislative process. The NDP did use a procedural tactic to delay the bill—strictly to delay the bill. That is what has resulted in us having to move the process along more quickly than we had planned, so I want you to know that.

But I'd like to turn over the rest of my time to you to say anything that you haven't had a chance to say.

Mr. Jason Ottey: Sure. I just want to talk—because Ms. DiNovo mentioned it—about scopes of practice.

Let's be frank: The scopes of practice are documents that are wildly out of date, that have not been updated in decades. By the admission of many of the parties on the compulsory side, they have said that for the parties to agree on what new scopes of practice would look like would take hundreds of years. The scopes of practice are meant to be used for deciding training, not for deciding labour relations purposes. It's uninformed to suggest that the scopes of practice should be used for that purpose, and that's where the friction point starts.

The other point I'd like to respond to is that your father was a painter, and that is sort of an entry trade into construction. Often, people start off in painting, get exposed to other trades and they end up entering new things, and some people stay. Unfortunately, I will say this: The College of Trades, today, would have probably put a restriction on the ability of your father to do that work today.

Ms. Cheri DiNovo: He didn't consider it a restriction.

Mr. Jason Ottey: Okay.

Jason, did you have another comment?

Mr. Jason McMichael: The only thing I would add, just further to Ms. DiNovo's comments, is that I have the great privilege of not just working for LiUNA but also being the president of a labour council in my city, and I represent every unionized worker in Sarnia-Lambton. I've been to all those things you mentioned that your father was part of.

I think it's very important to not cloud the two schedules, 16 and 17. We're focused today on 17 and the College of Trades. I think it's really important that those two schedules, 16 and 17, aren't gelled together and that we don't cloud those two separate and distinct issues. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation this afternoon.

RESIDENTIAL CONSTRUCTION COUNCIL OF ONTARIO

The Chair (Mr. Peter Z. Milczyn): Our next witness is with the Residential Construction Council of Ontario.

Good afternoon, sir. You'll have up to 10 minutes for your presentation. Your round of questions will begin with the NDP. Please state your name for Hansard when you begin.

Mr. Andrew Pariser: Thank you very much for the 10 minutes and the question period afterwards.

My name is Andrew Pariser. I'm here to represent the Residential Construction Council of Ontario, better known as RESCON. Our membership is the low-rise, mid-rise and high-rise builders in the GTA, so I'm here as a representative of employers in the residential construction sector.

I would mainly like to talk about schedule 17. But because I'm here, and I've spent most of the day here, I would like to make a couple of comments about schedule 16.

First of all, when it comes to health and safety, everyone in this province has the responsibility to do everything that they can to ensure that when a worker goes to work, they come home at the end of the night. I think that's paramount.

In residential construction, which is the sector I can speak to, we're moving in the right direction. We're seeing lost-time injuries come down. There are improvements being made, and that's a positive, but there's still more that needs to be done. When we look at health and safety, we look for data. We want to make decisions that are fact-based, and we want to make decisions that are meaningful, because we want to move towards zero injuries and zero lost lives.

This legislation, with respect to accreditation, allows for what I would consider a higher standard, or for employers to strive to meet a higher standard, which will allow resources to be focused on areas of high risk. In Ontario, we need to understand fully why people are getting injured and why people aren't coming home at the end of the day, and we need to focus on those areas specifically. If we allow for programs like accreditation, we can allocate the finite health and safety resources that there are in this province, whether it's the ministry or employers, and put them towards the high-risk areas.

1730

Moving on to schedule 17 briefly, and the history of RESCON and residential construction with OCOT: We didn't start off on the best ground; I'll be honest with everyone. OCOT came into effect in 2013 and there wasn't a full appreciation for what it is to build houses, condos, townhouses or residential construction buildings. We very quickly had issues with the scopes of practice, with governance and with enforcement, and we very much were vocal on that, which I think most people would recognize and know.

The concerns were recognized and Tony Dean was appointed. We've heard a lot about that report today, and I know we're pressed for time, so I'll try to keep my comments brief. But essentially, we went to Dean, we brought our concerns and we essentially said that the way that OCOT was set up, the set-up isn't respecting the way residential construction operates.

In the world of construction, you have multiple sectors. A lot of the groups that spoke today are mainly focused in ICI. There is one group that spoke today, the labourers, who have a large group in residential construction. We represent residential construction. The way that OCOT was set up, especially with enforcement and the scopes of practice, would not fundamentally allow the way that we operated. It would jeopardize how condos are built. It would jeopardize how work is done on sites. We explained this to Tony Dean. This was reflected in his review and then it was codified again in the Bentley review.

One of our big asks and our big advocacies with both Dean and Bentley was: Residential construction is unique. That's why it's its own sector in construction. That's why we have seven sectors of construction. OCOT

is something that we can be a part of and that we want to support, because we agree that we need to address the skills gap, that there are things that we need to do to move this forward, that the college can have a productive place in Ontario's construction atmosphere. We worked with Dean and we worked with Bentley, and there were two reports that came out that were the result of extensive consultation, and they produced recommendations. I'm here today to support the implementation of the Dean report.

As was mentioned, we viewed the Dean report as a compromise. We were not given everything that we advocated for; it didn't make us 100% happy. But what it did do was provide a path forward, and it helped provide a path that would get OCOT through its growing pains. We really viewed that as a positive. We have since been able to have several meetings with OCOT. We think we're going in the right direction and we want to keep it positive as best we can.

Three last points that I'll briefly touch upon: When we're looking at OCOT and we're looking at addressing the skills gap, we have to make sure that we're allowing for interprovincial migration of workers. We all know what has gone on in Alberta. There are people there who could use the work. A lot of their skills are valued across this country. We need to have a system, whether it's compulsory or voluntary trades, that allows for the easy flow of workers. We had someone here from Scotland who said that they were able to come over and be a tradesperson here. We need to make sure that no regulation impinges on that.

The second point I'd like to talk about is the scopes of practice. It was mentioned in the last presentation: The scopes of practice are currently extremely dated and they have extensive overlap. They were created by the trades and they were not created with enforcement in mind.

As an interesting fact, just to show how they need to be updated: One fact to show that is for some of the scopes of practice, the last time they were updated was before we had someone walk on the moon. I think that says something.

Third is that OCOT does not have a lot of people from residential construction involved in its governance structure. Residential construction is the largest sector of construction in Ontario. We are one of the main parts of the backbone of this economy, and we need to have more residential construction representation at OCOT, but we also need to have more employer representation.

To keep my comments brief, I'll turn it over.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. Questions will begin with Ms. DiNovo for three minutes.

Ms. Cheri DiNovo: Mr. Pariser, thank you for coming here today. So you clearly did feel consulted in this whole process?

Mr. Andrew Pariser: Yes.

Ms. Cheri DiNovo: Thank you. That's all I wanted to know.

Mr. Andrew Pariser: Through the Dean process as well as Bentley, there were extensive consultations. We

were heard. They came out, and we saw them. We have had many consultations with the Ministry of Labour. We would hold Dean as kind of the gold standard. Not all consultations, in our opinion, are that good. I don't want to give carte blanche—I think I've written tons of letters on behalf of RESCON asking for more consultations on other issues. But when it came to Dean and Bentley, I do not have a single complaint.

The Chair (Mr. Peter Z. Milczyn): Thank you. Government side: Mr. Baker?

Mr. Yvan Baker: I just wanted to know if there was anything else that you wanted to add that you didn't get to. I'm ceding my time.

Mr. Andrew Pariser: Thank you. I think the main point is that this has been a long debate. The role of the OLRB is critically important. I think if we look at the history of the OLRB, it was created as an expert tribunal. This is the place where—I think it's 26 acts, regulations. Everything goes to the OLRB. The OLRB is really the only place where these issues can be determined. These are issues of jurisdiction: Who can do the work? Who can do the work safely?

Tony Dean laid it out. He said that we need to look at the risk of harm. If we look at the risk of harm, a lot of the issues with the scopes of practice go away. Because we have to be mindful that people need to be safe at work, when you bring a risk-of-harm model into it—to me, "risk of harm" means looking at health and safety. That's part of it.

The OLRB, provincially, federally, internationally—it is an expert tribunal. That is where labour relations disputes go. As we've seen today—today was supposed to be about finance, but it was about labour relations.

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

Mr. Victor Fedeli: Thank you very much, Chair. Thank you, Mr. Pariser, for your presentation. You're right, it was supposed to be about finance, but we know it has gotten into this area.

You brought something up that I hadn't heard in a long time when you talked about interprovincial trades. Next door to my riding of Nipissing is the province of Quebec, where I stood on the bridge, in Quebec, with Mayor Philippe Barrette from Témiscaming, Quebec, where we were fighting together to have fair trade. Because workers from Quebec can come across and do pipe fitting and all kinds of things, and workers from Ontario can't cross over there. Just in a couple of minutes, do you have any comments so that you could help me in this battle?

Mr. Andrew Pariser: My association is GTA-based. The one thing I can say, though, is that addressing the skills gap and getting more people into the trades—residential construction is highly unionized. It offers good jobs with great pay, safe work environments, but—and I put this out to anyone—we need more workers in residential construction. We heard about housing affordability today. We heard about residential construction in Toronto.

We need OCOT, and we need to work with OCOT as employers, as unions, as workers, as the government, to—my understanding is that OCOT was there to promote the skilled trades and to get young people into the trades. That's what we want it to focus on. We want to be a part of OCOT in a positive way, getting more people into the skilled trades—voluntary and compulsory—so that Toronto, the GTA and all of Ontario can continue to thrive. Thank you. Sorry that I couldn't answer the question.

Mr. Victor Fedeli: No, that's more than fair. I appreciate your extra comments at the end. Thank you.

The Chair (Mr. Peter Z. Milczyn): Thank you very much for your presentation today.

Mr. Andrew Pariser: Thank you to the committee for your time.

PROGRESSIVE CONTRACTORS ASSOCIATION OF CANADA

The Chair (Mr. Peter Z. Milczyn): Our next and final witness is with the Progressive Contractors Association of Canada.

Ms. Ann Hoggarth: Shouldn't it be the United Steelworkers?

The Chair (Mr. Peter Z. Milczyn): We heard from them earlier.

Please come on up. Good afternoon. You have up to 10 minutes for your presentation. As you begin, if you could please state your name for Hansard.

1740

Ms. Karen Renkema: Sure. Good evening, committee Chair, and members of the committee. Thanks for having me as the last presenter this evening.

We are the Progressive Contractors Association. We've been around for 10 years, much longer than any other organization that you've heard from, probably, earlier today. You have a brief in front of you, and there's a bit of information about our association in the brief. I can get to that later, if you like.

I'll first focus my comments today on Bill 70, and specifically schedule 17 as well.

We congratulate the government in moving forward—sorry, I didn't give you my name; Karen Renkema, with the Progressive Contractors Association—by introducing legislation that will begin to make progress on the recommendations found in the Tony Dean report on the Ontario College of Trades. Since its implementation, the Ontario College of Trades has faced many critics, including PCA. The college's lack of transparency on many matters, including enforcement, its unrepresentative governance structure and the unfair processes and procedures that were used to determine ratios and trade status reviews were the highlights of complaints from both employers and tradespersons alike.

The government, to its credit, recognized that there were growing pains and that perhaps it was time to recalibrate the college in order that it could serve all

employers and stakeholders equally, with the goal of strengthening the skilled trades in Ontario.

Senator Tony Dean was selected to spend months speaking with parties across the province, from hair-stylists to general labourers to automotive technicians. He provided a comprehensive report over a year ago on this issue. Although many stakeholders had aspirations that he would go further in his suggestions for reform, for a full overhaul of the college, Senator Dean's recommendations were sound and backed up by months of research.

However, there have been a few select construction industry players that will only support the status quo of the Ontario College of Trades, and fail to recognize the need for the college to be reformed to be an entity in which all tradespeople and employers can thrive.

Let's be frank. These industry members have enjoyed the status quo as they have utilized the college as their vehicle to fight their battles on jurisdictional claims for work and gain an unfair advantage over others. Their issue isn't about safety. In fact, under this proposed legislation, more focus has been given to ensuring that enforcement is safety-focused through the risk-of-harm lens, and that enforcement is not to be utilized as an apparatus for differing labour unions' battles.

PCA feels it is important to provide this context to all committee members and members of the Legislature as we consider schedule 17. Schedule 17 is the legislative result of Senator Dean's recommendations. As mentioned previously, Senator Dean did not swing the pendulum in the opposite direction through his recommendations. Instead, he found a palatable middle ground.

This legislation is focused on the safety of all tradespeople and the public through the risk-of-harm lens, and furthermore, has found a much more appropriate, knowledgeable and independent venue to deal with the enforcement appeals: the Ontario Labour Relations Board.

Although we believe the government has made great headway to fairness and transparency in this legislation, we do have concerns that there are a few weaknesses and modifications of Senator Dean's recommendations in relation to the trade classification review panels and processes, as well as scopes of practice for the trades.

There is great detail in the legislation, providing direction for enforcement and appeals. We assert that there could also be much more detailed direction in relation to Dean's recommendations on the trade classification process and the review of scopes of practice.

We have the following recommendations for amendments to this legislation which would provide the transparency and inclusiveness that Senator Dean advocated for throughout his report.

First, recommendation 10 in Dean's report was abundantly clear, suggesting that the onus needs to be on an applicant to demonstrate the need for trade reclassification. This language is crucially important and needs to appear in the legislation, not in regulation, as it represented one of the most critical problems with the previous classification reviews.

Secondly, of paramount importance in the skilled trades discussion is the focus on mobility of trades and employers via intra- and interprovincial agreements and jurisprudence. We recommend an amendment to the legislation that would require that the Ontario College of Trades, the Ontario Labour Relations Board and the appointments council must consider if there would be any negative implications to intra- and interprovincial trade agreements. A report must first be published to address the negative implications and spell out how they intend to deal with the negative implications. This would affect issues such as any changes to the regulatory aspect of skilled trades' scopes of practice, enforcement, trades reclassification and ratios, to name a few.

Finally, the proper review of the scopes of practice for a trade prior to reclassification: We believe it is imperative that before a trade can apply for reclassification from voluntary to compulsory, or vice versa, it must go through the rigorous process outlined in the legislation to review its scopes of practice. The result of the scopes-of-practice review process would clarify many of the questions surrounding trade overlap, and provide clarity and transparency to the stakeholder community and the review panel while also providing clarity for enforcement activities.

I thank the committee for your time today and the consideration of the above amendments. I know they're technical, but they would make a great difference to the transparency around the trade reclassification and scopes-of-practice review.

The Chair (Mr. Peter Z. Milczyn): Thank you very much. We'll start with the government side. Mr. Baker.

Mr. Yvan Baker: Thanks very much for coming in today and for speaking to this. We've heard some folks say that there's been a lack of consultation on these issues. Do you agree with that and can you tell us why you feel that way?

Ms. Karen Renkema: I've been involved with the College of Trades since its inception and, yes, there was a lack of consultation at the very beginning on the College of Trades file. However, since Senator Dean's review, absolutely not: I think that everybody has gone to great lengths through that review—and since that review—and through the second review to consult with industry. I don't think it was any surprise to industry exactly where we were landing when the legislation was introduced. I don't think it was any surprise to many members of the industry that this is where it was going. We had seen the recommendations.

I took a year-long maternity leave and came back about six weeks ago. When I left, nothing was going on, and when I came back, we still hadn't seen legislation. So I think we're in a place where we all feel comfortable with the consultation. Are we in a place where we feel comfortable that the legislation hits it right on the mark? I think a little bit more work can be done, but I think we're very close, and we commend the government for moving forward.

Mr. Yvan Baker: Chair, how much time do I have?

The Chair (Mr. Peter Z. Milczyn): One and a half minutes.

Mr. Yvan Baker: I appreciate you taking the time to also speak about things that you don't agree with and sharing that feedback with us. We've heard from a number of people today, and from my perspective, I see this as a situation where compromise is very important. Do you feel that way and could you talk about why you think that there are differing views on this particular issue?

Ms. Karen Renkema: I think I laid it out a little bit in our submission, that the original legislation for the College of Trades really swung the pendulum in a direction where it favoured certain parts of the construction industry and really put others at an extreme disadvantage. Certain members of the construction industry were utilizing the college as a vehicle to deal with matters that the college was not formed for.

In this situation, I don't think the legislation, by any stretch of the imagination, swings the pendulum in the opposite direction, where those trades or those employers will be disadvantaged. In fact, I think it's found a very palatable middle ground. I don't know if I would use the word "compromise," because I don't think this is a situation where you can find compromise. But I think it is a situation where you can find a middle ground, where you're not unjustly favouring one group over another.

Mr. Yvan Baker: Thank you.

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

Mr. Toby Barrett: Thank you for speaking on behalf of the Progressive Contractors. We appreciate the recommendations for amendments in three different areas. Would you want to take three minutes to perhaps explain these proposals a bit more for us? I'm having trouble getting my head around some of them.

Ms. Karen Renkema: Yes, they are very technical, unless you're knee-deep in the process of the College of Trades.

The College of Trades has the power to make trades voluntary or compulsory. Currently, we have compulsory trades in Ontario and we have very many voluntary trades in Ontario. Some individuals in those trades wish to become compulsory. It was problematic in nature prior to the Dean review, and that's been on pause—the compulsory certification process has been on pause since Tony Dean was appointed. The issue is that the process was not fair. Only those who were sitting on the trade boards at the college could make the application. There was a reverse onus going on, in which they did not have to prove why they wanted to become compulsory. The onus was not on them to prove. It was basically an understood point. If they wanted to become compulsory, the onus was on everybody else to prove why they

shouldn't become compulsory. There wasn't a lot of research backed up. There wasn't a lot of consideration given to that. We talked a little bit about Quebec before. It basically gave full leeway for a full march towards the Quebec model, where we would see every single trade siloed and compulsory.

What we're recommending, and what Senator Dean recommended as well, is an approach that allows for a lot more fairness for all stakeholders to be involved, puts the onus on the trade to prove why it should be compulsory, and speaks a little bit to some of the processes that have to happen, including some consideration of, specifically, inter- and intraprovincial trade agreements to ensure that we're not putting our workers at a disadvantage, but also that we are not putting other workers who want to come into this province and work in the industry at a disadvantage as well.

Mr. Toby Barrett: Okay.

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

Ms. Cheri DiNovo: Thank you very much for your presentation today.

I don't have any questions. I just want to put on the record that it seems very clear from the testimony that we've heard this afternoon that, on the employer side, they feel consulted and feel that they've been heard, but on the workers' side, for the vast majority of workers, they don't feel consulted and they don't feel like they've been heard. I just want to put that on the record. That, in itself, I think, shows the problem with transparency and the problem with this process—certainly, the democratic problem with this process. Not that there's anything wrong with employers or anything necessarily always right about workers, but we're talking about the process.

And just to put on the record again as a point—and this is one that has been made by the Progressive Conservatives as well—what are two pieces of labour legislation doing in an omnibus finance bill? Why were the people, including employers' organizations—given so little time to prepare to come here and testify at all?

I just leave it at that, Mr. Chair. Thank you very much.

The Chair (Mr. Peter Z. Milczyn): Thank you very much, and thank you to all of the witnesses this afternoon.

As per the order of the House dated November 30, 2016, the deadline for filing written amendments to Bill 70 to the Clerk of the Committee is 12 noon tomorrow, December 2. Any questions about that? No.

Then we stand adjourned until 9 a.m. on Tuesday, December 6, when we will meet for the purpose of clause-by-clause consideration of Bill 70.

The committee adjourned at 1753.

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